

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/2/2022 for Certification Services of ISO Standards

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, maritime security, prevention of, and response to, pollution caused by ships. Among its tasks, the Agency performs visits and inspections, training and capacity building activities, pollution prevention and response activities, development, and operation of maritime digital services. Details of these activities are available on EMSA website at: <http://www.emsa.europa.eu/>.

EMSA (the Agency) has developed and implemented the EMSA Quality Management System (aligned to ISO 9001:2015 requirements) and the EMSA Environmental Management System (aligned to EU Eco-Management and Audit Scheme (EMAS) and ISO 14001:2015). Both systems are certified by TUV Rheinland Portugal and the certification expires in January 2023. Certification services for the two systems need to be procured.

Using ISO 9001 as the general framework for quality performance, EMSA is also implementing the requirements of the ISO 29993:2017 for learning services outside formal education. This Standard is used as the benchmark framework for developing and delivering the Agency's training activities, generically named as EMSA Academy Management System (AMS). First training courses are expected to be certified for ISO 29993 by the end of 2022.

In support of ICT-based services, the Agency uses as guidance the ISO 20000-1:2018 - IT Service Management System requirements and the Information Technology Infrastructure Library (ITIL) recommended practices as benchmarks to ensure proper operation and management of its ICT services in line with business needs. For ICT security issues, the reference benchmark is ISO 27001 for Information Security Management Systems (ISMS). EMSA ISMS is under development, implementation is planned for 2022 and eventual certification for 2023.

All above ISO Standards are used in an integrated manner with the EMSA IQEMS, with QMS acting as the overall, quality focused, management system and the EMAS, AMS, ISMS and ICT/ITIL processes addressing specific types of activities and objectives (Fig. 1).

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.).

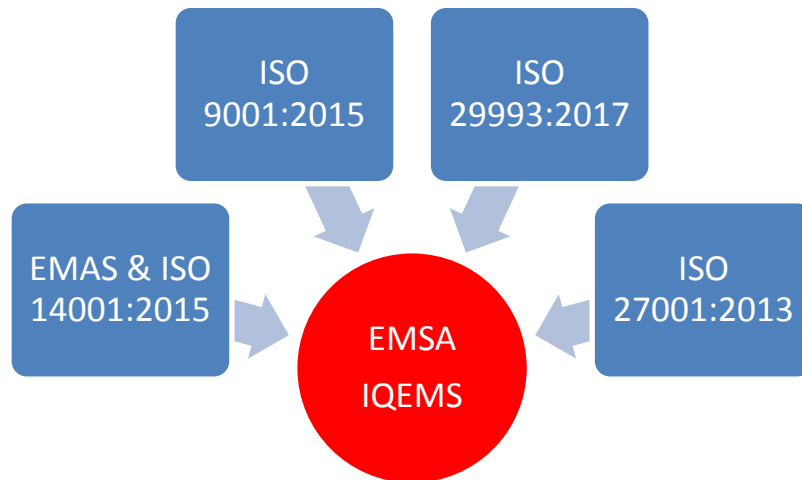


Fig 1 – EMSA Integrated Quality & Environmental Management System

2. Objective, scope and description of the contract

The objective of this procurement procedure is to purchase certification services for all ISO Standards used by the Agency. Considering the integrated approach, the Agency seeks to contract a single Certification Body able to audit and certify all ISO Standards listed under the scope of this render.

The scope of this procurement for ISO certification services covers the audit and certification of the following ISO Standards:

- ISO 9001:2015 for Quality Management System (QMS);
- ISO 14001:2015 for Environmental Management System (EMS). In addition of ISO 14001 certification, the Certification Body shall be able to cover the specific requirements for EMAS registration in line with the requirements of the Portuguese Agency for Environment (APA = Agência Portuguesa do Ambiente);
- ISO 29993:2017 for learning services outside formal education (AMS);
- ISO 27001:2013 for Information Security Management System (ISMS);

Presently, the Agency's ISO 9001 and ISO 14001 certifications are valid until January 2023 and were performed by TUV Rheinland Portugal as separate audits. New contract for the certification services of the two systems need to be concluded during this year.

The implementation of ISO 29993 and ISO 27001 is still ongoing, and associated certification, pending successful implementation is planned towards the end of 2022 for ISO 29993 and 2023 for ISO 27001.

To enable a flexible approach for using certification services according to EMSA needs, the Agency seeks to conclude a framework contract for a period of 3 +3 years, covering all four ISO Standards described above. Each specific certification service will be requested through Order Form covering one or more Standards, as described in this document.

2.1 Contract Activities

The activities of the contract are initiated by the Agency through a specific request for one or more certification services. Each request is covered by the associated Order Form covering the cost of the requested services, as quoted in the framework contract.

Upon receiving the request for service, the contractor shall confirm his availability to deliver the requested service and shall initiate the preparation and execution of the relevant external audit(s). The audit(s) shall be performed by qualified auditor(s) assigned by the contractor. The proposed Audit Plan will be submitted for EMSA validation and once agreed, the audit will be performed in line with the approved Audit Plan. The audit report shall be delivered within maximum 10 days after the completion of the external audit. If the outcome of the external audit indicates conformity with the requirements of the audited Standard, the associated ISO certificate shall be issued within the maximum of 14 working days.

