

## Tender Specifications

### Attached to the Invitation to tender

## Invitation to tender No. EMSA/NEG/10/2025 for Supply, Installation and Maintenance of Electric Vehicle Chargers

### 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 a comfortable and functional work environment and also adapt the building to new technologies.

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<sup>2</sup> 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

The objective of this procurement procedure is to establish a framework contract for the supply, installation and maintenance of Electric Vehicle Chargers (EVC) in the parking of EMSA headquarters, in Lisbon. The EVCs will be connected to an existing electrical switchboard.

The EVC system must consider the following minimum requirements:

#### A. Technical and Physical characteristics of each wall box

- Protection degree IP: IP54
- Rated current: 32A
- Rated voltage: 400V
- Rated power: 22,0kW
- Working frequency: 50/60Hz
- Poles: 3P+N+E
- Integrated cable fitted with a Type 2 connector
- Tenderers shall provide the technical data sheet of the EVC considered on the quotation.

Note: EMSA will provide the support/structure where the EVCs will be fixed.

#### B. Management and software requirements

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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.).

<sup>2</sup> Which can be found at <http://emsa.europa.eu/about/environmental.html>

- Management Platform: A User and Charger Management System integrated in all chargers, accessible via IP.
- DC Leakage protection.
- Load Balancing: The software must consider included load balancing to all EVC.
- The system shall be operated with individual user's cards.
- The system must not consider any type of software licenses with validity.

### C. Associated services

- Additional EVCs: EMSA plans to install an initial set of 8 (eight) EVCs. The system must consider the possibility to increase and integrate additional sets EVCs in a second phase, up to at least 16 chargers connected to the same system/software.
- Training session: After the installation of the system, a training session (hardware and software) must be considered and provided to EMSA staff.
- Preventive Maintenance: shall cover 4 (four) years, starting the day after the acceptance form signature.
- Corrective maintenance: shall be ordered, if needed, upon quotation.

Compliance with all the above shall be demonstrated by completion of Appendix 1.

## 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

After the contract is signed, a kick-off meeting shall be held to clarify minor operational details, such as access to EMSA's premises, operational contacts, etc. In addition, once a year, both parties shall meet to evaluate the service.

## 5. Timetable

The estimated date for signature of the contract is Q3 2025.

The service contract will be awarded for the duration of four years to ensure the preventive maintenance activities are performed.

## 6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 45,000.00 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/10/2025** on EMSA's website (<https://emsa.europa.eu/procurement.html>).

Order forms for the purchase of associated services shall be established based on the prices indicated in the financial offer. However, EMSA may request the contractor to propose supplementary services to be ordered on the basis of a quote provided by the contractor as per Article I.5.1 of the FWC.

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**

When drawing up a tender, 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. Financial guarantees**

Not applicable

## **10. Subcontracting**

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer).
- d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders.
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as "personnel" of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the *List of identified subcontractors* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as identified subcontractors):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria<sup>3</sup>;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 10%.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the attached model *Commitment letter by identified subcontractor* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>), and signed by its authorised representative.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement and is not in an exclusion situation,
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

The tenderer must provide required evidence for the exclusion on its own behalf, on behalf of any subcontractors identified in the *List of identified subcontractors*, and on behalf of any other entities (not subcontractors) on whose capacities is being relied on.

The tenderer must provide required evidence for selection criteria on its own behalf and on behalf of any subcontractors on whose capacities the tenderer relies on upon to fulfil the selection criteria as identified in the *List of identified subcontractors*, and on behalf of any other entities (not subcontractors) on whose capacities is being relied on.

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

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<sup>3</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.

a whole fulfil the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature.

#### 10.1 Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the attached model *Commitment letter by an entity on whose capacities is being relied* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>), signed by the authorised representative of such an entity.

The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

#### 10.2 Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

### 11. Joint Offer

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the *Agreement Power of attorney (joint tender)* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html><http://www.emsa.europa.eu/>).

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following case(s):

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
- the new entity is not subject to restrictive measures, has access to procurement and is not in an exclusion situation,
- all the tasks assigned to the former entity are taken over by the new entity member of the group,
- the group meets the selection criteria,
- the change must not make the tender non-compliant with the procurement documents,
- the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
- the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

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 the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the *Agreement Power of attorney (joint tender)* available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

## 12. 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 sections 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.<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 relevant forms *List of identified subcontractors / Agreement/Power of attorney (joint tender)*. These documents are available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

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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).

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 of EMSA's website (<https://emsa.europa.eu/procurement.html>).
- b) **The Financial Identification Form** completed, signed and stamped. This document is available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).
- 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 of EMSA's website (<https://emsa.europa.eu/procurement.html>).

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.

- d) All the information and documents required by the contracting authority for the appraisal of tenderers on the basis of the sections 10, 11 11 and 14.2 of these Tender Specifications.
- e) 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 section 14.3 of these Tender Specifications, as applicable.
- f) 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 section 14.4 of these Tender Specifications, as applicable.
- g) 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 section 14.5 of these Tender Specifications, as applicable.
- h) 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 section 1616 of these Tender Specifications;
- i) Setting out prices in accordance with point 13 of these Tender Specifications.

