

Tender specifications

Attached to the Invitation to tender

Invitation to tender N° EMSA/OP/01/2014 for the Provision of training services in the fields related to maritime safety for EMSA staff.

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC for the purpose of ensuring a high, uniform and effective level of maritime safety.

The Agency is a multi-cultural and multi-lingual European organisation and has approximately 240 staff members of 25 different nationalities.

2. Objective, scope and description of the contract

The purpose of the contract is to provide training services in fields related to maritime safety for EMSA staff. Training shall be either standard or tailor-made courses, though other services related to training may be requested, such as consultancy related to training (e.g. analysis of training needs, etc.).

After the conclusion of the procurement procedure EMSA aims to conclude a Framework Service Contract for the delivery of training services in the fields related to maritime safety for EMSA staff.

The list below contains a selection of standard courses in the fields related to maritime safety which the contractor should be able to provide as a minimum:

- International Ship and Port Facility Security Code (ISPS)
 - ILO Maritime Labour Convention (MLC)
 - Maritime Security
 - Hull Inspection - Damage and Repair
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- Ship New Construction
- Risk Based
- ISO9001 Management Inspections System Lead Auditor
- ISO9001 Management System Refresher for Lead Auditor
- Introduction to Quality Systems
- Oil Spill Preparedness and Response and HNS Preparedness and Response

In addition, EMSA wishes to be able to order other courses in fields related to maritime safety training when required. Therefore, the list mentioned above is not exhaustive and other training/s in this area may be requested from the successful contractor. Courses may be standard market versions or tailor-made to EMSA's needs.

The future contractor may be requested to act as broker in order to offer training courses organised and delivered by other companies when required. In such cases, the contractor will be responsible for the overall quality of the provided courses and the capabilities of the subcontractor.

The option of online training courses delivered by the contractor or through a certified partner will be considered advantageous.

Training will be ordered by EMSA with a reasonable notice allowing the provider to plan and organise the courses, particularly if any adaptations to the course content or special logistics are required.

2.1 Requirements from the contractor

Courses shall be delivered in English. The contractor shall provide full course material and manuals, which must be in English.

The tenderer shall provide:

- A dedicated account manager during normal working hours 9-18 hrs. (Lisbon time), 5 days a week;
- A proposed mechanism for requesting training courses (call log, written request, special order voucher, simple e-mail, online registration, etc.);
- A response time between receiving EMSA's training request and it's acceptance by the account manager or another designated contact person;
- A response time between acceptance of the training request and delivery;
- Indication of whether there are any booking costs, cancellation costs, availability and/or conditions for discounts;
- A price quotation for each of the training courses listed above, as well as costs for tailor-made courses that could potentially be requested to the provider (using the tables under Appendix I);
- The current training catalogue of the company with the current prices.

2.2 What does EMSA provide

Suitable technical equipment and meeting rooms, including an ICT training room (max. capacity 14 trainees) are available at EMSA's Headquarters. If needed, additional equipment could be provided by EMSA if the request is submitted well in advance.

Courses shall normally take place at EMSA's premises in Lisbon. When applicable, or in the case of a small number of participants (e.g. training only for one staff member), training may be held in an open course delivered at a different location suggested by the contractor or through a distance learning computer based tool if online trainings are available and requested.

A project officer will be assigned to the management of the contract.

3. Contract management responsible body

The European Maritime Safety Agency – Unit A.1, in charge of Human Resources – will be responsible for managing the contract.

4. Timetable

The contract is expected to be signed during the second semester of the year 2014. Courses should be ready for delivery as from then onwards.

5. Value of the contract

The successful tenderers will be awarded a framework contract for a period of 12 months automatically renewable up to 3 times under the same conditions, starting from the date of signature. The services will be implemented through Order Forms depending on the EMSA's demand. The maximum budget available for this contract is EUR 160.000,00 excluding VAT, over a maximum period of 4 years.

6. Terms of payment

Payments shall be issued in accordance with the provisions of the draft framework service contract available on the Procurement Section under the call to tender EMSA/OP/01/2014 on the EMSA website at the following address: www.emsa.europa.eu

A training report will be required from the contractor together with every invoice. This report should contain: presence list, training evaluation by the trainees, course content and calendar.

7. Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft framework service contract.

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

8. Financial guarantees

Not applicable.

9. Sub-contracting

If the tenderer intends to either sub-contract part of the work or perform it in co-operation with other partners, this must be mentioned on the offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the tenderer).

