

## Tender Specifications

### Attached to the Invitation to tender

## Invitation to tender No. EMSA/NEG/18/2019 for Maintenance and supply of safety equipment

### 1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup> for the purpose of ensuring a high, uniform and effective level of maritime safety.

### 2. Objective, scope and description of the contract

The objective of the contract is to establish a Framework Service Contract for the preventative and corrective maintenance of fire extinguishers, fireproof partitions, fireproof doors, fire hose reels, fire hoses pumping system, foam fixed fire extinguishing system and the supply of safety equipment for the EMSA premises located at Praça Europa 4, 1249-206, Lisbon, Portugal.

#### 2.1 Supply of safety equipment

The Contractor must be able to supply: fire extinguishers (foam and water, carbon dioxide and dry powder) and fire hose reels as described in Annex A. Such equipment must be accompanied by the required signage or any other safety equipment and accessories. The contractor must also be able to supply fire extinguishers recharge service, replacement unit and/or spare parts necessary to carry out the corrective maintenance in line with Point 2.2.6.

Tenderers are encouraged to add their full catalogue to their bid. EMSA reserves the right to purchase under this contract other items not included in Annex A, based on the contractor's full catalogue or following a request for quotation.

**Note: Failure to fill in Annex A "Compliance Matrix" may lead to the rejection of the bid.**

#### 2.2 Preventative and corrective maintenance

The contractor shall perform a preventative maintenance at minimum once per year and corrective maintenance when necessary.

Preventative and corrective maintenance shall be inclusive of all insurances and transportation of contractor's staff to the place of performance of the maintenance and shall be in line with Portuguese National Legislation, namely: DL 220/2008, as amended by DL 224/2015, P 1532/2008 and *Autoridade Nacional de Proteção Civil* (ANPC) technical notes.

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<sup>1</sup> 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.).

Any new equipment supplied under this contract, namely fire extinguishers, fire hoses, the required signage or any other safety equipment and accessories required by EMSA shall also include warranty, delivery and its preventative maintenance for the whole duration of the contract.

#### 2.2.1 Preventative maintenance on existing fireproof partitions and fireproof doors

Hands on preventative maintenance shall be done for 21 (twenty-one) fireproof partitions, 37 (thirty-seven) single fireproof doors, and 33 (thirty-three) double fireproof doors.

Main elements to be checked:

- Wear and tear, screws, hinges and self-closing mechanisms;
- Intumescent seals verification for presence and integrity.

#### 2.2.2 Preventative maintenance on fire hose reels

Hands on preventative maintenance shall be done for 25 (twenty-five) units.

Main elements to be checked:

- Pipe system, fixings and sealing;
- Cleaning of equipment and accessories;
- Possible deficiencies or tears in semi-rigid hoses;
- Nozzle lubrication.

#### 2.2.3 Preventative maintenance on fire extinguishers

Hands on preventative maintenance shall be done for: 63 (sixty-three) foam and water, 19 (nineteen) carbon dioxide (CO<sub>2</sub>), 4 (four) 6kg dry powder and 3 (three) 50Kg dry powder fire extinguishers.

Main elements to be checked:

- The condition of the outer part of the extinguisher;
- The pressure;
- The legibility of the handling instructions;
- The need for a recharge.

#### 2.2.4 Preventative maintenance on fire hoses pumping system

Hands on preventative maintenance shall be done for: 1 (one) "Jockey" pump, 1 (one) electric pump and 1 (one) diesel pump.

Main elements to be checked:

- The serviceability of alarm devices for minimum and maximum tank levels;
- The cleanliness of the tank suction filter parts;
- The serviceability and sealing of the constant-level valve in the tank;
- The internal cleanliness of the tank to avoid damage to the pump impellers.

#### 2.2.5 Preventative maintenance on foam fixed fire extinguishing system

Hands on preventative maintenance shall be done for 2 (two) units.

