

Tender specifications
Attached to the Invitation to tender

Invitation to tender N° EMSA /OP/11/2014 for a framework contract for provision of "Training on Flag State Responsibilities & Authorisation of Recognised Organisations for SAFEMED beneficiaries"

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. Among its tasks, the Agency provides upon the request of the Commission, technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to the EU Member States and the EEA countries, the European Neighbourhood partner countries and to the countries taking part in the Paris MoU. Within the framework of technical assistance, EMSA organises workshops and training in the fields of port State control, flag State control, port reception facilities, recognised organisation, marine equipment and others. Based on specific agreements with the EU Commission, this applies for the following neighbouring countries under the SAFEMED project, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Syria (currently suspended) and Tunisia. Furthermore, in the context of SAFEMED, the project's beneficiaries can be provided with technical assistance on bilateral basis according to needs identified through the cooperation between the implementing body and the relevant beneficiary.

2. Objective, scope and description of the contract

The overall objective of this service framework contract is to provide Flag State surveyors from the SAFEMED countries with training on main statutory requirements to be covered by the initial, annual, intermediate and periodical surveys as specified by the main IMO conventions. Therefore, the participants will be Flag State officials or maritime administrations' staff involved in the enforcement and implementation of the relevant international instruments; carrying out surveys, inspections and certification of ships, flying their respective flags, for conformity with the provisions of the relevant instruments; and/or involved monitoring of RO's. The course shall ensure that participants enhance their knowledge and understanding of the applicable international legislation, develop practical approach to ships' surveys and inspections.

2.2 Scope of the trainings

2.2.1 Training description

The maximum number of participants for each training session will be 15 persons. The training team will consist as minimum of two instructors. Each training session shall be delivered in 4 working days starting on Tuesday at 09:00 and finishing on Friday at 17:00. The training shall consist of a minimum of 26 hours and cover as a minimum the following areas:

1) Classification (half working day)

- What is classification
- Terminology used in ship surveys and common class notations
- Surveys: planning; annual; intermediate; special; machinery; dry-dock; tail shaft and in-water; damage and unscheduled, transfer of class; ESP; cargo gear

2) Statutory Requirements (three working days)

- Surveys and certificates:
 - o International Convention for the Safety of Life at Sea (SOLAS), as amended (focus on safety equipment, including LSA and FFA; safety construction, including structure, machinery and equipment)
 - o International Convention for the Prevention of Pollution from Ships (MARPOL), as amended (all surveys and certificates foreseen by Annexes into force)
- Introduction to SOLAS Chapter V (documentation, navigation equipment before and after 1st July 2002)

3) Statutory Requirements (cont.) (half a working day)

- Introduction to International Convention on Load Lines (LL) (general; conditions of assessment of freeboard; freeboard assignment)
- Introduction to International Convention on Tonnage Measurement of Ships (TONNAGE) (introduction; scope; excluded spaces; measurements and calculations; examples of calculations)

The contractor should promote a high degree of active participation by all officers attending the course.

Each training session shall start with a thorough assessment of participants' knowledge in the field of main statutory requirements under the international maritime instruments and end with an examination, to verify that the participants have acquired the knowledge delivered during the training.

In drafting the course programme, the contractor shall comply with the timing indicated by the Agency for each sub-part of the training Programme.

The proposed course syllabus both in English and French languages shall be included in the tender.

All offers not respecting the above mentioned minimum requirements for this training will not be considered for awarding.

2.2.2 Participants

Drafting and sending of the invitation letters will be done by EMSA. Only participants with adequate communication skills in English (for training sessions to be delivered in English language) or French (for training sessions to be delivered in French language) shall be invited. The list of all participants shall be sent to the contractor no later than one week before the start of each training session.

2.2.3 Location of the training

The trainings shall be delivered:

- at the EMSA's premises in Lisbon. Current premises of the Agency are in Praça Europa 4 (Cais do Sodre), 1249-206, Lisbon, Portugal.
- in one of the neighbouring countries at the venue designated by the relevant maritime administration of the countries falling under SAFEMED project.

2.2.4 Language of the training

The training and training material shall be delivered in English when delivered at the EMSA's premises. In such cases simultaneous translation into/from French can be provided by EMSA.

The training and all training materials shall be delivered in English or French as chosen by the relevant maritime administration when delivered in one of the neighbouring countries under SAFEMED project.

2.2.5 Notice of planned events

EMSA shall give 3 months' notice of the planned events, their location and the language of the training session, while their precise dates will be decided in agreement with the contractor at a later stage.

2.2.6 Additional requirements for training

When delivering the training the contractor shall provide copies of relevant textbooks, technical papers and course syllabus in English or French languages as relevant. All training materials shall bear the EU and EMSA logo.

EMSA or the hosting country will:

- provide adequate lecturing facilities;
- provide relevant equipment for the delivery of the lectures such as computer, beamer, flipchart, etc. ;
- provide stationery (notepads and pens for each participant).

