

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/36/2022 for Provision of graphic design and layout 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.

EMSA applies 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

This contract covers the provision of design and layout services to obtain ready-to-print/ready-to-publish in the web as well as other quality-optimised deliverables in the format requested by EMSA, in strict adherence to EMSA's corporate identity guidelines (including standard templates, adapted templates, new templates, colours and logo usage).

The contractor will be expected to:

- Design and lay out a range of products (publications, brochures, information sheets, infographics, illustrations, line drawings, technical reports, etc.) following instructions given by the contracting authority, and in line with the contracting authority's own corporate image and visual identity guidelines within a timeframe of between **three and fifteen working days** (depending on the length of the requested product) for the first version of the requested deliverable²
- Where necessary, and as directed by the contracting authority, adapt the contracting authority's own existing templates
- Over the course of a maximum of two (2) revision cycles of no more than **five working days each**, incorporate any revisions and changes requested by the contracting authority³
- Ensure that all final deliverables are rights-cleared and provided in a format corresponding exactly to the contracting authority's instructions
- Deliver the finalised, approved product to an email address provided by the contracting authority, either as an email attachment or via a secure file transfer system

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 For the purposes of this estimation, a deliverable can include a single product (e.g., a brochure or an infographic) or a single product in multiple language versions (e.g., a report in 24 EU languages)

³ In the case of longer reports to be laid out in multiple language versions, the contracting authority reserves the right to extend the two blocks of five working days to a longer timeframe at its own discretion

Tenderers must, **at a minimum**, be able to lay out products in Adobe InDesign and produce graphical elements (e.g., data visualisations, charts, etc.) in Adobe Illustrator. Tenderers must work in the versions of these programmes used by EMSA and upgrade to new versions according to future EMSA requirements.

Tenderers must also be able to work with multi-lingual design and layout, including texts in non-Latin alphabets, standardising their layout with EMSA's corporate guidelines. For this requirement, it should be noted that EMSA will provide translated and revised texts, and that no translation or revision work is envisaged under this contract.

All tasks will be carried out under the supervision of EMSA's communication team, and, where relevant, by the technical experts responsible for the content of the products requested.

The type of products that could be requested by EMSA under this lot include, but are not limited to (links to examples):

- The design and layout of **corporate publications** including the Agency's annual report (<http://www.emsa.europa.eu/publications/corporate-publications/item/4384-emsa-facts-figures-2020.html>) and its annual Outlook report (<http://www.emsa.europa.eu/publications/corporate-publications/item/4336-emsa-outlook-2021.html>) to be delivered in both web-optimised and print-optimised PDF format, and to be delivered packaged
- The design and layout of **technical reports and guidelines** (<http://www.emsa.europa.eu/publications/reports/item/4436-impact.html>; <http://www.emsa.europa.eu/publications/reports/item/4266-annual-overview-of-marine-casualties-and-incidents-2020.html>) to be delivered in both web-optimised and print-optimised PDF format and to be delivered packaged
- The design and layout of **leaflets and brochures** to be delivered in both web-optimised and print-optimised PDF format and to be delivered packaged (<http://www.emsa.europa.eu/publications/leaflets/item/4497-earth-observation-services-infosheet-supporting-rescue-coordination-centres.html>; <http://www.emsa.europa.eu/publications/leaflets/item/1613-mar-ice-network-marine-chemical-emergency-information-service.html>)
- The design and layout of **catalogues and inventories** to be delivered in both web-optimised and print-optimised PDF format and to be delivered packaged (<http://www.emsa.europa.eu/publications/inventories/item/4449-maritime-digital-services-catalogue.html>; <http://www.emsa.europa.eu/publications/inventories/item/3025-copernicus-maritime-surveillance-product-catalogue.html>)

Other products that may be requested could include, but are not limited to:

- The design and layout of **PowerPoint presentations**, using EMSA's corporate PowerPoint template
- The design and layout of **standalone infographics (data visualisations)**, to be delivered in vector files and high-resolution PNG files, according to EMSA's specifications
- The design and layout of **newsletters**, using templates provided by EMSA
- The provision of **line drawings/comic strips**, to illustrate technical manuals or other outputs
- The design and layout of **brochures in non-standard formats**
- The design of **branded material** (e.g., rollups and/or backdrops)

All products must be delivered in their original formats (usually Adobe InDesign or Adobe Illustrator) as well in any other format requested by the contracting authority.

All intellectual property rights, including photo copyrights, subsisting in all publications and files used in production **shall remain the property of the contracting authority**. Tenderers should therefore be able to guarantee that they are the authors and rights holders of all materials that could be created or used during the performance of this contract, and that they have the capacity to transfer all rights to the contracting authority.

