

## Tender Specifications

### Attached to the Invitation to tender

#### Invitation to tender No. EMSA/NEG/36/2017 for Supply and maintenance of safety equipment

##### 1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup> for the purpose of ensuring a high, uniform and effective level of maritime safety.

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

The objective of the contract is to establish Service Contract for supply of safety equipment, preventative and corrective maintenance of fireproof partitions, fireproof doors, fire hoses, fire hoses pumping system and foam fixed fire extinguishing system, for the EMSA premises located at Praça Europa 4, 1249-206, Lisbon, Portugal.

##### 2.1 Supply of safety equipment

The Contractor must have the technical capacity to supply: foam & water, carbon dioxide (CO<sub>2</sub>) and dry powder fire extinguishers, fire hoses, the required signage or any other safety equipment and accessories required by EMSA.

**Note: Please fill in Annex A “Compliance Matrix”.**

##### 2.2 Preventative maintenance

##### 2.2.1 Preventative maintenance on existing fireproof partitions and fireproof doors

Hands on preventative maintenance shall be done for 21 fireproof partitions, 37 single fireproof doors and 33 double fireproof doors.

Main elements to be checked:

- Proper functioning of fire door and sliding gate closing mechanisms;
- Maintenance of fire door characteristics, including proper upkeep of intumescent strips;
- Maintenance of fire seals in the intersections of parts with burning behaviour characteristics.

##### 2.2.2 Preventative maintenance on fire hose reels

Hands on preventative maintenance shall be done for 25 units as described below:

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<sup>1</sup> 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.).

Main elements to be checked:

- Check the pipe system, fixings and sealing;
- Cleaning of equipment and accessories;
- Check for any deficiencies or tears in semi-rigid hoses;
- Check nozzle lubrication.

### **2.2.3 Preventative maintenance on fire extinguishers**

Hands on preventative maintenance shall be done for: 55 foam & water, 18 carbon dioxide (CO2), 4 6kg dry powder and 3 50Kg dry powder fire extinguishers.

Main elements to be checked:

- The outer part of the extinguisher is in good condition;
- The pressure is correct;
- The handling instructions are legible;
- Recharge if needed.

### **2.2.4 Preventative maintenance on Grundfos pumping system**

Hands on preventative maintenance shall be done for: 1 "Jockey" pump, 1 electric pump and 1 diesel pump

Main elements to be checked:

- The serviceability of alarm devices for minimum and maximum tank levels;
- The cleanliness of the tank suction filter parts;
- The serviceability and sealing of the constant-level valve in the tank;
- The serviceability and sealing of the constant-level valve in the tank;
- The internal cleanliness of the tank to avoid damage to the pump impellers.

### **2.2.5 Preventative maintenance on foam fixed fire extinguishing system**

Hands on preventative maintenance shall be done for 2 units as described below.

Main elements to be checked:

- Check distribution circuit;
- Check/detect leaks;
- Visual check;
- Signage;
- Check valves serviceability, (open/close);
- Check pressure;
- Check general condition;
- Use tools and parts factory approved;
- Check control elements;
- Check fixing elements.

The supply of safety equipment, preventative and corrective maintenance described under points 2.1 & 2.2 shall be in line with Portuguese National Legislation, namely: DL 220/2008, republished by DL 224/2015, P 1532/2008 and NT ANPC.

The preventative maintenance described under point 2.2 shall also include transportation of contractor's staff to the place of performance of the maintenance.

New equipment supplied under this contract, namely foam & water, carbon dioxide (CO2) and dry powder fire extinguishers, fire hoses, the required signage or any other safety equipment and accessories required by EMSA shall also be included in the preventative maintenance services.

The contractor shall perform a preventative maintenance at minimum once per year.

### **2.3 Corrective maintenance:**

The contractor shall perform a corrective maintenance depending on immediate needs.

The corrective maintenance shall include:

- Hands on corrective maintenance;
- Transportation of contractor's staff to the place of performance of the maintenance.

### **2.4 Supply of replacement and spare parts**

The contractor shall supply any replacement and spare parts necessary to carry out the corrective maintenance.

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

A.2 in charge of Legal, Financial & Facilities Support - will be responsible for managing the contract.

## **4. Project Planning**

The Service Contract shall enter into force on **17/01/2018** if it has already been signed by both parties.

The preventative maintenance shall be done at least once per year, starting from the year 2018.

For the total duration of the contract, minimum 4 preventative maintenance inspections are foreseen - in 2018, 2019, 2020 and 2021.

