

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/9/2023 for Design of green spaces in EMSA's building

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 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 tenders.

2. Objective, scope and description of the contract

2.1 Objective of the contract

The objective of this procurement procedure is to establish a framework service contract (FWC) for the complex designing of internal green spaces in EMSA's headquarters and green/garden areas on the Agency's compound.

2.2 Scope of the contract

'Green features' projects for various spaces should be developed based on the "Feasibility study for plant-greened structures at EMSA headquarters" that was carried out in December 2022², and client instructions.

Each project shall be divided into design stages and shall include:

- 1) Conception stage - general presentation of optional proposals including 3D visualisations, initial proposal for the green plants/materials, preliminary technical solutions for sanitary/electrical installations (where necessary), etc.
- 2) Technical project stage - complete coordinated technical project required for procurement stage and construction purposes (green spaces/garden design, architectural part, other special branches e.g. structural part, sanitary installations - water supply & sewage or/and electrical installations) where necessary, including: technical specification of green plants and materials, client's cost estimation, bills of quantities and drawings with all details needed for the works execution.

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 Relevant elements available in Appendix B - Financial proposal for evaluation; full study available upon request sent to the dedicated email address: neg92023@emsa.europa.eu

In case the implementation of the 'green feature' project will require a building permit to be granted by CML or other authorised institution, the stage will also include the preparation of administrative and technical documentation necessary to apply for this permit.

- 3) Execution stage - technical assistance, supervision during execution of works and support for the reception/approval of the works.

The projects for various spaces shall take into consideration the following aspects:

- improvement of the thermal and energetic balance in the premises,
- improvement of the acoustic conditions of the space,
- natural light on the designated areas (when applicable),
- promotion of calm spaces and corporate environment,
- improvements to the design of the building's interior and exterior areas of intervention,
- improvement of space usage,
- biological considerations - foreseen lifespan of the plants, living insects, fungi and similar organisms, water and soil features, dependencies between plants and air circulation/air-conditioning, oxygen and CO₂ impacts, allergenicity, etc.,
- operational-technical considerations – structural and technical limits in the building, aspects of sustainability, energy consumption and other environmental impacts.

For each project to be implemented under the FWC, the relevant deliverable(s) associated to each design stage(s) (as defined above) shall be identified in the request for services.

2.3 Description of the contract

The designing services will be divided and gradually executed in phases over the duration of the FWC (4 years). The designated space/area of the EMSA headquarters specified for execution of each phase will be indicated by EMSA representatives.

Whenever there will be a need to purchase services, EMSA shall contact the contractor requesting a quotation for the services for a complex project for the designated space/area.

The value for a project of the designated space/area shall be calculated based on the expected number of person-hours of the team members necessary for the execution of the project - landscape architect, architect, consultants/specialists (structural, sanitary, electrical engineers), quantity surveyor, technicians, others. The team composition allocated to the project shall ensure that the final delivery date for conception and technical project is not exceeding 60 days from the Specific Contract signature date.

The person-hour rates shall be defined in the bid, they shall be fixed and applicable for the whole duration of the contract (Appendix A to Tender Specifications shall be filled in for that purpose).

The quotation shall indicate the total price for the project and also partial prices related to the design stages of the project (conception, technical project, execution) – expressed as a percentage of the calculated total price.

Upon acceptance of the presented quotation, a Specific Contract shall be issued for the execution of the respective services according to the provision of the draft FWC.

3. Contract management responsible body

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

4. Project Planning

N/A

5. Timetable

The estimated date for signature of the contract is 3rd quarter of 2023

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 60,000.00 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/9/2023** 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.

8. Terms of contract (purchase order)

When drawing up a tender, 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. 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 criteria³. 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.

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

11. Requirements as to the tender

Tenders can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, tenders 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.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 (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, including up-to-date proof of that authorisation, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure. The cover letter shall be accompanied by the **Authorised Signatory Form** duly completed and signed. This document is available on the Procurement Section (Financial Identification Form) of EMSA's website (www.emsa.europa.eu).
- 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 up to date proof of that authorisation. 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 to EMSA. 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 tenderers on the basis of the points 10, 13 13 and 14.2 of these Tender Specifications (exclusion criteria).

