

## Tender Specifications

### Attached to the Invitation to tender

## Invitation to tender No. EMSA/NEG/35/2019 for Provision of maintenance and supply services for the European Maritime Safety Agency official cars

### 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 the provision of preventative and corrective maintenance services and supply services for EMSA's official cars with an authorised Mercedes Benz (Lot 1) and BMW (Lot 2) service provider.

The tender is divided in two Lots and will result in the award of one contract per each Lot. One contract for the provision of maintenance and supply services for the EMSA official car **Mercedes-Benz Vito 115 CDI/32 9L - Lot 1** and one contract for the provision of maintenance and supply services for the EMSA official car **BMW 523i - Lot 2**.

The tenderers can apply for only one Lot or for both Lots (Lot 1 - Mercedes-Benz Vito 115 CDI/32 9L and/or Lot 2 - BMW 523i). Servicing of both vehicles has to take place in an area of maximum 30 km from Lisbon.

#### EMSA official cars specifications:

- **Mercedes-Benz Vito 115 CDI/32 9L – Lot 1**
  - Vito Combi 115CDI/32
  - 4 cylinders 2148cm<sup>3</sup>
  - 8 seats
  - Year of production: 2007
  - Last maintenance date: February 2019 (currently 60.700 km)
- **BMW 523i - Lot 2**
  - 523i Limousine
  - 6 cylinders 2996cm<sup>3</sup>
  - Year of production: 2010
  - Next maintenance date: November 2020 (currently 77.500 km)

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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.).

## **2.1 Provision of maintenance and supply services for the European Maritime Safety Agency official car Mercedes-Benz Vito 115 CDI/32 9L - Lot 1**

The provider should ensure that the car is properly maintained, in accordance with the manufacture's recommendations, provide technical assistance and advise.

The offer for Lot 1 should cover:

- (a) Regular maintenance provided by a Mercedes Benz official approved garage;
- (b) Supply only original parts and official accessories;
- (c) Supply of tyres, battery, etc.;
- (d) Provide when requested a replacement car on rental basis (prices to be provided);
- (e) Ad hoc repair and replacement of any wear and tear or damage items which need replacing, wiper blades, light bulbs, key replacement, etc., by original items.

## **2.2 Provision of maintenance and supply services for the European Maritime Safety Agency official car BMW 523I - Lot 2**

The provider should ensure that the car is properly maintained, in accordance with the manufacture's recommendations, provide technical assistance and advise.

The offer for Lot 2 should cover:

- (a) Regular maintenance provided by a BMW official approved garage;
- (b) Supply only original parts and official accessories;
- (c) Supply of tyres, battery, etc.;
- (d) Provide when requested a replacement car on rental basis (prices to be provided);
- (e) Ad hoc repair and replacement of any wear and tear or damage items which need replacing, wiper blades, light bulbs, key replacement, etc., by original items.

## **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**

The regular maintenance services for each car should be done according to the manufacturers' instructions.

The exact dates of the regular maintenance and supply services will be agreed later on.

The performance of an ad hoc maintenance and supply services will depend on needs.

## **5. Timetable**

The estimated date for signature of the contract is December 2019, entry into force January 2020.

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

The maximum budget available for this contract is EUR 15000 excluding VAT.

The above maximum budget will be distributed within the two Lots as follows:

- Lot 1 - "Provision of the maintenance and supply services for the European Maritime Safety Agency official car - Mercedes-Benz Vito 115 CDI/32 9L" - the maximum budget is 5.000,00 Euro.
- Lot 2 - "Provision of the maintenance and supply services for the European Maritime Safety Agency official car - BMW 523i" - the maximum budget is 10.000,00 Euro.

## 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/35/2019** 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 shall 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 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 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.<sup>3</sup> However, the selection criteria may apply individually where it is relevant in view of their nature.

## 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 13.5 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>4</sup>

The tenderer shall complete the Tenderer's checklist.

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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> 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>4</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).

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](http://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](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 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, 12, 13.2 and 13.4 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 **Award Criteria** set out under point 14 of these specifications;*

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

## 11. Price

- a) Price must be quoted for Provision of maintenance and supply services for the European Maritime Safety Agency official cars and shall include:

### Lot 1

- 1. Price for a replacement car as described in point 2, EMSA official cars specifications (similar car per 1 day)
- 2. Price per one man hour to perform a service

### Lot 2

- 1. Price for a replacement car as described in point 2, EMSA official cars specifications (similar car per 1 day)
- 2. Price per one man hour to perform a service

- 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 Union, 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.

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 Legal and regulatory capacity – Selection criteria

#### 13.2.1 Standards / Prerequisites

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

#### 13.2.2 Evidence

N/a.

### 13.3 Economic and financial capacity – Selection criteria

#### 13.3.1 Standards / Prerequisites

N/a.

#### 13.3.2 13.4.2 Evidence

N/a.

## 13.4 Technical and professional capacity – Selection criteria

### 13.4.1 Standards / Prerequisites

The tenderer must have the professional capacity to pursue the professional activity needed for performing the contract.

### 13.4.2 Evidence

The tenderers must present the following evidence: prove its capacity to pursue a professional activity as authorised manufacturer's service provider.

## 14. Award criteria

The contract will be awarded to the tenderer who submits the offer with the lowest price.

The price of the bid per Lot will be determined by the sum of:

- a) Price for replacement car per day;
- b) Price per one man hour x 10

Evaluation total price = (1\* a ) + (10\* b )

## 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.

**Appendix A “Financial proposal” Lot \_\_\_\_\_**

<b>Item</b>	<b>Unit price (EUR)</b>	<b>Discount (%)</b>	<b>Total without VAT (EUR)</b>
<b>a) Price for replacement car (per day)</b>			
<b>b) Price per one man hour to perform a service x10</b>			
<b>Total</b>			

**Please fill in the financial proposal for each Lot separately.**