If the tenderer relies on the capacities of subcontractors to fulfil the selection criteria as specified in section 13.5 (technical and professional capacity), then each subcontractor must provide the required evidence for the exclusion and selection criteria. To rely on the capacities of a subcontractor does not mean that the contractor has to use deliveries or services of another company, but that this company and its special capacity are central to the capacity of the contractor to fulfil the contract and that it cannot be easily changed or replaced. The exclusion criteria and the selection criteria for "economic and financial capacity" will be assessed in relation to each economic operator individually. Concerning the selection criteria for "technical and professional capacity", the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.

10. Requirements as to the tender

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English. Bids must include an English version of the documents requested under points 13.5 & 14.1 of the present tender specifications.

The tenderer shall complete Tenderer's checklist available on this tender folder.

If the tenderer intends to either subcontract part of the work or perform the work in co-operation with other partners (Joint Offers) he shall indicate in his offer by completion of the form – Information regarding joint offers and subcontracting.

The tender must be presented as follows and must include:

Signed cover letter indicating the name and position of the person authorised to sign the contract and the bank account on which payments are to be made.

Financial Form completed, signed and stamped; available on the Procurement Section (Financial Form) on the EMSA Website at the following address: www.emsa.europa.eu

Legal Entity Form completed, signed and stamped; available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

Tenderers are exempt from submitting the Legal Entity Form and the Financial Form if such have already been previously completed and sent either to EMSA or any EU Institution. In this case the tenderer should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

In order to simplify and harmonise the presentation of the proposals, tenderers are advised to organise their proposal by:

Part A: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points 13, 13.2-13.3 of these specifications (part of the Exclusion criteria);

Part B: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the Economic and Financial capacity (part of the Selection criteria) set out under point 13.4 of these specifications;

Part C: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the Technical and professional capacity (part of the Selection Criteria) set out under point 13.5 of these specifications;

Part D: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the Award Criteria set out under point 14.1 of these specifications;

Part E: setting out prices in accordance with point 11 of these specifications, using the relevant table under Annex I (Proposal – Conditions and Cost Summary).

11. Price

- Price for the Provision of training services in the fields related to maritime safety for EMSA's staff. In presenting prices tenderers shall give information on the standard courses, tailor-made courses and broker percentage, using Appendix I – Proposal – Conditions and Cost Summary.
- Prices shall be provided for each of the items in Appendix I. Failure to provide price for any of the items may lead to a rejection of the bid.
- Prices must be quoted in Euro.
- Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract. (All delivery costs must be included in the price, such as; manuals, enrolment fees, trainings materials, travel and subsistence costs).
- 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 1406/2002/EC. These duties, taxes and other

charges can therefore not enter into the calculation included in the bid. The amount of VAT must be shown separately.

12. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria and the selection criteria for “economic and financial capacity” will be assessed in relation to each economic operator individually. Concerning the selection criteria for “technical and professional capacity”, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Tenders from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

13. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic, financial and technical 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 and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

13.2 Grounds for exclusion - Exclusion criteria

To be eligible for participating in this contract award procedure, tenderers must not be in any of the following exclusion grounds:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;

- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union financial interests;
- f) they have been the subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

13.3 Evidence to be provided by the tenderers

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website (www.emsa.europa.eu) shall be completed and signed.

13.4 Economic and financial capacity – Selection criteria

Requirements:

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

Evidence:

- Financial statements for the last three years for which accounts have been closed;
- Statement of overall turnover and turnover relating to the relevant services for the last three financial years;
- 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 still complies with the requirements. In this case the tenderer should 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, he may prove his 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 any other document enabling it to verify the tenderer's economic and financial capacity.

13.5 Technical and professional capacity – Selection criteria

Requirements:

1. The tenderer shall provide evidence of expertise in organising and delivering training services in the fields related to maritime safety in English;
2. Instructors delivering these training courses should be qualified and shall have experience in delivering training on the topics listed under point 2 of the Tender Specifications and in delivering such courses or similar in English;
3. The approach and methodologies used must be suitable for the delivery of the training courses in the fields related to maritime safety;
4. Suitable quality assurance methodology in order to ensure the best standards of delivery;
5. Capacity to interface with several training providers;
6. Ability to respond quickly to a request for services and/or modification thereof;
7. Capacity in delivering services related to training such as consultancy (e.g training needs analysis, etc.);
8. Experience in delivering to EU institutions and European public administration would be advantageous.