Main elements to be checked:

- Distribution circuit;
- Possible leaks;
- Visual check;
- Signage;
- Valves serviceability, (open/close);
- Pressure;
- General condition;

- Use tools and parts factory approved;
- Control elements;
- Fixing elements.

#### 2.2.6 Corrective maintenance:

The contractor shall perform hands-on a corrective maintenance depending on immediate needs communicated by EMSA or identified by the contractor when performing preventative maintenance.

### 3. Contract management responsible body

EMSA Unit A.2 in charge of Legal, Financial & Facilities Support - will be responsible for managing the contract.

### 4. Project Planning

The contract will be implemented via Order Forms (Annex III to the FWC).

The preventative maintenance shall be done at least once per year, expected to start from the year 2020. For the total duration of the contract, including all possible renewals, minimum 4 (four) preventative maintenance inspections are foreseen - in 2020, 2021, 2022 and 2023. The exact dates of the preventative maintenance inspections will be agreed every year between EMSA and the contractor in the respective Order Form.

The performance of the corrective maintenance depends on immediate needs communicated by EMSA or identified by the contractor during the preventative maintenance. Before the start of any corrective maintenance, the contractor must provide EMSA with a service quotation (including number of hours and price of necessary spare parts). Only after EMSA's approval of this quotation may the contractor commence services. Order Forms for corrective maintenance may cover only one or several corrective interventions throughout the whole duration of the contract.

Supplies will also be ordered based on the price list, the contractor's catalogue and/or a quotation from the contractor, following which an Order Form must be signed by both parties.

### 5. Timetable

The estimated date for signature of the contract is the last quarter of 2019.

### 6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 100000 excluding VAT.

### 7. 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/18/2019** on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

### 8. 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.

## 9. 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 criteria<sup>2</sup>. 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.<sup>3</sup> However, the selection criteria may apply individually where it is relevant in view of their nature.

## 10. 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.<sup>4</sup>

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](http://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, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure.
- 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](http://www.emsa.europa.eu)).

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<sup>2</sup> To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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

<sup>4</sup> 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](http://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 9, 12 and 13.2 of these specifications (exclusion criteria).

**Part B:** All the information and documents required by the contracting authority for the appraisal of tenders on the basis of the Technical and professional capacity (part of the selection Criteria) set out under point 13.3 of these specifications.

**Part C:** 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 D:** Setting out prices in accordance with point **11** of these specifications.

## 11. Price

- a) Price must be quoted by completion of the table in Annex B "Financial proposal" for preventative and corrective maintenance of fire extinguishers, fireproof partitions, fireproof doors, fire hose reels, fire hoses pumping system, foam fixed fire extinguishing system and supply of safety equipment as described in Annex A, and shall include:
- Price for the supply of safety equipment mentioned in point 2.1, inclusive of preventative maintenance throughout the whole duration of the contract, of the required signage or any other safety equipment and accessories, warranty and delivery:
    - foam and water 6L ABF (ZAP6) class fire extinguishers;
    - carbon dioxide (CO2) 5Kg B class fire extinguishers;
    - dry powder 6Kg ABC class fire extinguishers;
    - dry powder 50Kg ABC class fire extinguishers;
    - fire hose reels DN 25, length; 30 meters.
  - Price for preventative maintenance per year as described in point 2.2, including all insurances and transportation of contractor's staff to the place of performance of the maintenance:
    - On existing fireproof partitions, fireproof doors including all above mentioned elements in point 2.2.1;
    - On fire hose reels including all above mentioned elements in point 2.2.2;
    - On fire extinguishers including all above mentioned elements in point 2.2.3;
    - For fire hoses pumping system including all above mentioned elements in point 2.2.4;

- On foam fixed fire extinguishing system including all above mentioned elements in point 2.2.5.
- Price for corrective maintenance per hour as describe in point 2.2 and 2.2.6, including all insurances and transportation of contractor's staff to the place of performance of the maintenance.
- 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.

## 12. 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 and *selection* criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature.

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.

