

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/20/2018 for Medical services

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety.

2. Objective, scope and description of the contract

EMSA intends to conclude a framework contract with a Medical Centre for a period of twelve months renewable up to three times with the winning tenderer. Taking into account the international and multicultural character of the Agency, there is a need for a good level of written and spoken English for all services requested by the Agency, including during the medical visits for those staff members who require it.

EMSA has around 260 staff members and aims to obtain medical services in the following areas:

1. Examinations: annual medical check-up of staff members in accordance with the list of mandatory tests:

The objective is to organise and carry out the annual medical check-ups of EMSA staff members. The appointment must be confirmed as soon as possible after being requested by the staff member by e-mail. The annual medical check-up should always include a detailed medical examination, a detailed check of the personal medical history, taking into account the age, sex and post occupied and a thorough physical examination with a focus on occupational medicine. The medical examiner should have good communication skills and should be able to draft a clear and complete individual clinical report. The Medical Centre shall send the results to the individual staff member or a medical doctor appointed by him/her, in a sealed envelope, within two weeks of the annual medical check-up. A copy of the results must be submitted to the European Commission's Medical Service.

In Annex II, the mandatory tests to be carried out are presented, organised in modules. If additional tests are requested which are not included in the list(s), these shall be borne by the staff member and paid separately, except otherwise specified. The form to be completed by the medical examiner following the medical examination and results of tests carried out can be found in Annex I.

2. Consultations: verification of medical absence:

Based on the Staff Regulations², EMSA may request that the Medical Centre sends a medical doctor to check a staff member who is on sick leave to check if the absence is justified, if the duration of the absence is in accordance with the state of health, or to ensure that the staff member is not absent from the place of employment (greater Lisbon) without prior authorisation. The medical consultation will be carried out at the home of the staff member on the same day that the Agency has made the request and should be carried out

¹ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1.).

² Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385), as last amended.

by an independent medical doctor. After the medical consultation, the Medical Centre will inform the relevant services of the Agency, in the shortest possible timeframe, if the staff member is fit to return to work or not. If the staff member is confirmed to be unable to work, the estimated period of incapacity for work must be specified.

3. Advice: medical doctor (medical advisor):

A medical doctor will be designated by the Medical Centre to advise in the following areas:

- Advise staff members on their results following their annual medical check-up;
- Provide an on-site service at EMSA two hours per week;
- Participate in meetings of EMSA's Invalidity Committee;
- Provide advice when a staff member needs a specific piece of office equipment, for example, an ergonomic chair or desk;
- Other tasks related to the function of medical doctor specialised in occupational health.

The choice of the doctor shall be subject to approval by EMSA. The medical doctor assigned to the EMSA must take part in 2 to 5 days of mandatory training at the Medical Service of the European Commission in Brussels.

Additionally, the designated medical doctor may be required to participate in meetings or video conferences with the Medical Service of the European Commission at any time. The costs related to travel, accommodation and daily allowances will be supported by EMSA in accordance with the rules enclosed. The maximum estimated amount for these costs is 10.000€ over the whole duration of the framework contract (4 years).

The medical doctor assigned to EMSA should work in direct cooperation with the Medical Service of the European Commission in order to align procedures related to preventive medicine or similar initiatives.

4. Services in the area of prevention of illnesses and promotion of health

The Medical Centre can propose plans of prevention of illnesses and promotion of health through thematic campaigns on cardiovascular diseases, quitting smoking, stress management, seasonal vaccination, and ergonomics at the work place amongst others.

3. **Contract management responsible body**

EMSA Unit A.1 in charge of Human Resources & Internal Support - will be responsible for managing the contract.

4. **Timetable**

The estimated date for signature of the contract is mid-November 2018.

5. **Estimated Value of the Contract**

The maximum budget available for this contract is EUR 60000 excluding VAT.

6. **Terms of payment**

Payments will be made in accordance with the provisions of the draft **Framework Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/20/2018** on EMSA's website (www.emsa.europa.eu).

7. Terms of contract (purchase order)

When drawing up a bid, the tenderer shall bear in mind the terms of the draft Framework Service Contract.

EMSA may, before the contract is signed, cancel the award procedure without the tenderers being entitled to claim any compensation.

8. Subcontracting

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. It should be noted that the overall responsibility for the work remains with the tenderer.

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and when applicable on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria³. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.⁴ However, the selection criteria may apply individually where it is relevant in view of their nature.

9. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, bids should preferably be submitted in English and shall in particular include an English version of the documents requested under points 13.5 and 14 of the present Tender Specifications. The tenderer must comply with the minimum requirements provided for in these Tender Specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.⁵

The tenderer shall complete the Tenderer's checklist.

If the tenderer intends to either subcontract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate it in his offer by completing the form "Statement of Subcontracting / Joint Offer". This document is available on the Procurement Section / Calls for Tenders (Documents for tenderer) of EMSA's website (www.emsa.europa.eu).

The tender must be presented as follows and must include:

- a) A signed **cover letter** indicating the name and position of the person authorised to sign the contract/purchase order and the bank account on which payments are to be made.
- b) **The Financial Identification Form completed**, signed and stamped. This document is available on the Procurement Section (Financial Identification Form) of EMSA's website (www.emsa.europa.eu).

³ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

⁴ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

⁵ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

- c) **The Legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu)

Tenderers are exempt from submitting the Legal Entity Form and Financial Identification Form requested if such a form has already previously been completed and sent either to EMSA or any EU Institution. In this case the tenderer shall simply indicate on the cover letter the bank account number to be used for any payment in case of award.

Part A: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points 8, 11 and 13.2 of these specifications (exclusion criteria).

Part D: All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the **Award Criteria** set out under point **14** of these specifications;

Part E: Setting out prices in accordance with point 10 of these specifications.

10. Price

- a) Price must be quoted for Medical services on the basis of the elements requested in the table in Annex III (table of prices).
- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, the latter is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation 1406/2002/EC. Therefore price and the amount of VAT must be shown separately.

11. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion criteria. The exclusion criteria will be assessed in relation to each economic operator individually.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

12. Information concerning the personal situation of the tenderer and information and formalities necessary for the evaluation of the minimum economic, financial, technical and professional capacity required.

12.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section of EMSA's website (www.emsa.europa.eu).

12.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the exclusion situations listed in the Declaration of Honour.

For this purpose the Declaration of Honour available on the Procurement Section of EMSA's website (www.emsa.europa.eu) shall be completed and signed.

13. Declaration of Honour (DoH)

Please note that the tenderer shall provide information with regards his situation and on the natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control and beneficial owners.

Upon request and within the time limit set by EMSA, the tenderer shall provide the following evidence concerning itself, the natural or legal persons as listed under the first paragraph, and concerning the natural or legal persons which assume unlimited liability for the debt of the tenderer:

For the exclusion situations described in (a), (c), (d), (f), (g) and (h) of the Declaration of Honour, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.

For the exclusion situations described in (a) and (b) of the Declaration of Honour, production of recent certificates issued by the competent authorities of the country of establishment is required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The successful tenderer must provide the documents mentioned as supporting evidence before signature of the contract and within the deadline given by EMSA. This requirement applies to each member of the group in case of joint tender.

If the candidate already submitted such evidence for the purpose of another procedure, provided its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

14. Award criteria

The contract will be awarded to the tenderer who submits the most economically advantageous bid (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1: Quality of the services proposed: flexibility in the booking of medical tests, timeframe to deliver medical results, cancellation policy, arrangements for the storage of medical data and procedure for the treatment of personal data ($W_1 = 30\%$),
2. Quality criterion 2: Organisational arrangements for the services offered and composition of the team proposed, including availability of female and male medical doctors. ($W_2 = 20\%$),

and the price criterion and associated weighting:

3. Price of the bid ($W_{Price} = 50\%$).

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion i is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

$$PP = \sum_i \frac{\text{lowest } Price_i \text{ of all bids}}{Price_i} * 100 * W_{Price_i}$$

Only bids that have reached a minimum of 60 % for Q_1 , a minimum of 60 % for Q_2 , etc. will be taken into consideration when calculating the score for quality SQ , score for price SP and score S .

Only bids that have reached a minimum of 60% for the score S will be taken into consideration for awarding the contract.

15. Rejection from the procedure

Contracts will not be awarded to tenderers who, during the procurement procedure, are in one of the following situations:

- a) are in an exclusion situation;
- b) have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- c) were previously involved in the preparation of procurement documents used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.

16. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.

If the results are not fully created for the purpose of the contract this shall be clearly pointed out by the tenderer in the tender. Information shall be provided about the scope of pre-existing rights, their source and when and how the rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.

Annexes:

- I. Mandatory tests for the annual medical check-up
- II. Assessment by medical doctor
- III. Table of prices