Evidence:

1. A list of training courses in the fields related to maritime safety (maximum 2 pages) which the tenderer has provided in the past three years (titles of the courses, delivery dates, duration and type of recipient (private, public, national, international, etc...)) to whom the courses were delivered);
2. Tenderers should provide with their bid, curricula vitae of the instructors who will be delivering the courses under the proposed contract. The curricula vitae shall include the educational background, degrees and diplomas, accreditations and certifications, professional experience in delivering management trainings (minimum of three years training experience) and linguistic skills (English);
3. Description of the approach/methodology to be used in some of the trainings, as well as other tools or materials to be employed in delivery (max. 3 pages);
4. Sample of the training material (max. 5 pages);
5. A description of the measures employed to ensure the quality of services provided (how will requests be processed?) and trainee feedback and support;
6. List of other training providers with whom the tenderer has previously cooperated. (max. 2 pages);
7. Description of the experiences and challenges in delivering training to an international organisation (max. 1 page), if applicable;
8. List of other services related to training, such as consultancy (e.g. training needs analysis, etc.). Description of services provided in the past 3 years, duration, dates and organisation, if applicable (max. 2 pages);
9. Definition of the procedures for cancellation, monitoring of participation and continuity of services.

14. Award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The presentation of the offers shall be based on the instructions below:

14.1 Quality, content, methodology, training material, catalogues and organisation

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:

a) Quality of the team - ($W_1 = 25\%$)

- Number of instructors available (including back-up instructors) per course and profile of the training team proposed;

b) Content, methodology, quality of the training material and catalogue and organisation ($W_2 = 20\%$)

- Detailed statement (maximum 2 pages) of how the tenderer would endeavour to provide training that is suitable for EMSA staff and its relevance to the daily work, acknowledging the specific needs of an EU body or international organisation;
- List of topics covered by each course (maximum 2 pages per course in accordance to the list under point 2 of these Tender Specifications), learning objectives, prerequisites, work-related examples and course duration (1 day=7 hours);
- Presentation of the approach and methodology used for training shall be included in the tender (max. 3 pages), containing a description of the approach/methodology to be used (online training will be considered as advantageous).
- Training schedule for the course delivery (e.g. starting, finishing times and breaks);
- Sample of the course material (maximum of 10 pages) of standard and tailor-made courses mentioned under Point 2;
- Catalogue of training courses currently available;
- Description of the methods of training delivery.
- Description of other services related to training, such as consultancy (e.g. training needs analysis, etc.).

c) Organisation ($W_3 = 15\%$)

- Definition of the procedures and policies for cancellation, postponement and substitution of trainees (e.g.: deadlines, cancellation and postponement fees, etc.);

- A description of the measures employed to ensure the quality of services and trainee support;
- Service delivered before, during and after delivery of training (e.g. dedicated account manager, on-line registration and others if available);
- Network of providers which allows the bidder to act as a 'broker';

14.2 - Price (Tables under Appendix I – Proposal – Conditions and Cost Summary) ($W_{\text{Price}} = 40\%$).

The price of the bid will be calculated by making an average calculation of the totals.

(Sum of all items' subtotals in Table 1 / number of items) + (Sum of all items' subtotals in Table 2 / number of items) + (Table 3) Broker percentage / 3

Table 1: Standard Course (Delivered at EMSA Headquarters to a maximum of 15 participants)

- Number of Training Days (1 day = 7 hours);
- Cost of Course Delivery per day (all delivery costs must be included in the price, such as; manuals, enrolment fees, trainings materials, travel and subsistence costs);
- Cost of Certification or/and Examinations (if applicable);

Table 2: Tailor-made course (Delivered at EMSA Headquarters to a maximum of 15 participants)

- Cost for Course Development/Adaptation per Day (including all support materials);
- Cost of the Course Delivery (all delivery costs must be included in the price, such as; manuals, enrolment fees, trainings materials, travel and subsistence costs);

Table 3: Broker percentage - on total fee of the course that the contractor will charge for using another company to deliver a specific training or service (in addition to the price offered by the other company).

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

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

Only bids that have reached a minimum of 60% for $Q1$, a minimum of 60% for $Q2$, a minimum of 60% for $Q3$ 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 70% for the score S will be taken into consideration for awarding the contract.

15. Contracts will not be awarded to tenderers who, during the procurement procedure:

- a) are subject to a conflict of interest
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

16. False declarations

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in points 13 and 14 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

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 should be clearly pointed out by the tenderer in the tender. Information should 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.

18. Annexes – Price Quotation

Appendix I – Proposal – Conditions and Cost Summary