

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/21/2019 for HACCP audit services

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 needs to ensure the efficient internal functioning of the organization; in this scope it is important to assure simple and swift channels to acquire auditing services on food safety, so as not to compromise the normal daily work.

2. Objective, scope and description of the contract

The objective of this procurement procedure is to establish a Framework Service Contract for the provision of auditing services on Hazard Analysis and Critical Control Points (HACCP), as well as associated services, i.e. transport costs, applicable insurances and audit reports, for the EMSA premises located at Praça Europa 4, 1249-206, Lisbon, Portugal.

2.1 Scope

The audit services shall comply with Regulation (EC) N° 853/2004 of the European Parliament and of the Council of 29 April 2004, on the hygiene of foodstuffs, ensuring a high level of consumer protection with regard to food safety.

Hazard Analysis and Critical Control Points (HACCP) system is a risk assessment method that helps to identify the critical points to food safety and to take the necessary steps to ensure that they are adequately controlled. Below the HACCP principles which the tenderer shall comply with for the provision of the auditing services purchased under this procurement:

- a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
- b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels;
- c) establishing critical limits at critical control points that separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- d) establishing and implementing effective monitoring procedures at critical control points;

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.).

- e) establishing corrective actions to be taken when monitoring reveals that a critical control point is not under control;
- f) establishing procedures, to be carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
- g) establishing documents and records to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

2.2 Audit services

The contractor shall perform appropriate actions, controls and evaluations based on a scientific risk assessment as per point 2.1, including:

- a) Undertaking microbiological sampling and examinations of food handler and/or working surfaces in compliance with ISO 18593:2004 or equivalent;
- b) Undertaking end-product sampling for accredited laboratory testing in compliance with ISO 4833-1:2013, ISO 21528-2:2004 and ISO 6888-2:1999/Amd.1:2003 or equivalent;
- c) Analysis and confirmation that the controls, monitoring and corrective actions are being properly applied;
- d) Analysis of deviation from the critical limits;
- e) Ensuring that the personnel carrying out the verification activities have the appropriate qualifications, training and experience to undertake the verification activity.

A comprehensive audit report, including results of laboratory tests, shall be provided by the contractor following each scheduled audit.

2.3 Emergency audit services on call basis

In case of need, the contractor shall collect end-product samples for accredited laboratory testing in compliance with ISO 4833-1:2013, ISO 21528-2:2004 and ISO 6888-2:1999/Amd.1:2003 or equivalent.

A comprehensive audit report, including results of laboratory tests, shall be provided by the contractor following each audit on an on-call basis.

2.4 Associated services

The services provided under points 2.2 and 2.3 shall cover any associated services, including the following:

- a) Transportation of contractor's staff to EMSA premises;
- b) Transportation service to and from the contractors' facilities, if required.

Tenderers are encouraged to add their full-service catalogue to the bid.

3. Contract management responsible body

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

4. Project Planning

For the total duration of the Framework Service Contract, a minimum of eight audit services for the whole duration of the contract (maximum 4 years) are foreseen at dates to be agreed upon between the contractor and EMSA.

Emergency on-call basis services may be purchased under the provisions of the Framework Service Contract and interventions shall take place immediately after their request by EMSA, within 1-2 working days, depending on the urgency.

5. Timetable

The estimated date for signature of the contract is end of June 2019.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 10000 excluding VAT for the maximum duration of 4 years.

7. Terms of payment

Payments will be made in accordance with the provisions of the draft Framework Service Contract available in the Procurement Section under the call to tender EMSA/NEG/21/2019 on EMSA's website (www.emsa.europa.eu).

8. Terms of contract (purchase order)

When drawing up a bid, the tenderer shall bear in mind the terms of the draft Framework 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 it shall indicate in its 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 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 selection criteria, the evidence provided will be checked to ensure that the tenderer and its subcontractors, as a whole, fulfil the criteria.³ However, the selection criteria may apply individually where it is relevant in view of their nature.

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.

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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 shall, in particular, include an English version of the documents requested under points 13.2 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.⁴

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) it shall indicate it in its offer by completing the form "Statement of Subcontracting / Joint Offer". This document is available on the Procurement Section / Calls for Tenders (Documents for tenderer) of EMSA's website (www.emsa.europa.eu).

The tender must be presented as follows and must include:

- a) A signed **cover letter** indicating the name and position of the person authorised to sign the contract/purchase order, the bank account on which payments are to be made and the email address to be used for contacts during the procurement procedure.
- b) **The Financial Identification Form completed**, signed and stamped. This document is available on the Procurement Section (Financial Identification 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 Identification 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 shall 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 and 12 of these specifications.

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 **13.2** 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 C: Setting out prices in accordance with point **11** of these specifications.

⁴ 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).

11. Price

- a) Price must be quoted for HACCP audit services in accordance with Annex A ("Price List/Financial Proposal) and shall include:
 - **Price for audit service**, covering any appropriate actions, controls and evaluations based on a scientific risk assessment as described in point 2.2, as well as any associated costs, e.g. transport costs, applicable insurances and laboratory costs;
 - **Price for emergency audit service on call basis**, covering the collection of end-product samples for accredited laboratory testing as described in point 2.3, as well as any associated costs, e.g. transport costs, applicable insurances and laboratory costs.
- 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 selection criteria. 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).

13.2 Technical and professional capacity – Selection criteria

13.2.1 Standards / Prerequisites

- The tenderer must have relevant technical and professional capacity to provide auditing services on Hazard Analysis and Critical Control Points (HACCP), as mentioned in point 2 above;
- The tenderer shall use an accredited laboratory for the microbiological sampling and end-product samples testing.

13.2.2 Evidence

- The tenderer must present a list of clients (minimum 10) which are comparable to EMSA, covering at least the last two years;
- Accredited laboratory identification and respective certificate.

14. Award criteria

The contract will be awarded to the tenderer that 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 plan for annual audit services.
2. Quality criterion 2 ($W_2 = 25\%$) - Proposed methodology for the emergency service on call basis.

and the price criterion and associated weighting:

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

For evaluation purposes only, bidders are requested to complete the price scenario as per Annex A ("Price List/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

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

Only bids that have reached a minimum of 60% for Q_1 and a minimum of 60% for Q_2 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 used in the award procedure where this entails a breach of the principle of equality of treatment, including 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 shall be clearly pointed out by the tenderer in the tender. Information shall 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 “Price List / Financial proposal”		
Item	Price per Unit	Price for 6 Units (price scenario)
a) Price for audit service		
b) Price for emergency audit service on call basis		
Total price of the bid for evaluation purposes = $(6 \times a) + (6 \times b)$		