

**Enclosure 1 - Tender Specifications**  
**attached to the Invitation to tender N° EMSA/NEG/23/2015**  
**for transportation and storage of Oil Pollution Response Equipment**

**1. Introduction**

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC of the European Parliament and of the Council to contribute to the enhancement of European maritime safety.

Among its tasks, the Agency “work with the Member States to support on request with additional means, in a cost efficient way, the pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations” (Art. 2 (3) d of Regulation 1406/2002/EC as amended ).

In line with the Oil Action plan as up-dated through the Agency’s Annual Work Programme, EMSA has developed in recent years several operational pollution response services including the establishment and maintenance of a network of stand-by oil spill response vessels and associated specialised equipment stockpiles along the European coastline.

Further information about the at-sea oil recovery services provided by the EMSA vessel Network is available on the Agency’s website: [www.emsa.europa.eu](http://www.emsa.europa.eu).

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

**2.1 Overall objective**

The objective of the contract resulting from this procurement procedure is the provision of storage for the oil pollution response equipment listed in Appendix I, as well as transportation to the storage place from its current storage location (Prøvesten O-Vej 1 København S 2300 Denmark). The new storage location should be in an area within a maximum distance of 200KM from the current storage location.

**2.2. Detailed project description and service requirements**

Performance of the contract includes the provision of the following type of services relating to the oil pollution response equipment identified in each specific contract:

- Storage;
- Equipment transportation to the storage place and associated logistics, including loading and unloading;
- Additional appropriate wrap up and protection during transportation;
- Any necessary customs clearance;
- Insurance during transportation.

The service requirements are detailed in the paragraphs below.

#### **a. Storage**

The storage place must be located in an area within a maximum distance of 200KM from the current storage location in Prøvesten O-Vej 1 København S 2300 Denmark.

The storage area should be available as from 17 April 2015 for an initial duration of 8 months.

The storage space must consist in one single location of minimum of 160 m<sup>2</sup> of the closed warehouse building for storage of the smaller and sensitive pieces of equipment (e.g. power packs, skimmer heads, spare parts etc.) and 500 m<sup>2</sup> of additional space, inside or outside the building, for the storage of the large equipment (cranes, sweeping arms, containers and platforms).

The storage facilities must:

- have the area fenced, secured (24/7 security service);
- have, for the closed warehouse, a minimum height of 2.8 meters;
- be provided with electricity and fresh water;
- be equipped with adequate lighting;
- be built on hard ground allowing movement of trucks and heavy cargo;
- have a gate entrance allowing movement of heavy and large equipment on trailers.

The equipment must be stored in such a way that there is sufficient space to handle it safely and with adequate access for means of transportation.

All administrative and operational activities needed for the management of the project should be ensured by the Storage contractor. In addition, EMSA, or third party authorised by EMSA is entitled to visit the equipment storage location at any time with one week prior notice. The tenderer shall also take these activities and these visits and the associated costs into account when presenting his financial offer for the tender.

#### **b. Equipment transportation and logistics**

The tenderers should commit to transport the equipment from its current storage location to the new storage location proposed.

Note that transportation could require special transportation for certain equipment items (e.g. sweeping arms). Please consult Appendix 1 to the Tender Specifications for further information. The tender shall also include all necessary services related to the loading and unloading of the equipment.

The equipment is currently properly stored and protected ready for transportation.

Any additional need for wrapping or protection required by the company in charge of transportation or insurance during transportation will have to be addressed by the contractor. For the purpose of insurance

during transportation, the insured value of the equipment shall be equal to EUR 2,414,028 (EUR two million four hundred and fourteen thousand twenty eight).

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

The European Maritime Safety Agency – Unit C.1, in charge of Pollution Response Services – will be responsible for managing the contract.

### **4. Project Planning**

The uploading for transportation and start date for transportation should be at the latest on 17 April 2015.

The services will be governed by the provision of the Service Contract following the template in Annex II to the invitation to tender, with a duration of 8 months that could be renewed for additional periods up-to 2 months maximum.

### **5. Timetable**

The estimated date for signature of the contract is week 16 in 2015.

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

The maximum budget available for this contract is of 45.000 Euro, excluding VAT, for all the services under point 2 above and for a maximum duration of 10 months.

### **7. Terms of payment**

Payment will be made monthly based on invoice for the services provided in the previous month and in accordance with the provisions of the draft contract available in the Procurement Section under the call to tender EMSA/NEG/23/2015 on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

### **8. Terms of contract**

In drawing up a bid, the tenderer should bear in mind the terms of the draft 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. Subcontracting

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 criteria<sup>1</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. The working language of the Agency is English. Bids must include an English version of the documents requested under point 13.4 & 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 (Join 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/Purchase Order and the bank account on which payments are to be made.

**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](http://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](http://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

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<sup>1</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.

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, 13.2, 13.3** 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 **13.4** of these specifications.

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

## 11. Price

- Price must be quoted for all the services detailed under point 2 above and shall include :
  - Price for an initial storage period of 8 months as per point 2.2.a above ( $P_{s8m}$ )
  - Price for the transportation and logistics as per point 2.2.b above ( $P_T$ )
  - Price for the extension of the storage for additional 1 month periods ( $P_{s+1m}$ )

Where the total maximum price for 10 months is:  $P = P_{s8m} + P_T + (2 \times P_{s+1m})$ .

- Prices must be fixed amounts and non-revisable.
- Prices must be quoted in euro.
- 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 service provider and information and formalities necessary for the evaluation of the minimum 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 on the EMSA Website at the following address: [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, 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 Communities' financial interests;
- (f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

#### **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](http://www.emsa.europa.eu)) shall be completed and signed.

#### 13.4. Technical and professional capacity – Selection criteria

##### Requirements:

- Experience in similar type of services;
- Availability of storage facilities compliant with the minimum storage conditions for the equipment under point 2.2.a above.

##### Evidence:

To prove their technical and professional capacity, tenderers are requested to provide in their tenders:

- a list of the similar services provided in the past three years;
- the address and a description with pictures of the storage facilities available;
- the compliance matrix in Appendix 2 filled, signed and dated.

#### 14. Award criteria

Only the tenders meeting:

- the requirements of the exclusion and selection criteria, and
- the total price for 10 months (P) of maximum EUR 45,000 (EUR forty five thousand) ( $P \leq \text{EUR } 45,000$ )

will be evaluated in terms of price.

The contract will be awarded to the tenderer that offers the lowest price P of the services where P is the sum of the prices for all the services during a maximum period of 10 months as follows:

- Price for an initial storage period of 8 months as per point 2.2.a above ( $P_{s8m}$ );
- Price for the transportation and logistics as per point 2.2.b above ( $P_T$ );
- Price for the extension of the storage for an additional potential period of 2 months ( $2 \times P_{s+1m}$ );

that is,

$$P = P_{s8m} + P_T + (2 \times P_{s+1m})$$

#### 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 points 12 and 13 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation 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 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.