**Tender specifications**

**Attached to the Invitation to tender**

**Invitation to tender N° EMSA/OP/10/2015 for the purchase of multifunctional devices, printers and their associated maintenance**

# Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation 1406/2002/EC 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 the channels to acquire office equipment to allow for staff to fulfill their daily work efficiently.

# Objective, scope and description of the contract

The purpose of this call for tender is to conclude a framework contract for purchasing multifunctional devices and printers, including options, accessories, maintenance and related services.

# Description of the items to be purchased

This covers the acquisition of Multifunctional Devices (MFD) and Printers, their options and accessories, the Operational Maintenance Service and the Additional Services as described below.

## Multifunctional Devices (MFD) and Printers

### Definition of Multifunctional Devices and printers

* Multifunctional devices are devices capable of *printing*, *copying*, *scanning* and optionally *faxing*.
* Printers are devices capable of exclusively printing on the indicated paper size and type.

### Classes of Devices

The Contractor shall propose one (1) model ("Base Configuration") for each of the eight (8) classes of devices described in Table 1 (see below). Table 1 indicates the minimum requirements the device MUST meet. All proposals must be fully operational, i.e., including any part needed for its normal functioning (such as plug cord, MFD stand, etc…). These Base Configurations will be the models predominantly ordered.

Although EMSA will mainly purchase models as requested below, tenderers are encouraged to add their full catalogue to their bid as EMSA may request equipment from the full catalogue.

In drawing up a bid, the tenderer should include the option of taking back obsolete devices.

TABLE 1 – Eight Classes of Devices:

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Base Configuration | Min. pages per minute (A4) | Minimum supported formats | Black and White printing | Colour Printing | Colour Scanning | Copying | Duplex | Staple | Hole Punch | Fax | Operator  Touch Screen |
| High-end MFD | 50 | A5, A4, A3 | x |  | x | x | x | x | x |  | x |
| Mid-size MFD | 30 | A5, A4, A3 | x |  | x | x | x | x | x |  | x |
| High-end Colour MFD | 70 | A5 to SRA3 | x | x | x | x | x | x | x |  | x |
| Mid-size Colour MFD | 45 | A5 to SRA3 | x | x | x | x | x | x | x |  | x |
| Low-level Colour MFD | 30 | A5 to A4 | x | x | x | x | x |  |  | x | x |
| Low-level Colour printer | 30 | A4 | x | x |  |  | x |  |  |  |  |
| Mid-level Printer | 40 | A4 | x |  |  |  | x |  |  |  |  |
| Entry-level Printer | 30 | A5-A4 | x |  |  |  | x |  |  |  |  |

**An additional mandatory function to be proposed for the High-end colour MFD is** the ability to print on vinyl paper/stickers for printing of (visitor) sticker-badges.

The Tenderer shall provide details on each of the proposed models regarding used technology, performance and environmental impact. The Tenderer shall also detail their policy on returning empty cartridges and the handling of used materials (e.g. recycling, reusing, etc).

## Operational Maintenance Service

The Contractor shall provide an “Operational Maintenance Service” for all the Multifunctional devices supplied.

The “Operational Maintenance” service shall cover:

* The **Standard Services** (Technical support, Logistical support, Initial training)
* The **provision of consumables** (toner, staples, maintenance kits and any other parts requiring regular replacement) not including printing paper.

The cost of the Operational Maintenance will be calculated on the basis of number of pages actually printed/copied according to the pricing structure described in Table 2 – Categories of Production Volume.

## Additional Services

The Contractor shall offer at least the following additional services: user-training, meter reading and moves (internal and external) of MFD and printers and taking back obsolete devices.

# Pricing Schemes for the acquisition of Multifunctional Devices, Printers, options and accessories, consumables and operational maintenance and additional services

## Pricing for the acquisition of Multifunctional Devices and Printers

The Tenderer shall quote the unit price for each of the eight proposed models corresponding to the Classes of devices in Table 1. The unit price shall include delivery, installation, assembly and a two year warranty.

## Pricing for the options and accessories for the Multifunctional Devices and printers

The Tenderer shall provide a detailed price list covering all the options and accessories available for the eight proposed models. Software options that can be used to monitor and manage the MFDs/Printers may also be proposed.

## Pricing for the Operational maintenance

The Tenderer shall quote, for each of the eight proposed models, the **price per page** of the Operational Maintenance service associated to three categories of production volumes: Low, Medium or High. The three categories of production volume, which are different for the eight classes of devices, are defined in Table 2.

Table 2 – Categories of Production Volume

|  |  |  |  |
| --- | --- | --- | --- |
| Base configuration | a)  Low production (pages/month) | b)  Medium production  (pages/month) | c)  High production  (pages/month) |
| High-end MFD | 0-20k | 20k-40k | >40k |
| Mid-size MFD | 0-10k | 10k-20k | >20K |
| High-end Colour MFD | 0-5k | 5k-7k | >7k |
| Mid-size Colour MFD | 0-3k | 3k-5k | >5k |
| Low-level Colour MFD | 0-1k | 1k-3k | >3k |
| Low-level Colour printer | 0-1k | 1k-3k | >3k |
| Mid-level Printer | 0-3k | 3k-5k | >5k |
| Entry-level Printer | 0-1k | 1k-2k | >2k |

## Pricing for the additional Services

The Tenderer shall quote the price for the additional services (user-training, meter reading and moves (internal and external) of MFD and taking back obsolete devices) which may be requested by the Agency. Please note that these prices will not be taken into account in the Evaluation of this Tender. If requested, these services will be provided as paid services.

