

Lisbon, 10 NOV 2014

## **INVITATION TO TENDER N°. EMSA/NEG/51/2014**

(Negotiated procedure with minimum 3 candidates)

Dear Sir/Madam,

The European Maritime Safety Agency (EMSA) is launching an invitation to tender regarding the creation of an internal training room on the 3<sup>rd</sup> floor of its main building.

1. Tenderers who wish to submit an offer are invited to send a bid to the Agency before the **24th November 2014 17h00** (Lisbon time). The offer should be duly signed by the authorised representative, scanned and submitted by e-mail to the following address: [NEG512014@emsa.europa.eu](mailto:NEG512014@emsa.europa.eu). The size of the mail may not exceed 12 Mb per one email. Please note that an original hard copy of the offer including all accompanying documentation will be requested from the company to which the contract is awarded.
2. Tenders must be
  - signed by the tenderer or his duly authorised representative;
  - perfectly legible so that there can be no doubt as to words and figures;
3. Period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect shall be until 31/12/2014.
4. Submission of a bid implies full acceptance of the draft contract attached to this invitation to tender and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. These requirements are binding on the tenderer to whom the contract is awarded for the duration of the contract.
5. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of technical and professional capacity and the draft contract are available under the Procurement Section relevant to the present call to tender on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)
6. Contacts between the contracting authority and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

**Before the final date for submission of tenders:**

At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing and sent to the following e-mail address: [NEG512014@emsa.europa.eu](mailto:NEG512014@emsa.europa.eu).

EMSA is not bound to reply to requests for additional information made less than five working days before the deadline for submission of tenders.

EMSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

Any additional information including that referred to above will be [published on EMSA website in the Procurement section]

After the opening of tenders

If clarification is required or if obvious clerical errors in the tender need to be corrected, EMSA may contact the tenderer provided the terms of the tender are not modified as a result.

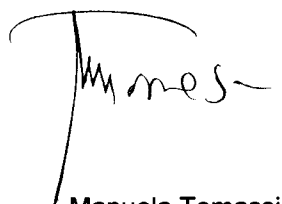
In case of negotiated procedure, EMSA may negotiate with tenderers the offers they have submitted, in order to adapt them to the requirements set out in tender specifications or any additional document and in order to find the tender offering best value for money. During negotiations equal treatment of all tenderers will be ensured.

7. **Site visits are recommended** and possible between 17/11/2014 and 19/11/2014. To request a visit please send a written request to [NEG512014@emsa.europa.eu](mailto:NEG512014@emsa.europa.eu) before 17/11/2014.
8. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation under the Financial Regulation section on the EMSA website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).
9. This invitation to tender is in no way binding on EMSA. EMSA contractual obligation commences only upon signature of the contract with the successful tenderer.
10. Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
11. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
12. Tenderers will be informed of the outcome of this procurement procedure by email or fax. It is the tenderers' responsibility to provide a valid email address and fax number together with your contact details in your tender offer and to check it regularly.
13. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
14. Processing your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Head of department Corporate Services. Details concerning processing of your personal data are available on the privacy statement "Information on personal data protection in procurement procedures" at: <http://www.emsa.europa.eu/about/personal-data-protection.html> Tenderers will be informed by the Agency whether or not their bids have been accepted.

15. Your personal data may be registered in the Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on: [http://ec.europa.eu/budget/library/explained/management/protecting/privacy\\_statement\\_ced\\_en.pdf](http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_ced_en.pdf) f)

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Tomassini', with a long vertical line extending downwards from the start of the signature.

Manuela Tomassini  
Head of Department  
Corporate Services

## **Tender Specifications attached to the Invitation to tender**

### **Invitation to tender N° EMSA/NEG/51/2014 for the Creation of an internal training room**

#### **1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC of the European Parliament and of the Council to contribute to the enhancement of European maritime safety. Among its tasks, the Agency needs to ensure the efficient internal functioning of the organization.

