

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/5/2020 for Supply of personal protective equipment (PPE) and associated 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. Among its tasks, the Agency needs to ensure the efficient internal functioning of the organization; in this scope it is important to assure simple and swift channels to acquire personal protective equipment for EMSA staff, required for inspections on ships, shipyards and missions.

2. Objective, scope and description of the contract

The objective of this tender is to conclude a framework contract with a single contractor to supply personal protective equipment – PPE (including the regular protective clothing and the equipment from the list below – and ad hoc equipment) as well as associated services, i.e. maintenance of purchased equipment, namely multi-gas monitors, personalisation of the personal clothing etc.

2.1 Regularly requested PPE

The range of PPE the Agency is looking to purchase over a four year period shall include, but is not limited to, the below items:

- a) Safety boots or shoes
- b) Boiler Suits
- c) Light weight Boiler Suit
- d) Shirts
- e) Polo shirts
- f) Trousers
- g) Anoraks
- h) High visibility vests
- i) Gloves (two types)
- j) Safety Glasses
- k) Safety Glasses to fit over prescription spectacles
- l) Ear Protectors (two types)
- m) Helmets
- n) Respiratory Filters

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.).

- o) Multi-gas monitors
- p) Flashlights
- q) Disposable protective coverall
- r) Holdall for PPE

In order to simplify the evaluation and requests, the regularly requested PPE items are grouped as described in Annex C:

- General PPE
- Anti-static PPE
- Additional equipment
- Maintenance services

The proposed PPE must meet the minimum mandatory requirements outlined in Annex B as well as the additional requirements outlined below:

- Technical sheets/description of: safety glasses; ear protectors; helmets; respiratory filters; multi-gas monitor; flashlight and disposable protective overall must be supplied per product.
- For the selected items, the printed EMSA logo according to EMSA corporate logo guidelines, must be prepared (please refer to the Annex A and Annex B).
- For the personal protective clothing, the in house visit to take measurements for every order is requested. The exact date and time of the visit will be agreed before each specific request (Order Form).

The requirements set out in Annex B and above are minimum requirements for participating in the call for tender. Any bids failing to meet these requirements will be rejected.

2.2 Ad hoc PPE

In addition to the above, the tenderers are requested to provide, upon request, an offer for a one-off purchase of any other item of PPE:

- a) That will be chosen from the contractor's catalogue

The tenderer shall include a catalogue (paper version and /or electronic version, which shall contain a large range of items with a full description, mentioning the model, characteristics and price)

OR

- b) The successful tenderer shall provide a quotation upon request from the Agency.

2.3 Maintenance

The tenderer must ensure that all of the supplied PPE will be properly maintained in accordance with the manufacturer's instructions (price for spare parts to be quoted upon EMSA request).

In detail, for multi-gas monitors it should include:

- Sensor calibration according to the manufacturer instruction (for current EMSA equipment it is 2 times per year)

- Maintenance, including sensors exchange and upgrade on request
- Possibility to customize the gas meter according with EMSA request

The tenderer shall also provide technical assistance and advice upon EMSA request, without any additional cost to the Agency.

2.4 Delivery

The Contractor shall deliver any ordered PPE within a maximum of six (6) weeks from the signature of the Order Form by the last contracting party, unless a different date will be specified in the Order Form.

The goods shall be delivered, to a pre-agreed location, on any EMSA working day during the Agency's normal working hours (Monday – Friday from 09:00 to 17:00h). The exact date of delivery shall be confirmed by the contractor two (2) days in advance of the delivery. All deliveries shall be accompanied by delivery notes and shall include the Order Form number, the model reference and the quantities delivered.

2.5 Warranty

The tenderer shall offer a minimum warranty period of two (2) years, valid for all supplied items, against issues arising from manufacturing defects and faults.

3. Contract management responsible body

EMSA Unit 4.2 in charge of Legal, Financial & Facilities Support - will be responsible for managing the contract.

4. Project Planning

Not applicable

5. Timetable

The estimated date for signature of the contract is May 2020.

6. Estimated Value of the Contract

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

7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Framework Supply Contract** available in the Procurement Section under the call to tender **EMSA/NEG/5/2020** on EMSA's website (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 Supply 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 it shall indicate in its 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 criteria². 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.³ 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.⁴

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 (Joint Offers) it shall indicate it in its 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, 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).
- 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

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

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⁴ 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).

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 and 13.4 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 **15** of these specifications;

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

11. Price

- a) Price must be quoted for Supply of personal protective equipment (PPE) and associated services in accordance with Annex C ("Price List/Financial Proposal) and shall cover delivery, transportation costs and logo printing service. Tenderers must fill in the Annex C with the prices for each item. Failure to do so may lead to the rejection of the bid.
- 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 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.

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).

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) 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 shall comply with Portuguese Legislation and be accredited by ANPC, specifically for the calibration and maintenance of the multi-gas monitors.

13.3.2 Evidence

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

13.4 Technical and professional capacity – Selection criteria

13.4.1 Standards / Prerequisites

The tenderer must have relevant technical and professional capacity to supply personal protective equipment – PPE (including the regular protective clothing and ad hoc equipment) as well as associated services, i.e. maintenance of purchased equipment, namely multi-gas monitors, personalisation of the personal clothing etc, as mentioned in point 2 above and a proven experience of at least the last two years.

13.4.2 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 its 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 ($W_1 = 15\%$), Methodology for implementation of the contract and means of communication;
2. Quality criterion 2 ($W_2 = 15\%$), Proposed plan for biannual calibration and maintenance of the multi-gas monitors.

and the price criterion and associated weighting:

3. Price of the bid ($W_{price} = 70\%$): the price will be evaluated based on the following scenario:

	Total price
General PPE	
Anti-static PPE	
Additional equipment	
Maintenance services	
Evaluation price = a) + b) + c) + d)	

The scenario components of General PPE, Anti-static PPE, Additional equipment and Maintenance services, are clearly described in Annex C, the tenderer shall complete the tables included in the Annex.

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 . 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.