### 13. Price

- a) Prices for Supply, Installation and Maintenance of Electric Vehicle Chargers and preventive maintenance services must be quoted in accordance with Appendix 1, and shall be all inclusive, covering all associated costs including - but not limited to – all elements required in Section 2, any relevant fees, legal forms, taxes, insurances, transportation to and from EMSA's premises, as well as any administrative costs to support and guarantee a high-level quality service.
- 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, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation (EC) No 1406/2002. These duties, taxes and other charges can therefore not enter into the calculation included in the tender. The amount of VAT must be shown separately.

## **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 (<https://emsa.europa.eu/procurement.html>).

### **14.2 Grounds for exclusion – Exclusion criteria**

To be eligible to participate in this contract award procedure, the tenderers, each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on 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 (<https://emsa.europa.eu/procurement.html>) shall be completed and signed.

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

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

- A. The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.
- B. The tenderer, each member of the group in case of joint tender, any subcontractors, and any other entities (that are not subcontractors) on whose capacity the tenderer relies on must ensure that are not 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)<sup>5</sup> consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

#### **14.3.2 Evidence**

- A. N/A
- B. Duly completed and signed Declaration of Honour available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>).

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<sup>5</sup> Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the EU Sanctions Map.



## 14.4 Economic and financial capacity – Selection criteria

### 14.4.1 Standards / Prerequisites

The tenderer must be in stable financial position and must have the economic and financial capacity to perform the contract.

The yearly turnover<sup>6</sup> for the last two years must be minimum EUR 15,000.00.

### 14.4.2 Evidence

Duly completed and signed Simplified Financial Statement available on the Procurement Section of EMSA's website (<https://emsa.europa.eu/procurement.html>), and the following evidence for the period mentioned above depending on the legal form:

- For Profit Organisations (whose primary goal is making a profit): copy of the profit & loss account and balance sheet for which accounts have been closed.
- For non-Profit Organisations (formed for the purpose of serving a public or mutual benefit other than the pursuit or accumulation of profits for owners or investors): copy of the statement of financial activities and statement of the financial position for which accounts have been closed.
- For Public sector entities (including public universities and international organizations), which according to the law of the country in which they are established are NOT required to publish balance sheets: extracts from their last two budgets (including the current one) as evidence of their average budget. Complete line 14 (Revenue) of the Simplified Financial Statement only (version for non-profit organisations).
- For Individuals: provide extracts from any available documents (e.g. income tax returns) as evidence on their average income. Complete line 14 (Revenue) of the Simplified Financial Statement only (version for non-profit organisations).

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.

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<sup>6</sup> For individuals and public sectors entities the "turnover" corresponds to the "revenue".

## 14.5 Technical and professional capacity – Selection criteria

### 14.5.1 Standards / Prerequisites

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

A. Tenderers must have at least 3 years of professional experience in the fields relevant to the contract.

### 14.5.2 Evidence

List of at least 3 clients for which the same type of services has been provided in the last 3 years, with name of company, number of EVCs installed, and year of delivery.

## 15. Evidence on Declaration of Honour (DoH)

At any time during the procurement procedure<sup>7</sup>, EMSA may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence), namely:

- For the exclusion situations described in points (1) (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 (1) (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.

EMSA may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All tenderers are invited to prepare in advance the documentary evidence, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer(s) proposed by the Evaluation Committee for the award of the contract will be requested to provide such evidence. This requirement applies to each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on.

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<sup>7</sup> The obligation to provide the supporting evidence is waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

If the tenderer does not provide valid documentary evidence within the deadlines set by EMSA, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

The tenderer, each member of the group in case of joint tender, any identified subcontractors, and any other entities (not subcontractors) on whose capacities the tenderer is being relied on, must not be subject to professional conflicting interests which may negatively affect the contract performance.

## 16. Award criteria

**Quality criterion 1** ( $W_1 = 25\%$ ) - Quality Management System (QMS) or Policy implemented for contract management and projects execution.

- **No** Quality Management System = 0 points
- **Internal** Quality Management System = 6 to 9,5 points  
or
- ISO Certification or other **external** system = 10 points

**Quality criterion 2** ( $W_2 = 25\%$ ) – Quality of the proposal in terms of warranty for all new EVC and accessories. For all bids that offer additional years of warranty on top of the minimum requirement of two years, the evaluators will give marks for this quality criterion as per the table below:

|                        |           |
|------------------------|-----------|
| 2 years (as mandatory) | 0 points  |
| 3 years                | 3 points  |
| 4 years                | 5 points  |
| 5 years                | 7 points  |
| More than 5 years      | 10 points |

and the price criterion and associated weighting:

**Price of the tender** ( $W_{price} = 50\%$ ). For evaluation purposes, the tenderer shall fill in the Appendix 1. The final price for evaluation will be calculated based on Appendix 1, as such:

$$\text{Price} = (1 \times A.1) + (1 \times A.2) + (4 \times A.3) + (3 \times A.4)$$

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

$$PP = \sum_i \frac{\text{lowest Price}_i \text{ of all bids}}{\text{Price}_i} * 100 * W_{\text{Price}_i}$$

Only tenders that have reached a minimum of 60% for  $Q_1$  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;
- Verification of the absence of professional conflicting interests;
- 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.

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.