

## **Tender Specifications**

### **Attached to the Invitation to tender**

## **Invitation to tender No. EMSA/NEG/7/2020 for Architectural Services and Consultancy**

### **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. Among its tasks, the Agency must ensure good working conditions to its staff, for which it becomes necessary to procure specialised architecture services in order to maintain its premises in the best possible conditions and in line with the respective regulations.

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

The aim of this call for tenders is to conclude a framework service contract with an architect or architecture studio that allows EMSA to request advice and/or technical services in this field according to technical norms, Portuguese building regulations and other legal requirements. Within these services, the contractor may be requested to:

- I. Develop preliminary studies for the different projects requested by EMSA;
- II. Present and get approval of the architectural modifications' projects to the technical officials of the Port of Lisbon (APL) as owner of the building and, if applicable, to the architect currently holding copyright;
- III. Prepare and deliver all the elements necessary for the licensing process with the *Câmara Municipal de Lisboa* (CML) or any other relevant authorities;
- IV. Deliver to EMSA the Architectural Execution Project, consisting of all elements necessary to carry out the works;
- V. Follow up on the actual construction works to ensure quality in the implementation of the project.

### **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**

The contract will be implemented via requests for services for specific projects and the signature of an Order Form per project.

### **5. Timetable**

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

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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.).

## 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 Service Contract** available in the Procurement Section under the call to tender **EMSA/NEG/7/2020** 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 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 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) it shall indicate it in its offer by completing the form "Statement of Subcontracting / Joint

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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.

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<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).

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)).
- 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 Economic and Financial Capacity (part of the selection criteria) set out under point 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 Technical and professional capacity (part of the selection Criteria) set out under point 13. 5 of these specifications.

**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 **15** of these specifications;

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

## **11. Price**

- a) Price must be quoted for Architectural Services and Consultancy and shall be all inclusive hourly rates for architects, architectural technician, and any consultants, including all office expenses related to the carrying out of the services, transportation of the contractor's staff and relevant insurances. Any fees to authorities paid by the contractor related to the execution of the services (e.g. Town Hall licenses) will be reimbursed separately based on presentation of proof of payment. All tenderers must fill in Appendix A – Price Offer and Price Scenario for Evaluation Purposes. Failure to fill in the Price Offer may lead to the rejection of the tender.
- b) Prices must be fixed amounts and non-revisable unless otherwise specified in the contract.
- c) Prices must be quoted in euro.
- d) Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, 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.

The tenderer must be a member of the organisation regulating the profession of architect in their country of registration or of practice, such as *Ordem dos Arquitectos* in Portugal.

#### 13.3.2 Evidence

Proof of registration in the relevant professional regulatory body.

## 13.4 Economic and financial capacity – Selection criteria

### 13.4.1 Standards / Prerequisites

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

- a) The tenderer must have experience providing similar services as those described in these Tender Specifications in the past 5 years.
- b) The tenderer must present the team which will be in charge of implementation of the contract of at least:
  - 1) One senior architect, who must be registered in the relevant professional regulatory body, with at least 5 years of experience in providing similar services as those described in these Tender Specifications,
  - 2) one junior architect with at least 2 years of experience in providing similar services as those described in these Tender Specifications, and
  - 3) one junior architect or architectural technician with at least 1 year of experience in providing similar services as those described in these Tender Specifications.

### 13.5.2 Evidence

The tenderer shall submit:

- a) a list of at least 3 projects carried out in the past 5 years in office buildings and/or public administration buildings;
- b) CVs of all team members proving relevant qualifications and experience and, where appropriate, proof of registration in the relevant professional regulatory body.

## 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.

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.

## 15. 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 ( $W_1 = 30\%$ ), Quality of the methodology to implement the contract, in particular how requests for services will be dealt with, response time, format of the deliverables, the approach for providing the services being requested, methodology used for project-cost estimation.

and the price criterion and associated weighting:

2. Price of the bid ( $W_{Price} = 70\%$ ), Price of the Scenario in **Appendix A** "Price offer and Price Scenario for Evaluation Purposes". Failure to submit Appendix A together with the tender may lead to its rejection.

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  $Q_1$  and 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 to these 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.

## Appendix A - Price offer and Price Scenario for Evaluation Purposes

A	B	C	
Profile/Task	Price/hour EUR	Price scenario For evaluation purposes	
		a) <i>(number of hours)</i>	b) <i>(price/hour x number of hours) B x Ca)</i>
Senior architect <i>as per 13.5.1.b).1)</i>		20	
Junior architect <i>as per 13.5.1.b).2)</i>		10	
Junior architect, or architectural technician <i>as per 13.5.1.b).3)</i>		15	
<b>TOTAL</b>			