

## **Tender Specifications**

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

## **Invitation to tender No. EMSA/NEG/21/2022 for Banking services**

### **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.

EMSA is applying the environmental management systems ISO 14001:2015 and EMAS (Environmental Management and Audit Scheme of the EU), aiming to continuously improve its environmental performance. EMSA complies with all applicable legal requirements relating to the environment and endeavours to ensure that suppliers comply with its environmental policy within the remit of the activities carried out for the contract. EMSA invites tenderers to consult the document and consider it when preparing bids.

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

The subject of this procurement is the selection of a bank for the creation of imprest accounts to be used for execution of payments in EUR via cheques.

### **3. Contract management responsible body**

The Executive Office will be responsible for managing the contract.

### **4. Project Planning**

Not applicable.

### **5. Timetable**

The estimated date for signature of the contract is July 2022.

### **6. Estimated Value of the Contract**

The maximum budget available for this contract is EUR 5,000.00 excluding VAT for the maximum duration of 5 years (including renewals).

### **7. Terms of payment**

Not applicable.

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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.).

## 8. Terms of contract

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

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

## 9. Financial guarantees

Not applicable.

## 10. 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. However, the selection criteria may apply individually where it is relevant in view of their nature.

## 11. 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>3</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 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.

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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> 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).

- b) **The Legal Entity Form** completed, signed by the person authorised to sign the contract and stamped along with the requested accompanying documentation, including recent proof of that authorisation (not more than one year old). 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 10, 13 13 and 14.2 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 14.4 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 1616 of these specifications.

**Part D:** Setting out **prices** in accordance with point 12 of these specifications.

## 12. Price

- a) Price for Banking services must be quoted in accordance with Appendix B – Financial offer and shall include the costs for:
1. Cheques: annual maintenance service, emission, etc.
  2. Bank transfer: transfer, local transfer, foreign transfer
  3. Payments: SEPA payments, other currency payments, etc.
  4. Credit cards: 2 credit cards (all costs linked)
  5. Yearly accounts balance confirmation
- 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.

## 13. 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 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 group 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 group will be checked to ensure that the group 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 group. Tenders from groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

## **14. 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.**

### **14.1 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)).

### **14.2 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.

### **14.3 Legal and regulatory capacity – Selection criteria**

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

#### **14.3.1 Standards / Prerequisites**

The establishment of the Bank, where the bank account(s) will be located, shall meet the operating conditions imposed by the competent supervisory authorities of a Member State of the European Union and have all the authorizations necessary to execute the required services in the country where the account(s) will be located.

#### **14.3.2 Evidence**

Authorisation proving that the tenderer is allowed to perform the contract in its country of establishment: authorisation to operate (or equivalent).

### **14.4 Economic and financial capacity – Selection criteria**

The tenderer must have the necessary economic and financial capacity to perform the contract.

#### **14.4.1 Standards / Prerequisites**

The Bank's Long-Term credit rating must be, as a minimum, at the following level with at least one registered or certified rating agencies (of which at least one should be Moody's, S&P or Fitch) at the time of the submission of the offer:

- Above or equal to B2 (Moody's or equivalent).

#### 14.4.2 Evidence

Long term credit rating above or equal to B2 (Moody's or equivalent). Please fill in Appendix A – Economic and Financial capacity.

#### 14.5 Technical and professional capacity – Selection criteria

Not applicable.

### 15. 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 points (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 tenderer already submitted such evidence for the purpose of another procedure, 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.

### 16. Award criteria

The contract will be awarded to the tenderer who submits the lowest price.

The price considered for the evaluation will be the **Total Price** of the tender, to be calculated on the basis of the data provided by the tenderers in the Appendix B – Financial offer, and according to the following formula:

**Total Price = Annual Cost of bank accounts – Annual Net Remuneration of the balances on the accounts**

For evaluation purposes:

- ✓ The Annual Cost of bank accounts will be calculated based on the following statistical figures:
  - 100 cheques;
  - 10 bank transfers;
  - 10 payments;
  - 2 credit cards;
  - 1 yearly accounts balance confirmation.
- ✓ The Annual Net Remuneration of the balances on the accounts will be calculated considering a balance of Eur 50 000.

In case of equal score of two or more tenders, the following additional criteria will be applied:

1. Tender offering the lowest cost for cheque
2. The Tenderer with the best rating.

## **17. 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.

## Appendix A – Economic and financial capacity

Long term credit rating - Please fill in the table below:

Rating Agency	Long-term credit rating	Date (dd-mm-yyyy)
Moody's		
Standard and Poor's		
Fitch		
Any other registered or certified Agency <sup>4</sup> (please specify here below)  -----		

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<sup>4</sup> Full list available at: <http://www.esma.europa.eu/page/List-registered-and-certified-CRAs>

## Appendix B – Financial offer

The Financial Offer must provide a detailed breakdown of the costs that your bank will charge, if awarded. Please provide separate figures for each type of payment transaction in the below table.

### 1) Annual Cost of bank accounts

In the table below please specify, for each type of payment transaction, the cost in EUR:

Type of Payment	Unit Cost (in EUR and without VAT)
<b>SEPA Credit Transfers (XML Format)</b>	
<b>Other EUR payments within the SEPA Area (SWIFTNet FIN)</b>	
<b>Cheque</b>	
<b>Credit card</b>	
<b>Accounts balance confirmation</b>	

For evaluation purposes, the statistical figures provided in the point 16 (Award Criteria) of the Tender Specifications will be used.



## 2) Remuneration of the balance on the accounts

The remuneration for the accounts must be calculated monthly or quarterly on the basis of the following formula:

$$\text{Remuneration} = \frac{\sum_{i=1}^n B_i * (R_i + \text{Spread})}{\text{Bank year} * 100}$$

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Where:

- $n$  = Exact number of days in the month/quarter
- $B_i$  = Balance Range on day  $i$
- $R_i$  = Reference rate\* on day  $i$  in %
- Spread = Margin offered by your bank
- Bank year = 360 days (or the corresponding market's days convention)

\*The reference rate should be an official interest rate benchmark.

Please indicate in the field below which calculation period (monthly or quarterly) your bank prefers:

Calculation period

The interest rate will consist of a reference rate and a margin.

Please indicate in the table below the reference rate of your choice +/- the margin offered, if any. Please note that you may also indicate / offer different pricings per amount range. In this case, please indicate in the table maximum three balance ranges, and, for each of them, the reference rate of your choice +/- the margin offered, if any.

Balance Range (EUR)		Reference Rate	Sign	Margin
From	To		+ / -	(bp)
0			+	0.2

If you indicate the sign “-”: **the balance on the bank account will be remunerated at a rate higher than the Ri** (given the sign + of the formula of the remuneration).

Example:  $R_i = 0,5$   : your bank is offering 0,75

If you indicate the sign “+”: **the balance on the bank account will be remunerated at a rate lower than the Ri** (given the sign - of the formula of the remuneration).

Example:  $R_i = 0,5$   : your bank is offering 0,25

For evaluation purposes, a maximum balance of Eur 50 000 will be considered and the corresponding rates of 10 May 2022 will be used.

### SIGNATURE OF THE BANK'S REPRESENTATIVE(S)

Company name/forename/surname/function

Company name/forename/surname/function

Signature: .....

Signature: .....

Done at ....., date ...../...../.....

Done at ....., date ...../...../.....