The exact dates of the preventative maintenance inspections will be agreed later on.

The performance of the corrective maintenance depends on needs.

## **5. Timetable**

The estimated date for signature of the contract is January 2018.

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

The maximum budget available for this contract is **EUR 25000** excluding VAT.

## **7. Terms of payment**

Payments 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/36/2017 on EMSA's website. ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

## **8. Terms of contract (purchase order)**

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

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

## **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 criteria<sup>2</sup>. 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 13.3 and 14 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.<sup>3</sup>

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 (Join 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:

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

<sup>3</sup> 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).

- a) **A 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.
- 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](http://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](http://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 9, 12 and 13.2 of these specifications (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 13.3 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**

- a) Price must be quoted for Supply and maintenance of safety equipment preventative and corrective maintenance of fireproof partitions, fireproof doors, fire hoses, fire hoses pumping system and foam fixed fire extinguishing system shall include:
  - Price for the **supply** of safety equipment mentioned in point 2.1 (scenario built for evaluation purpose only):
    - 10 foam & water 6L ABF (ZAP6) class fire extinguishers;
    - 10 carbon dioxide (CO2) 5Kg B class fire extinguishers;
    - 10 dry powder 6Kg ABC class fire extinguishers;
    - 10 dry powder 50Kg ABC class fire extinguishers;
    - 10 fire hose reels DN 25, length; 30 meters.
  - Price for **preventative maintenance per year** as described in point 2.2, including transportation of contractor's staff to the place of performance of the maintenance:

- On existing fireproof partitions, fireproof doors including all above mentioned elements in point 2.2.1;
  - On fire hose reels including all above mentioned elements in point 2.2.2;
  - On fire extinguishers including all above mentioned elements in point 2.2.3;
  - For Grundfos pumping system including all above mentioned elements in point 2.2.4;
  - On foam fixed fire extinguishing system including all above mentioned elements in point 2.2.5.
- Price for **corrective maintenance** as describe in point 2.3, including transportation of contractor's staff to the place of performance of the maintenance: the tenderer shall present price per man hour of corrective maintenance.
- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) 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.

## 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 tenderer and information and formalities necessary for the evaluation of the minimum economic, financial, technical and professional 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** available on the Procurement Section of EMSA's website ( [www.emsa.europa.eu](http://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 Technical and professional capacity – Selection criteria**

Requirements:

The tenderer must have relevant technical and professional capacity to provide preventative and corrective maintenance services on the safety equipment as mentioned in point 2 above and a proven experience of at least the last two years. It also shall comply with all Portuguese Legislation including but not limited the DL 220/2008, republished by DL 224/2015, P 1532/2008 and being accredited from ANPC (Autoridade Nacional de Proteção Civil).

Evidence:

- The tender must present a list of clients for at least the last two years;
- Proof of registration at the Portuguese ANPC (Autoridade Nacional de Proteção Civil).

### **13.4 Declaration of Honour**

For this purpose, the Declaration of Honour available in the Procurement Section of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) shall be completed and signed.

## **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:

1. Quality criterion 1 ( $W_1 = 25\%$ ), Proposed preventative and corrective maintenance plan including scheduling of preventative maintenance, means of communication and response time in case of need for corrective maintenance;
2. Quality criterion 2 ( $W_2 = 25\%$ ), Quality of the safety equipment as in accordance with the Annex A – Compliance Matrix;

and the price criterion and associated weighting:

3. Price of the bid ( $W_{Price} = 50\%$ ).

The price of the bid shall be determined as follows:

- a) Price for the supply of 10 Foam & water ABF (ZAP6) class fire extinguisher;
- b) Price for the supply of 10 carbon dioxide (CO2) 5Kg B class fire extinguishers;
- c) Price for the supply of 10 dry powder 6Kg ABC class fire extinguishers;
- d) Price for the supply of 10 dry powder 50Kg ABC class fire extinguishers;



- e) Price of the supply of 10 fire hose reel DN 25, length; 30 meters;
- f) Price of one year preventative maintenance for fireproof partitions and doors;
- g) Price of one year preventative maintenance for fire hose reels;
- h) Price of one year preventative maintenance for fire extinguishers;
- i) Price of one year preventative maintenance for grundfos pumping system;
- j) Price of one year preventative maintenance for foam fixed fire extinguishing system;
- k) Price for one man hour of corrective maintenance.

