

Tender specifications

Attached to the Invitation to tender

Invitation to tender no. EMSA /OP/02/2016 for a Study on the Management of Ship-Generated Waste On-board Ships

1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety. Among its tasks, the Agency, under Article 2 of this regulation, shall assist the Commission:

(a) in the preparatory work for updating and developing relevant legal acts of the Union, in particular in line with the development of international legislation; and,

(c) in the analysis of on-going and completed research projects relevant to the objectives of the Agency; this may include the identification of possible follow-up measures resulting from specific research projects;

At the present time EMSA is assisting the Commission in its work on the potential revision of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues. In this respect EMSA is acting as Technical Secretariat for the Port Reception Facilities Sub-Group under the European Sustainable Shipping Forum (ESSF); supporting the Commission during the REFIT Exercise on the Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues (PRF Directive); and, compiling Technical Recommendations which will support the forthcoming Commission Interpretative Guidelines for Directive 2000/59/EC.

One of the issues that has been raised during this work, and has not yet been properly addressed, is the average quantity of all types of Ship-Generated Waste (SGW) that is produced on board vessels by ship type and how it is managed. This issue has been identified by the ESSF PRF Sub-Group as a key factor for the proper evaluation of the PRF Directive. Existing figures are outdated, and, inevitably do not reflect new developments in energy efficiency and fuel use.

2. Objective, scope and description of the contract

2.1 Objective

The objective of the contract can be defined as follows:

i). To provide a detailed review of the waste practices and management of ship generated waste on-board on the range of ships visiting EU ports. This should include cruise ships, oil tankers, gas carriers, bulk carriers, container vessels, ro-ro cargo vessels, car carriers, ferries, recreational craft and fishing vessels.

¹ 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.).

ii) To provide average quantities of different types of waste being generated on board of ships.

iii). To provide a comprehensive review of the present technologies and methods being used to reduce SGW produced by ships.

2.2 Scope

The scope of the contract covers the following tasks:

i). The contractor shall provide a detailed review of the waste practices and management of ship generated waste ships visiting EU ports. Comprehensive on-board waste audits for the different types of ship listed under the objectives should be undertaken, which will result in:

- identification of the waste practices utilised on-board, including the practice of keeping SGW on-board when the vessel has sufficient capacity to store the SGW, and the justification for opting for these practices;
- identification of best practises in SGW management for the different types of ship listed in the objective;
- the development of industry wide approximations of the amount of SGW produced (by period of time or by distance travelled) on board of the different types of ship listed in the objective. This should also be broken down into different sizes of vessels or by number of passengers as appropriate (i.e. if the waste significantly increases with the size of the vessel) and be obtained from ship using two distinctly different ports;
- based on these approximations, the development of indicative waste flow diagrams for each of the different types of ship listed in the objective, showing the source, movement and fate of SGW on a example vessel, including incineration, legal discharges and landing waste to port reception facilities; and,
- an audit of the advanced waste notification forms, as required by Directive 2000/59/EC, from at least thirty ships landing SGW (from at least two ports in different EU Member States that differ in respect to the types of ships, cargo and hinterland) to ascertain the difference between what is notified and what is actually delivered in port. The notifications used should refer to the delivery of all types of SGW, as well as to the practice of keeping some SGW on board because the ship has sufficient capacity to do so. These audits should be undertaken on at least two vessels of each ship type listed in the objective and should include an analysis of the fate of the SGW kept on board the vessel. The audits should be supplemented through research and data gathering from the shipping industry as appropriate. This work should cover the all types of SGW as defined in Directive 2000/59/EC.

ii). Through research and liaison with the shipping, ports and waste handling and disposal industries, the contractor shall provide a comprehensive review of the present technologies and methods being used to reduce SGW produced by ships. This should include methods being used in the entire logistics chain supplying ships and include methods to reduce, re-use, recycle and recover waste.

3. Contract management responsible body

EMSA– Unit B.3.2, Marine Environment will be responsible for managing the contract.

4. Project Planning and Timetable

The estimated date for signature of the contract is early May 2016.

Kick off Meeting (either in Lisbon or via video/telephone conference).	Early May 2016
Update Reports – 1 page progress update	End of June and July
Interim Report	End September 2016
Final Report	Mid to end October 2016

The project will also require a presentation of the final results to be given to the ESSF Sub-Group Meeting which is held in Brussels.

5. Estimated Value of the Contract

The maximum budget available for this contract is EUR 90,000 excluding VAT.

6. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft contract** available in the Procurement Section under the call to tender EMSA /OP/02/2016 on EMSA's website (www.emsa.europa.eu).

7. Terms of contract

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

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

8. Financial guarantees

Not Applicable

9. Subcontracting

If the tenderer intends to either subcontract 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. It should be noted that the 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 criteria². 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. However, as the main working language of the Agency is English, bids should preferably be submitted in English and should in particular include an English version of the documents requested under points 14.5 and 15 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.³

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 (Joint Offers) he shall indicate it in his offer by completing the form "Information regarding joint offers and subcontracting".

The tender must be presented as follows and must include:

- a) A signed letter** indicating the name and position of the person authorised to sign the contract and the bank account to which payments are to be made.
- b) The Financial Form** completed, signed and stamped. This document is available on the Procurement Section (Financial Form) of EMSA's website (www.emsa.europa.eu)
- c) The legal Entity Form** completed, signed and stamped along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu)

Tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already previously been 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.

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 and 14.6** of these specifications (part of the exclusion criteria).

² To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

³ 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).

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** of these specifications.

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

11. Price

- a) The price for the Study of the Management of Ship-Generated Waste On-board Ships shall include all costs related to the project.
- b) The price must be quoted in Euro.
- c) The prices must be fixed amount, non-revisable and remain valid for the duration of the contract. Estimated travel and daily subsistence allowance expenses must be indicated separately
- 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 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 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 in the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

13.2 Grounds for exclusion - exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract ;
- c) it is subject to a final judgement or a final administrative decision establishing that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii. entering into agreement with other persons with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making process of the contracting authority during the award procedure;
 - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure ;
- d) it is subject to a final judgement establishing that the person is guilty of any of the following:
 - i. fraud
 - ii. corruption
 - iii. participation in a criminal organisation
 - iv. money laundering or terrorist financing
 - v. terrorist-related offences or offences linked to terrorist activities
 - vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it is subject to a final judgement or a final administrative decision establishing that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
 - i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the

- responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
- ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
- iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
- iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
- v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

13.3 Legal and regulatory capacity – Selection criteria

13.3.1 Requirements:

- a). The tenderer must have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

13.4 Economic and financial capacity – Selection criteria

13.4.1 Requirements:

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

13.5 Technical and professional capacity – Selection criteria

13.5.1 Requirements:

The successful company will have the following:

- i. Knowledge of the legislation controlling SGW in the EU and the IMO, gained through experience of working in the waste and the shipping industry, specifically on waste practices utilised on-board and technologies and methods being used to reduce SGW produced by ships;
- ii. Knowledge of the Health and Safety risks of working in port and on ships;
- iii. Proven links with the shipping, waste and ports industries and the Member States where this research will take place;
- iv. The ability to collate information and form conclusions from a wide range of sources; and,
- v. Experience of auditing, preferably in the field of waste management;

13.5.2 Evidence:

The contractor should provide evidence

- i. of projects in the waste industry, specifically on waste practices utilised on-board ships and technologies and methods being used to reduce SGW produced by ships;

- ii. of their in-house health and safety policy;
- iii. that they have an arrangement with one or more shipping companies in order to gain access to the operations to of the ship and with port and Member States to get access to notifications. Links with industry bodies are also important. Any arrangements should be evidenced by appropriate documents;
- iv. of auccessfully completed projects that involve the collection, handling and analysis of large amounts of data;
- v. of previous projects which have included auditing.

13.6 Evidence to be provided by the tenderers

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

14 Award criteria

The contractor should provide a detailed methodology on how they plan to fulfil the objectives and the scope of this study. 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: Quality and relevance of the methodology set out to meet the objectives and scope of this tender ($W_1 = 20\%$);
2. Quality criterion 2: Quality of the proposed organisation of the work required to undertake this study, and the detailed methods that are proposed to meet the of tasks to fulfil its objectives and scope. ($W_2 = 20\%$);
3. Quality criterion 3: Efficiency and effectiveness of proposed data-collection/collation and analysis; ($W_3 = 20\%$);

And, the price criterion and associated weighting:

4. Price of the bid ($W_{Price} = 40\%$).

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 and a minimum of 60 % for Q_3 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. 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 where this entails a distortion of competition that cannot be remedied otherwise.

16. 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.

17. Special negotiated procedure under Article 134(1)(e) RAP

EMSA may at a later stage exercise the option to increase the estimated value of the contract via negotiated procedure with the successful tenderer in accordance with Article 134(1)(e) of the Rules of Application to the Financial Regulation.