#### **2. Objective, scope and description of the contract**

The scope of this procurement is the creation of an internal training room on the 3rd floor of EMSA's main building.

The requirements are as follows.

- **Supply and assembly of steel partition walls (same as existing), composed of:**
  - 72 m2 of opaque steel panels (900mm x 3300mm) with mineral wool inside as acoustic insulation. The panels shall be maximum 82mm thick.
  - 10,53m<sup>2</sup> of glass modules with blinds
  - one opaque steel door

When closed, the walls should provide air sound insulation up to 48 dB Rw and fire resistance of EI 30.

At the moment EMSA uses Maars Metaline as partitions, and requires compatible materials for this work.

- **Supply and installation of one HVAC system composed of:**
  - one outdoor unit of 7,1kW
  - two indoor units of 3.5kW

including copper pipes with insulation, electrical connections and all other materials necessary for the proper functioning of the system.

- **Supply and installation of eight sets of two lamp holders, model TRC 2x28W BE, equipped with T5 lamps**
- **Supply and installation of electrical wiring to power the air conditioning machines and the new lamps**
- **Rerouting of 28 existing electrical cables and 28 network connections from side offices to the new room, including the whole wiring system with all necessary parts and full installation works.**

Tenderers are requested to submit a **project plan** with:

- a) The technical specifications of the proposed material for each item requested
- b) the proposed development of the tasks
- c) timeline of the works to be carried out
- d) number of days for the completion of the works

Annex 1 shows a plan of the floor and of the desired setting for the room.

Works shall include: the protection of the areas to intervene and the removal of surplus materials.

The contractor shall ensure that tasks are carried out without detriment to the general functioning of EMSA services and shall be responsible for any damage caused to the building. Tasks that involve occupied offices may have to be carried out on weekends or outside the Agency's working hours.

**Site visits are recommended** and possible between 17/11/2014 and 19/11/2014. To request a visit please send a written request to [NEG512014@emsa.europa.eu](mailto:NEG512014@emsa.europa.eu) before 17/11/2014.

### **3. Contract management responsible body.**

The European Maritime Safety Agency – Unit A.2.3, in charge of Facilities and Logistics – will be responsible for managing the contract.

### **4. Timetable**

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

Works should be executed within a maximum of 60 calendar days from the signature by both parties.

### **5. Estimated Value of the Contract**

The maximum budget available for this contract is of 35 000 Euro excluding VAT.

### **6. Terms of payment**

Payment will be made in accordance with the provisions of the draft Service Contract available in the Procurement Section under the call to tender EMSA/NEG/51/2014 on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

### **7. 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.

### **8. Subcontracting**

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 12.4 (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.

## **9. 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 12.4 & 13 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 (Join 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/Purchase Order 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](http://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](http://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 point 11 of these specifications (**Selection and Exclusion criteria**)

**Part B:** 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 12.4 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 **Award Criteria** set out under point 13 of these specifications;

**Part D:** setting out **prices** in accordance with **point 10** of these specifications.

## **10. Price**

- Price must be quoted for creation of an internal training room on the 3rd floor (as described in point 2) and shall include the costs of the all works and arrangements proposed, materials and transport.
- Prices must be fixed amounts and non revisable.
- Prices must be quoted in euro.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities, 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.

## **11. 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.

## **12. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum technical and professional capacity required**

### **12.1. Legal position – means of proof required**

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu).

### **12.2. Grounds for exclusion – Exclusion criteria**

To be eligible to participate 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 Communities' financial interests;
- (f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

### 12.3. 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](http://www.emsa.europa.eu)) shall be completed and signed.

### 12.4. Technical and professional capacity – Selection criteria

Requirements: List of similar works done in the last two years.

Evidence: References of the contact point in the companies where the works were performed.

## 13. 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: Compliance of the proposed materials and equipment with the ones existing presently in EMSA as described in point 2 ( $W_1 = 15\%$ ),
  2. Quality criterion 2: Quality of the project plan as described in point 2 ( $W_2 = 15\%$ ),
- and the price criterion and associated weighting:
3. Price of the bid ( $W_{Price} = 70\%$ ).

