

Tender specifications attached to the Invitation to tender

Invitation to tender EMSA/NEG/40/2015 for the supply of personal protective equipment (PPE) and associated services

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002 for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of ship-sourced pollution. In 2004, with Regulation 724/2004, EMSA was additionally tasked with oil pollution response activities and as a result, developed its Action Plan for Oil Pollution Preparedness and Response.

The European Council Decision of December 13 2003 established the final headquarters of the European Maritime Safety Agency in Lisbon, Portugal.

Article 15.2(c) of Regulation 1406/2002 establishes that the Executive Director "shall take all necessary steps... to ensure the functioning of the Agency in accordance with provisions of this Regulation." Among its tasks, the Agency needs to ensure the efficient internal functioning of the organization; in this scope it is important to assure simple and swift channels to acquire personal protective equipment for EMSA staff on the missions.

2. Objective, scope and description of the contract

2.1 Objective

The objective of this tender is to conclude a framework contract with a single contractor to supply personal protective equipment – PPE (including the regular protective clothing and the equipment from the list below – and ad hoc equipment) as well as associated services, i.e. maintenance of purchased equipment, namely multi-gas monitors, personalisation of the personal clothing etc.

2.1.1 Regularly requested PPE

The range of PPE the Agency is looking to purchase over a four year period shall include, but is not limited to, the below items:

- a) Safety boots or shoes
- b) Boiler Suits
- c) Light weight Boiler Suit
- d) Shirts
- e) Polo shirts
- f) Trousers
- g) Anoraks
- h) High visibility vests

- i) Gloves (two types)
- j) Safety Glasses
- k) Safety Glasses to fit over prescription spectacles
- l) Ear Protectors (two types)
- m) Helmets
- n) Respiratory Filters
- o) Multi-gas monitors
- p) Flashlights
- q) Disposable protective coverall
- r) Holdall for PPE (two types)

In order to simplify the evaluation and requests the regularly requested PPE items are grouped as follows (the detailed composition is described in Annex C):

- Kit B
- Kit C
- Additional equipment
- Maintenance services

The proposed PPE must meet the minimum mandatory specifications outlined in Annex B as well as the additional requirements outlined below:

- Technical sheets/description of: safety glasses; ear protectors; helmet; respiratory filters; multi-gas monitor; flashlight and disposable protective coverall must be supplied per product.
- For the selected items the broidery/printed EMSA logo according to EMSA corporate logo guidelines must be prepared (please refer to the Annex A and Annex B)
- For the personal protective clothing the in house visit to take measurements for every kit is requested. The exact date and time of the visit will be agreed after signature of the Framework contract and before each specific request (Order Form)

The requirements set out in Annex B and above should be considered as minimum requirements for participating in the call for tender. It should be noted that any bids failing to meet these requirements may be rejected.

2.1.2 Ad hoc PPE

In addition to the above, the tenderers are requested to provide, upon request, an offer for a one-off purchase of any other item of PPE:

- a) That will be chosen from the contractor's catalogue

The tenderer shall include a catalogue (paper version and /or electronic version, which shall contain a large range of items with a full description, mentioning the model, characteristics and price)

OR

- b) The successful tenderer shall provide a quotation upon request from the Agency.

2.2 Associated services

2.2.1 Maintenance

The tenderer should ensure that all of the supplied PPE will be properly maintained in accordance with the manufacturer's instructions (price for spare parts to be quoted upon EMSA request).

In detail, for multi-gas monitors it should include:

- Sensor calibration 2 times per year for every unit
- Maintenance, including sensors exchange and upgrade on request
- Possibility to customize the gas meter according with EMSA request

The tenderer shall also be requested to provide technical assistance and advice upon EMSA request, without any additional cost to the Agency.

2.3 Delivery

The Contractor shall deliver any ordered PPE within a maximum of six (6) weeks from the signature of the Order Form by the last contracting party, unless a different date will be specified on the Order Form.

The goods shall be delivered, to a pre-agreed location, on any EMSA working day during the Agency's normal working hours (Monday – Friday from 09:00 to 17:00h). The exact date of delivery shall be confirmed by the contractor two (2) days in advance of the delivery. All deliveries shall be accompanied by delivery notes and shall include the Order Form number, the model reference and the quantities delivered.

2.4 Warranty

The tenderer shall offer a minimum warranty period of two (2) years for flashlights, holdalls and multi-gas monitors.

3. Contract management responsible body

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

4. Project Planning

Not applicable

5. Timetable

The estimated date for signature of the contract is December 2015

6. Estimated Value of the Contract

The maximum budget available for this contract is of 50,000 Euro, excluding VAT, for the whole duration of the contract.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft framework supply contract** available on the Procurement Section under the call to tender EMSA/NEG/40/2015 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 **framework supply 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. 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).

The tenderer must provide required evidence for the exclusion and selection criteria on its own behalf and when applicable on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the tenderer relies on the capacities of subcontractors to fulfil selection criteria¹. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors as a whole fulfil the criteria.

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 point 14 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.

¹ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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** 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 **Technical and professional capacity** (part of the Selection Criteria) set out under point **13.5** 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 **14** of these specifications;

Part D: setting out **prices** in accordance with **point 11** of these specifications.

11. Price

- Prices for the supply of PPE and associated services for each item described in Annex B that shall include delivery and transportation costs and logo printing /embroidery.
- Prices must be quoted in Euro.
- Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
- 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 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.

13. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum 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

Not applicable

13.5 Technical and professional capacity – Selection criteria

Requirements:

The ability of service providers to perform services will be assessed in particular with regard to their experience and reliability.

Evidence:

Evidence of the technical and professional capacity of the providers involved in the tender must be provided on the basis of the following documents:

- a) List of clients to which similar goods as requested in this call for tenders, were provided in the past two years.

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 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:

Quality criteria:

1. Quality for the proposed items ($W_1 = 35\%$) – samples of the kit B and kit C to be provided for the individual evaluation
2. Number of days for the kits delivery ($W_2 = 15\%$)

and the **price criterion** and associated weighting:

3. Price of the bid ($W_{\text{Price}} = 50\%$): the price will be evaluated based on the following scenario :

| Item | No of item | Item price | Subtotal (No of item* Item price) |
|--|------------|------------|--------------------------------------|
| a) Total price per Kit B | 10 | | |
| b) Total price per Kit C | 11 | | |
| c) Total price for additional equipment | 1 | | |
| d) Total price maintenance | 1 | | |
| Evaluation price = 11*a) + 10*b) + c)+ d) | | | |

The scenario components of the Kit B , Kit C and additional equipment and maintenance services are clearly described in the tables in Annex C and it is mandatory for the tenderer to fill in the tables in the Annex C

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.

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 point 13 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant procedure shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation (EU) No 1268/2012 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.