## 13. 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.

### 13.1 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](http://www.emsa.europa.eu) ).

### 13.2 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](http://www.emsa.europa.eu)) shall be completed and signed.

### 13.3 Legal and regulatory capacity – Selection criteria

#### 13.3.1 Standards / Prerequisites

The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

In particular, the tenderer also shall comply with all Portuguese Legislation including but not limited DL 220/2008, republished by DL 224/2015, P 1532/2008 and be accredited by the ANPC.

#### 13.3.2 Evidence

The tenderer must provide proof of registration at the Portuguese ANPC (*Autoridade Nacional de Proteção Civil*).

### 13.4 Economic and financial capacity – Selection criteria

The tenderer must be in stable financial position and must have the economic and financial capacity to perform the contract.

### 13.5 Technical and professional capacity – Selection criteria

#### 13.5.1 Standards / Prerequisites

The tenderer must have relevant technical and professional capacity to provide preventative and corrective maintenance services on the safety equipment as mentioned in point 2 above and a proven experience of at least the last two years.

#### 13.5.2 Evidence

The tender must present a list of clients for at least the last two years, including tasks performed.

## 14. 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.

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.

## 15. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

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 ( $W_1 = 25\%$ ), Methodology for implementation of the contract and means of communication;
2. Quality criterion 2 ( $W_2 = 25\%$ ), Response time for corrective maintenance, including supply of spare parts, and for the fire extinguishers' recharge service.

and the price criterion and associated weighting:

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

The price of the bid for evaluation purposes shall be determined according to the following scenario:

- a) Price for the supply of 10 Foam and water ABF (ZAP6) class fire extinguisher;
- b) Price for the supply of 10 carbon dioxide (CO2) 5Kg B class fire extinguishers;
- c) Price for the supply of 10 dry powder 6Kg ABC class fire extinguishers;
- d) Price for the supply of 10 dry powder 50Kg ABC class fire extinguishers;
- e) Price for the supply of 10 fire hose reel DN 25, length; 30 meters;
- f) Price of one year preventative maintenance for fireproof partitions and doors;
- g) Price of one year preventative maintenance for fire hose reels;
- h) Price of one year preventative maintenance for fire extinguishers;
- i) Price of one year preventative maintenance for grundfos pumping system;
- j) Price of one year preventative maintenance for foam fixed fire extinguishing system;
- k) Price for 50 hours of corrective maintenance.

Evaluation total price =  $(10 \cdot a) + (10 \cdot b) + (10 \cdot c) + (10 \cdot d) + (10 \cdot e) + (1 \cdot f) + (1 \cdot g) + (1 \cdot h) + (1 \cdot i) + (1 \cdot j) + (50 \cdot k)$

The price for items a) to e) must be inclusive of warranty, delivery, preventative maintenance for the whole duration of the contract and of the required signage or any other safety equipment and accessories. The price for items f) to k) must be inclusive of all insurances and transportation of contractor's staff to the place of performance of the maintenance.

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

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

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.

## 16. 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.

## 17. 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.

**Annex A “Compliance Matrix” - 1/5**

Specifications		Yes/No	Dimensions or additional description
<b>Supply of Foam and water ABF (ZAP6) class fire extinguishers with the following characteristics:</b>			
To be used on class A, B, F and electrical fires			
Service pressure	15 bar		
Capacity	6L		
Weight	not more than 10 kg		
Propellant	nitrogen		
Extinguisher Rating	27A 233B 75F		
Operating temperature	+5°C/+60°C		
Operating time	42s		
Dimensions	598x180mm (hxd)		
100% environmentally friendly with no harmful chemical residue			
35kV Di-electrical safety test pass			
Prove of approved manufacturing process			
CE approved and related Certifications			
Supplied complete; with pressure gauge, anti-corrosion treatment, delivery and local distribution			
Warranty	5 Year Manufacturer's		