3. Contract management responsible body.

The European Maritime Safety Agency – Unit B.0.2, in charge of Training and Cooperation – will be responsible for managing the contract.

4. Project Planning

The contractor shall provide EMSA with a report within 3 weeks after each training session is completed. The training session report shall contain as a minimum the following information:

- The number and names of participants,
- Daily signed by the participants' attendance list,
- Type of training,
- Topics covered,
- Detailed course evaluation based on the assessment of participants and results of the evaluation tests.

5. Timetable

The estimated date for signature of the contract is mid November 2014.

6. Estimated Value of the Contract

The maximum allocated amount for the contract is 114,000€ (one hundred-fourteen thousand) euros excluding VAT for a maximum number of 7 training sessions over the duration of the service framework contract i.e. until 15th June 2016 once renewable for a period of execution of tasks that corresponds to the duration of SAFEMED project but no longer than 4 years from the entry into force of this contract. Out of the 7 training sessions a maximum of 3 may be delivered in the SAFEMED countries.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft service framework contract** available on the Procurement Section under the call to tender **EMSA/OP/11/2014** on the EMSA website at the following address: www.emsa.europa.eu

8. Terms of contract

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

9. Financial guarantees

Not applicable

10. Sub-contracting

If the tenderer intends to either sub contract part of the work or realise the work in co-operation with other partners he shall indicate in his 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 selection criteria as specified in section 14.5 (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 is central to the capacity of the contractor to fulfil the contract and that it cannot be easily changed or replaced. 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 fulfils the criteria.

11. 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 point 14.5 & 15.1 of the present tender specifications.

The tenderer shall complete Tenderer's checklist.

If the tenderer intends to either sub contract part of the work or realise 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 and requested accompanying documentation, 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 Financial Form requested if such a form has already been completed and sent either to EMSA or any EU Institution previously. 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.

Part A: all the information and documents required by the contracting authority for the appraisal of tenders on the basis of the points **13, 14.2-14.3** 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 **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 **15.1** of these specifications;

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

12. Price

- Price for the provision of Trainings on Flag State Responsibilities & Authorisation of Recognised Organisations for SAFEMED beneficiaries shall be quoted per type of training session:
 - P1 = price of the provision of a single training in a SAFEMED country, and
 - P2 = price of the provision of a single training in EMSA premises in Lisbon to participants from SAFEMED countries;
- Prices must be quoted in Euro.
- 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.

13. Joint Offer

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (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 will be assessed in relation to each economic operator individually. Concerning the selection criteria 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.

14. 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

14.1 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

14.2 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.

14.3 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.

14.4 Economic and financial capacity – Selection criteria

Requirements:

- The tenderer must be in stable financial position and the 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.

14.5 Technical and professional capacity – Selection criteria

Requirements:

Instructors participating in this training should be professionally and academically qualified in the task and shall have experience in providing lectures on the topics referred to in point 2.2.1. The tenderer shall clearly indicate the name of the instructors delivering the training sessions in English language and those delivering in French language, providing evidence that they have already delivered such courses before in the relevant language.

Evidence:

The tenderer shall provide evidence of expertise in delivering training courses on Flag State Responsibilities & Authorisation of Recognised Organisations. Such evidence of the knowledge and experience in the field referred to in point 2.2.1 shall be provided on the basis of a list of courses which the tenderer has provided in the past three years (detailed list of trainings, certificates of accreditation, etc).

Tenderers should provide with their bid detailed curriculum vitae of each Instructor who will be delivering the training under the proposed contract. The curricula vitae shall include the educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills (English or French as relevant).

During the framework service contract the tenderer can propose the replacement of a proposed trainer with a new one having the equivalent qualification and skills. In such a case the tenderer will provide EMSA with the curriculum vitae including the educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills (English or French as relevant) of the trainer proposed for the replacement. However, trainers can only be replaced upon approval of EMSA.

15. Award criteria

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

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 ($W_1 = 50\%$)

Quality of the training programme, methodology for providing the course including the quality of practical exercises/case studies: the bid must include detailed syllabus, indicating at least the number of lectures and practical exercises (case studies) and/or other forms of providing the training, including a detailed description on the content and objectives of each topic, a description of the training materials provided;

2. Quality criterion 2 ($W_2 = 20\%$)

Quality of the training team: the bid must include a detailed description of the way in which the proposed team is to be organized in order to deliver expected results per topic, its reporting system and the team leader; the teachers involved per topic also have to be indicated in the bid.

and the price criterion and associated weighting:

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

The price is calculated as the scenario of the maximum number of training sessions under this framework contract: $W_{Price} = (3 \cdot P1 + 4 \cdot P2)$

P1 = price of the provision of a single training in a SAFEMED country

P2 = price of the provision of a single training in EMSA to participants from SAFEMED countries

Both P1 and P2 should be provided and it shall result in a W_{Price} that is $\leq 114.000\text{€}$

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

16. 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.

17. 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 14 and 15 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.

18. 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.