# Contract management responsible body

The European Maritime Safety Agency – Unit A.3, in charge of Operations Support – will be responsible for managing the contract.

# Timetable

The estimated date for signature of the contract is September 2015.

# Estimated Value of the Contract

The maximum budget available for this contract is of 350.000€ Euro excluding VAT for the total duration of the contract.

# Terms of contract

In drawing up a bid, the tenderer should bear in mind the terms of the draft IT Framework contract available on the Procurement Section under the call to tender EMSA/OP/10/2015 on the EMSA website.

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.

The framework contract shall have an initial duration of four (4) years as from the date of signature, for purchase of multifunctional devices and printers.

For the acquisition of options, accessories, consumables, the Operational Maintenance services and the Additional Services the framework contract shall have an initial duration of seven (7) years as from the date of signature, renewable up to three (3) times, each for an additional period of one (1) year.

# Terms of payment

Payments shall be issued in accordance with the provisions of the draft IT Framework Contract available on the Procurement Section under the call to tender EMSA/OP/10/2015 on the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

# Financial guarantees

Not applicable

# Sub-contracting

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[[1]](#footnote-1). 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.

# 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 14.5 & 15.1 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 (Joint 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 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 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, 14.2-14.3 of these specifications (part of the Exclusion criteria);

**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 15.1 of these specifications;

**Part E:** setting out prices in accordance with point 13 of these specifications.

# Price

* Prices must be quoted in Appendix II – Price Matrix, for the acquisition of Multifunctional Devices, Printers, options, accessories, consumables and Operational Maintenance and additional services and shall include all the elements requested in point 4.
* Prices must be quoted in Euro.
* Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
* 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 1406/2002/EC. 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.

# 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.

# 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

## 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 on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

## Grounds for exclusion - Exclusion criteria

To be eligible for participating in this contract award procedure, tenderers must not be in any of the following exclusion grounds:

* 1. 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;
  2. they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
  3. they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
  4. 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;
  5. 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 Union financial interests;

## they have been the subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

## 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.

Please note that the tenderer to whom the contract is to be awarded shall provide additional proof evidencing eligibility.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

When the tenderer to be awarded the contract has already submitted relevant evidence to EMSA, it remains valid for 1 year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the Contractor is required to submit a statement of confirmation that their situation has not changed.

## Economic and financial capacity – Selection criteria

Requirements:

* The tenderer must be in stable financial position and the economic and financial capacity to perform the contract.

Evidence:

* Financial statements for the last three years for which accounts have been closed.
* Statement of overall turnover and turnover relating to the relevant services for the last three financial years.
* Tenderers are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and still complies with the requirements. In this case the tenderer should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
* If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, he may prove his economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the tender. EMSA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

## Technical and professional capacity – Selection criteria

Tenderers are required to prove that they have sufficient technical and professional capacity to provide the services under the framework contract. To that end they should provide supporting documentation as to the following criteria:

(1) **Organisation structure** and staff involved in **logistic area (i.e. ordering & delivering**)

(2) **Organisation of the Support department** including workflow of support calls

(3) **Certification of Partnership** with offered equipment manufacturers (if applicable)

(4) A **list of principal clients** over the past three years to whom similar equipment has been supplied

# 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 the best price-quality ratio) in terms of:

a**) Quality of the proposed models and services. All offers are evaluated based on the following criteria:**

|  |  |  |
| --- | --- | --- |
| **No** | **Qualitative criteria (60%)** | **Weighting (max.)** |
| 1 | Quality of the proposed Base Configuration, based on technology, performance and environmental impact as follows: |  |
| Technology | 20% |
| Performance | 25% |
| Environmental impact | 5% |
| 2 | Quality of the output of the proposed models as provided for in  Appendix I – Print tests to the Tender Specifications | 10% |

**b) Total price as weighted by percentage**

|  |  |  |
| --- | --- | --- |
| **No** | **Price (40%)** | **Weighting (max.)** |
| 1 | Price of the proposed Base Configuration (prices of the eight (8) devices in point **1.1** of Appendix II – Price Matrix as follows:  8 x a) + 3 x b) + 1 x c) +1 x d) + 15 x e) + 2 x f) + 10 x g) + 5 x h) | 20% |
| 2 | Price of the proposed Operational Maintenance (average of all the prices in point **1.3** of Appendix II – Price Matrix) | 20% |

For all bids evaluators will give marks between 0-10 (half points are possible) for each quality criterion.

The score is calculated as

where:

The average quality for quality criterion is

The overall weighted quality is

The score for quality is

The score for price is

Only bids that have reached a minimum of 60 for each quality criterion indicated in point a) will be taken into consideration when calculating the score for quality , score for price and score .

Only bids that have reached a minimum of 60 for the score will be taken into consideration for awarding the contract.

# Contracts will not be awarded to tenderers who, during the procurement procedure:

* are subject to a conflict of interest
* 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.

# 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 14 and 15 above or have been found to have seriously failed to meet their contractual obligations in an earlier procurement 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.

# 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.

1. To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required. [↑](#footnote-ref-1)