Part B: All the information and documents required by EMSA for the appraisal of tenderers on the basis of the Legal and Regulatory capacity (part of the selection criteria) set out under point 14.3 of these Tender Specifications.

Part C: All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the Economic and Financial Capacity (part of the selection criteria) set out under point 14.4 of these Tender Specifications.

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).

Part D: All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the Technical and Professional capacity (part of the selection Criteria) set out under point 14.5 of these Tender Specifications.

Part E: 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 Tender Specifications.

Part F: Setting out prices in accordance with point 12 of these Tender Specifications.

12. Price

- a) Price for the Design of green spaces in EMSA's building must be quoted for **person-hour** for each team members assigned to the contract and shall be **all-inclusive**. For that purpose, tenderers shall fill in **Appendix A – Financial proposal for the implementation of the contract**.

The prices for person-hour quoted under Appendix B - Financial proposal for evaluation shall be in line with the prices quoted under Appendix A.

- b) Prices must be fixed amounts 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 tenders. Tenderers may, after forming a grouping, submit a joint tender 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 tender.

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 tender, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section of EMSA's website (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) shall be completed and signed.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Standards / Prerequisites

Not applicable.

14.4 Economic and financial capacity – Selection criteria

14.4.1 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.

14.4.2 Evidence

- a) 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.

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

- a) The tenderer shall have the necessary technical and professional capacity to provide the services with at least 3 years of experience in providing plant-greening projects.
-

- b) The team assigned to the contract shall include at least one Landscape Architect with minimum 3 years of professional experience in 'green area' / garden designing, acting as leader of the team and with a good working knowledge of the English language, oral and written (minimum B2 level).

14.5.2 Evidence

- a) List of minimum 3 studies/projects provided in the last 3 years related to the subject matter of the tender. The list shall include the year of the service provided, client's name or type of client (e.g., public/private sector, relevant market), concise description of the study/project.
- b) CV of the Landscape Architect acting as the leader of the team.

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.

16. Award criteria

The contract will be awarded to the tenderer who submits the most economically advantageous tender (the one with highest score) based on the following quality criteria and their associated weightings:

1. Quality criterion 1 ($W_1 = 20\%$) – Quality of the proposed designing process methodology

Tenderers shall describe the execution of the design process and the methodological approach which shall be evaluated based on the following elements:

- steps/staging of the project,
- estimated time of execution,
- method of data collection and essential surveys (if any),
- additional analysis and research method (if any),
- sketching/visualisation tools used for presentation,
- cooperation method with the client,
- collaboration with other consultants/specialists (structural, sanitary, electrical engineering, etc.),
- supervision of execution works.

2. Quality criterion 2 ($W_2 = 30\%$) – Quality of the design team proposed for the designing and supervision stages

Quality of the design team's composition (e.g. leader of the team, proposed designers, proposed consultants/specialists, technicians, back-up team members), in terms of appropriateness and adequacy of the profiles to the roles assigned to the contract and the completeness of the team composition. This shall be presented in a document which must include:

- details of the team allocated to the contract and design team members' distribution of tasks.
- a methodology for contract management to ensure uninterrupted service including backup cover in times of holidays, sickness, or other absences (back-up team members), in the interests of business continuity and assured service throughout the lifetime of this contract.

and the price criterion and associated weighting:

Price of the bid ($W_{Price} = 50\%$) – the sum of the total prices for the projects defined under the scenarios no. 1, 2, 3, 4 and 5 as provided for in Appendix B – Financial proposal for evaluation.

For all tenders, 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 tenders 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 tenders that have reached a minimum of 60% for the score S will be taken into consideration for awarding the contract.

17. Evaluation and award

The evaluation of the tenders that comply with the conditions as per Invitation to tender will consist of the following elements:

- Check if the tenderer is not subject to restrictive measures and has access to procurement;
 - Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
 - Selection of tenderers on the basis of selection criteria;
 - Verification of compliance with the minimum requirements specified in the procurement documents;
 - Evaluation of tenders on the basis of the award criteria.
-

- EMSA will evaluate the above-mentioned elements in the order that it considers to be the most appropriate. The successful tenderer(s) must pass all the above-listed elements to be awarded the contract.

18. 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.

19. 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.