Evaluation total price=(10x a)+(10x b)+(10x c) +(10x d) +(10x e) +(1x f)+(1xg)+(1xh)+(1xi)+(1xj)+(1xk)

**Note: Please fill in table in Annex B “Financial proposal”.**

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

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

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. 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 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.

## Annex A “Compliance Matrix”

Specifications		Yes/No	Dimensions or additional description
<b>Supply of Foam &amp; water ABF (ZAP6) class fire extinguishers with the following characteristics:</b>			
Can be used on class A, B, F and electrical fires			
Service pressure	15 bar		
Capacity	6L		
Weight	not more than 10 kg		
Propellant	nitrogen		
Extinguisher Rating	27A 233B 75F		
Operating temperature	+5°C/+60°C		
Operating time	42s		
Dimensions	598x180mm (hxd)		
100% environmentally friendly with no harmful chemical residue			
35kV Di-electrical safety test pass			
Prove of approved manufacturing process			
CE approved and related Certifications			
Supplied complete; with pressure gauge, anti-corrosion treatment, delivery and local distribution			
Warranty	5 Year Manufacturer's		

Specifications		Yes/No	Dimensions or additional description
<b>Carbon dioxide (CO2) 5Kg B class fire extinguishers</b>			
Can be used on class A, B and E			
Maximum service pressure	174 bar		
Capacity	5Kg		
Weight	not more than 15 kg		
Propellant	Carbon dioxide (CO2)		
Extinguisher Rating	89B		
Operating temperature	-20 to +60°C		
Dimensions	745x136mm (hxd)		
Prove of approved manufacturing process			
CE approved and related Certifications			
Supplied complete; delivery and local distribution			
Warranty	2 Year Manufacturer's		

Specifications		Yes/No	Dimensions or additional description
<b>Dry powder 6Kg ABC class fire extinguishers</b>			
Can be used on class A, B, C and E up to 50.000V			
Service pressure	15 bar		
Capacity	6Kg		
Weight	not more than 11 kg		
Propellant	nitrogen		
Extinguisher Rating	34A-233B-C		
Operating temperature	-20 to +60°C		
Operating time	16s		
Dimensions	529x150mm (hxd)		
Prove of approved manufacturing process			
CE approved and related Certifications			
Supplied complete; with pressure gauge, durable polyester powder paint finish & anti-corrosion treatment, delivery and local distribution			
Warranty	5 Year Manufacturer's		

Specifications		Yes/No	Dimensions or additional description
<b>Dry powder 50Kg ABC class fire extinguishers</b>			
Can be used on class A, B, C and E up to 35.000V			
Service pressure	15 bar		
Capacity	50Kg		
Weight	not more than 90 kg		
Propellant	nitrogen		
Extinguisher Rating	144A-610B-C		
Operating temperature	-20 to +60°C		
Operating time	40s		
Dimensions	950x315mm (hxd)		
Prove of approved manufacturing process			
CE approved and related Certifications	ISO 9002		
Supplied complete; with pressure gauge, durable polyester powder paint finish & anti-corrosion treatment, delivery and local distribution			
Warranty	5 Year Manufacturer's		

Supply of fire hose reels with the following characteristics:			
DN 25 water hose			
Length	30 meters		
Certifications and characteristics in line with the Portaria nº 1532/2008			
Built-in hose reels, without cabinet	rotating type		
Including transport, removal of the old fire hoses and installation			

## Annex B “Financial proposal”

Item	Number of units	Price per unit	Price offer = Number of units x Price per unit
a) Price for the supply of foam & water ABF (ZAP6) class fire extinguisher	10		
b) Price for the supply of carbon dioxide (CO2) 5Kg B class fire extinguishers	10		
c) Price for the supply of dry powder 6Kg ABC class fire extinguishers	10		
d) Price for the supply of dry powder 50Kg ABC class fire extinguishers	10		
e) Price of the supply of fire hose reel	10		
f) Price of one year preventative maintenance for fireproof partitions and doors	1		
g) Price of one year preventative maintenance for fire hose reels	1		
h) Price of one year preventative maintenance for fire extinguishers	1		
i) Price of one year preventative maintenance for grundfos pumping system	1		
j) Price of one year preventative maintenance for foam fixed fire extinguishing system	1		
k) Price for one man hour of corrective maintenance	1		
<b>Evaluation total price=(10xa)+(10xb)+(10xc) +(10xd) +(10xe) +(1xf)+(1xg)+(1xh)+(1xi)+(1xj)+(1xk)</b>			

Please provide price under each price category. Should you fail to do so, this could lead to the rejection of the offer at the evaluation stage.