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

$$S = SQ + SP$$

where:

The average quality for quality criterion  $i$  is

$$Q_i = \frac{1}{\text{number of evaluators}} * \sum_{\text{evaluator}} \text{mark of the evaluator for quality criterion } i$$

The overall weighted quality is

$$Q = \sum_i Q_i * W_i$$

The score for quality is

$$SQ = \frac{Q}{Q \text{ of the bid with highest } Q} * 100 * \sum_i W_i$$

The score for price is

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

Only bids that have reached a minimum of 50 % for  $Q_1$ , a minimum of 50% 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.

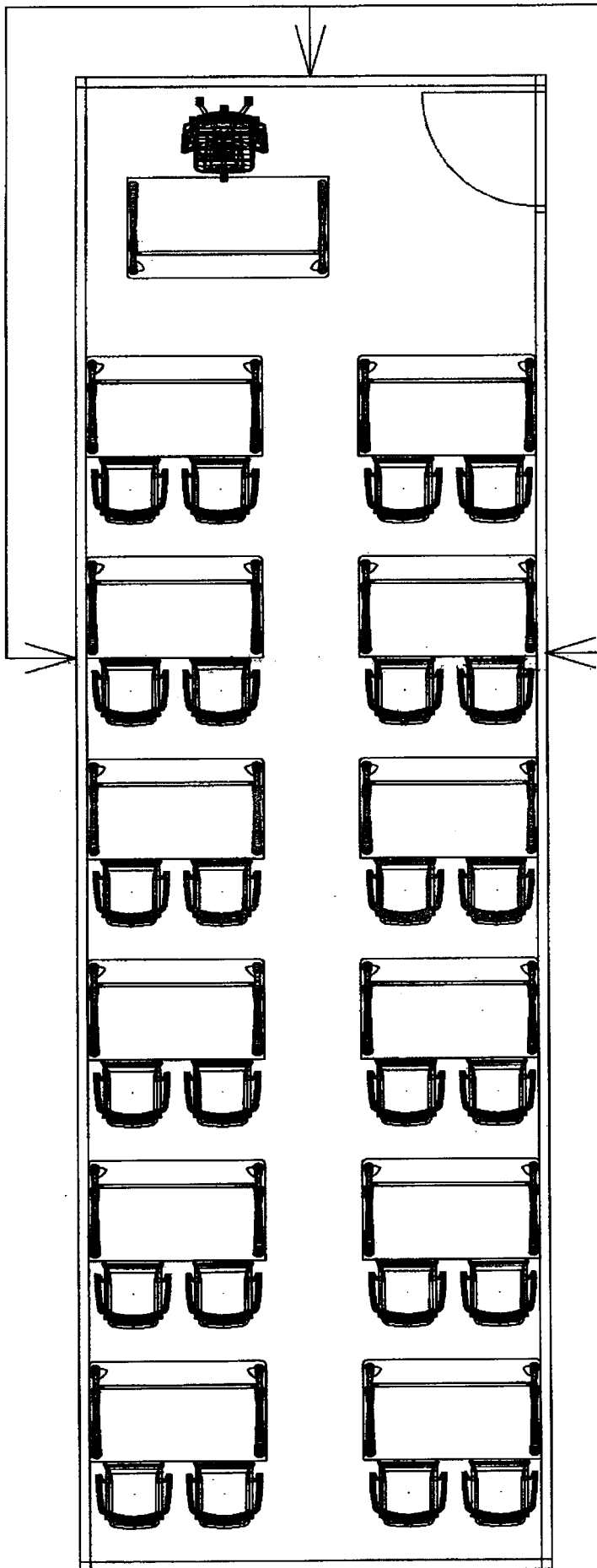
**14. Contracts will not be awarded to tenderers who during the procurement procedure:**

- (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.

**15. 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 12 and 13 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure 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.

Annex 1



Partitions metal opaque finishings

Partitions whit double glass and interior curtain