In addition, tenderers should clearly demonstrate in their submissions that they have access to ample, rights-cleared **databases or sources of all visual material** that could be required during the performance of this contract, taking into consideration the contracting authority's field of specialisation and mandate (maritime affairs).

For implementation purposes, Appendix 1 shall be filed in with prices for the execution of the listed items.

3. Contract management responsible body

EMSA's Executive Office will be responsible for managing the contract.

4. Timetable

The estimated date for signature of the contract is January 2023.

5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 130,000.00 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/36/2022** on EMSA's website (www.emsa.europa.eu). The successful tenderer(s) shall take the appropriate measures to be compliant with the e-invoicing conditions as set out in the draft contract.

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. Financial guarantees

Not applicable

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 criteria⁴. 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.

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 14.5 and 16 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) 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, 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 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)

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 12 and 14.2 of these specifications (exclusion criteria).

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).

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 Technical and Professional capacity (part of the selection Criteria) set out under point 14.5 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 1615 of these specifications;

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

11. Price

- a) Price must be quoted for Provision of graphic design and layout services and shall include all costs necessary to perform the services and deliver the products. No additional costs shall be reimbursed.
 - a. For implementation purposes, tenderers shall fill in Appendix 1 with prices for the execution of the listed items.
 - b. For evaluation purposes only, tenderers shall fill in the table provided in Appendix 2.
- 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 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.

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.

13.3.2 Evidence

Not applicable

13.4 Economic and financial capacity – Selection criteria

13.4.1 Standards / Prerequisites

- a) The tenderer must be in stable financial position and must have the economic and financial capacity to perform the contract.
- b) The tenderer must not be subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) substantially affecting the performance of the contract (e.g., asset freezes and/or a prohibition on making funds or economic resources available). The prohibition applies throughout the whole performance of the contract.

13.4.2 Evidence

- a) Financial statements or their extracts for the last three years for which accounts have been closed.
- b) Self-declaration that the tenderer is not subject to restrictive measures (e.g., asset freezes and/or a prohibition on making funds or economic resources available) substantially affecting the performance of the contract.

Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and the provided

documents are up-to-date. In this case the tenderer shall simply indicate on the cover letter the procurement procedure where the evidence has been provided.

If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

13.5 Technical and professional capacity – Selection criteria

13.5.1 Standards / Prerequisites

- A. The tenderer must have previous experience on three (3) projects related to the provision of graphic design and layout services performed in the past three (3) years.
- B. The tenderer shall propose the following profiles:
 - Key account manager: at least five (5) years of working experience managing client requests and acting as an interface between the contractor and clients. The ability to work in English is a prerequisite, therefore an equivalent standard of B2 English under the Common European Framework of Reference for Languages is required.
 - A backup for the above profile, to ensure uninterrupted service during periods of holidays or sickness

13.5.2 Evidence

- A. For substantiating the experience as requested in point 13.5.1 above, the tenderer shall submit as evidence a list of three (3) projects in similar services in which it has participated and worked in the last three years. The list shall include the following:
 - i. A description of the services included in each project;
 - ii. The duration of the project;
 - iii. Where relevant, the budget associated with each project.
- B. The tenderer shall also provide detailed curriculum vitae for both the key account manager profile referenced in point 14.5.1 above and for the proposed backup.

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 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.

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 ($W_1 = 30\%$) **Approach and Strategy**

Tenderers are required to submit a document containing a **clear methodology to support a successful contract implementation**, including:

- A methodology on how to deal with last minute/time sensitive requests
- A full description of how the customer service approach proposed by the tenderer will be applied to this contract
- A definition of potential risks and mitigation measures
- A full description of the expected delivery timeline, from the receipt of the order form to delivery of the final product via email or file transfer to EMSA

2. **Quality criterion 2 ($W_2 = 20\%$), Organisation of work, quality and composition and functioning of the proposed team:**

Tenderers are expected to provide details of a proposed project team, sufficient for the successful execution of this lot, which must include:

- Details of the provision of a single contact point (key account manager/project manager) plus details of their backup/s, all of whom must be able to assure an uninterrupted service throughout the projected lifetime of the contract.
- Details of the specific role of each member of the proposed project team during the lifetime of the contract implementation

- A full list of all software, relevant resources, and systems which would be used by the tenderer in the event of being awarded this contract

3. **Quality criterion 3** ($W_3 = 20\%$), **Quality assurance and control:**

Tenderers are expected to provide a document detailing the measures that would be used to ensure the quality of all deliverables in the event of being awarded this contract. This document must include a methodology for performing quality checks on each deliverable before it is returned to EMSA. The document should also include details of any quality processes (e.g., ISO 9001) used by the tenderer in the performance of its work.

4. **Price of the bid** ($W_{Price} = 30\%$).

For evaluation purposes only, tenderers shall fill in the table provided in **Appendix 2**.

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 , and a minimum of 60% for Q_3 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:

- 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.