**Annex A “Compliance Matrix” - 2/5**

Specifications		Yes/No	Dimensions or additional description
<b>Carbon dioxide (CO2) 5Kg B class fire extinguishers</b>			
To be used on class A, B and E			
Maximum service pressure	174 bar		
Capacity	5Kg		
Weight	not more than 15 kg		
Propellant	Carbon dioxide (CO2)		
Extinguisher Rating	89B		
Operating temperature	-20 to +60°C		
Dimensions	745x136mm (hxd)		
Prove of approved manufacturing process			
CE approved and related Certifications			
Supplied complete; delivery and local distribution			
Warranty	2 Year Manufacturer's		

**Annex A “Compliance Matrix” - 3/5**

Specifications		Yes/No	Dimensions or additional description
<b>Dry powder 6Kg ABC class fire extinguishers</b>			
To be used on class A, B, C and E up to 50.000V			
Service pressure	15 bar		
Capacity	6Kg		
Weight	not more than 11 kg		
Propellant	nitrogen		
Extinguisher Rating	34A-233B-C		
Operating temperature	-20 to +60°C		
Operating time	16s		
Dimensions	529x150mm (hxd)		
Prove of approved manufacturing process			
CE approved and related Certifications			
Supplied complete; with pressure gauge, durable polyester powder paint finish and anti-corrosion treatment, delivery and local distribution			
Warranty	5 Year Manufacturer's		

**Annex A “Compliance Matrix” - 4/5**

Specifications		Yes/No	Dimensions or additional description
<b>Dry powder 50Kg ABC class fire extinguishers</b>			
To be used on class A, B, C and E up to 35.000V			
Service pressure	15 bar		
Capacity	50Kg		
Weight	not more than 90 kg		
Propellant	nitrogen		
Extinguisher Rating	144A-610B-C		
Operating temperature	-20 to +60°C		
Operating time	40s		
Dimensions	950x315mm (hxd)		
Prove of approved manufacturing process			
CE approved and related Certifications	ISO 9002		
Supplied complete; with pressure gauge, durable polyester powder paint finish and anti-corrosion treatment, delivery and local distribution			
Warranty	5 Year Manufacturer's		

**Annex A “Compliance Matrix” - 5/5**

Specifications		Yes/No	Dimensions or additional description
<b>Supply of fire hose reels with the following characteristics:</b>			
DN 25 water hose			
Length	30 meters		
Certifications and characteristics in line with the Portaria nº 1532/2008			
Built-in hose reels, without cabinet	rotating type		
Including transport, removal of old fire hoses and installation			

## Annex B “Financial proposal”

Item	Price per unit	Price Evaluation Scenario		Price of recharge service per unit
		Number of units	Price Scenario for evaluation (Price per unit x Number of units)	
a) Foam & water ABF (ZAP6) class fire extinguisher*		10		
b) Carbon dioxide (CO2) 5Kg B class fire extinguishers*		10		
c) Dry powder 6Kg ABC class fire extinguishers*		10		
d) Dry powder 50Kg ABC class fire extinguishers*		10		
e) Fire hose reel*		10		
f) One-year preventative maintenance for fireproof partitions and doors**		1		
g) One-year preventative maintenance for fire hose reels**		1		
h) One-year preventative maintenance for fire extinguishers**		1		
i) One-year preventative maintenance for fire hose pumping system**		1		
j) One-year preventative maintenance for foam fixed fire extinguishing system**		1		
k) One hour of corrective maintenance**		50		
<b>Total price for evaluation purposes = (a*10) + (b*10) + (c*10) + (d*10) + (e*10) + (f*1) + (g*1) + (h*1) + (i*1) + (j*1) + (k*50)</b>				

Please provide price under each price category. Should you fail to do so, this could lead to the rejection of the offer at the evaluation stage.

\* Inclusive of warranty, delivery, preventative maintenance for the whole duration of the contract and of the required signage or any other safety equipment and accessories.

\*\* inclusive of all insurances and transportation of contractor's staff to the place of performance of the maintenance.