The working language of the contract is English, therefore the assigned auditor(s) shall be proficient in English language (at least B2 level according to the Common European Framework of Reference for Languages²) and all required documented deliverables (audit plan, audit report, certificate) shall be done in English language. The auditor(s) shall also be familiar with the maritime transportation domain to ensure a better understanding of EMSA's operational processes. Both requirements shall be demonstrated by the CV of the proposed auditor(s), which shall include previous audits in the maritime domain and the level of English language proficiency.

3. Contract management responsible body

EMSA Executive Office Unit (EO) will be responsible for managing the contract. The contact person for the purpose of this contract is the Special Adviser for Quality Assurance (SAQA), Mr. Marin Chintoan-Uta having the contact email: marin.chintoan-uta@emsa.europa.eu

4. Project Planning

The estimated date for the signature of the framework contract is March 2022. The total duration of the contract is 3+3 (three years, renewable) years, starting on the date on which it is signed by the last party. The first certification activities and associated Order Form are expected to be initiated during Quarter 4 of 2022.

5. Timetable

The general planning of activities under this contract is provided in table 1 below.

² Council of Europe, 2011.

Activity	Timetable	Deliverables	Comments
1 st external audit (new 3-year cycle)	December 2022	ISO 9001:2015 certificate ISO 14001:2015 ISO 29993:2017	Single external audit for Integrated Quality and Environmental Management System (IQEMS) in line with contractor's standard conditions Selected training courses
2 nd annual verification audit	December 2023	ISO 9001:2015 certificate ISO 14001:2015 ISO 29993:2017	Annual verification audit of the IQEMS in line with contractor's standard conditions Additional training courses
3 rd annual verification audit	December 2024	ISO 9001:2015 certificate ISO 14001:2015 ISO 29993:2017	Annual verification audit of the IQEMS in line with contractor's standard conditions Additional training courses
1 st external audit (new 3-year cycle)	December 2025	ISO 9001:2015 certificate ISO 14001:2015 ISO 29993:2017 ISO 27001:2013	Single external audit for Integrated Quality and Environmental Management System (IQEMS) in line with contractor's standard conditions Selected training courses Information Security Management System (ISMS)
2 nd annual verification audit	December 2026	ISO 9001:2015 certificate ISO 14001:2015 ISO 29993:2017 ISSO 27001:2013	Annual verification audit of the IQEMS in line with contractor's standard conditions
3 rd annual verification audit	December 2027	ISO 9001:2015 certificate ISO 14001:2015 ISO 29993:2017 ISO 27001:2013	Annual verification audit of the IQEMS in line with contractor's standard conditions

Table 1 – general planning of ISO certification activities

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 60,000.00 excluding VAT. This budget should cover all costs for all certification services estimated in Table 1 above.

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/2/2022** 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. Financial guarantees

Not applicable.

10. 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 criteria³. 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. However, the selection criteria may apply individually where it is relevant in view of their nature.

11. Requirements as to the tender

As EMSA performs inspections of EU Recognised Organisations (ship classification societies), the Bidders shall not be included in the list of the EU Recognised Organisations⁴, to avoid any potential conflict of interests.

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

³ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

⁴ <http://www.emsa.europa.eu/inspections/assessment-of-classification-societies.html>

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.⁵

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 by the person authorised to sign the contract and stamped along with the requested accompanying documentation, including recent proof of that authorisation (not more than one year old). 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 10, 13 13 and 14.2 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 14.5 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 1616 of these specifications.*

Part D: *Setting out prices in accordance with point 12 of these specifications.*

12. Price

- a) Price must be quoted for the following type of certification services and shall include all costs associated to the requested activities - please fill in Appendix 1 - Financial proposal:
 - Price for initial audit for ISO 9001 certification (PiQMS);
 - Price for annual verification audit of ISO 9001 certification (PaQMS);

⁵ 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).

- Price for initial audit for ISO 14001 certification (PiEMS);
- Price for annual verification audit of ISO 14001 certification (PaEMS);
- Price for initial audit for ISO 29993 certification (PiAMS);
- Price for annual verification audit of ISO 29992 certification (PaAMS);
- Price for initial verification audit for ISO 27001 certification (PiSMS);
- Price for annual verification audit of ISO 27001 certification (PaSMS);

The price shall include all items indicated in the **Appendix 1 Financial proposal**.

- b) Prices must be fixed amounts and non-revisable.
- c) Prices must be quoted in euro.
- d) The bidder shall indicate the price discount for integrated audits, if any, specifying the ISO Standards that can be audited in a single integrated audit.
- e) 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.

13. 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 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 group 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 group. Tenders from groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

14. 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.

14.1 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).

14.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, a tenderer must not be in any of the exclusion situations listed in the Declaration of Honour.

For this purpose, the Declaration of Honour available on the Procurement Section of EMSA's website (www.emsa.europa.eu) shall be completed and signed.

14.3 Legal and regulatory capacity – Selection criteria

14.3.1 Standards / Prerequisites

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

The tenderer must hold a particular authorisation as ISO Certification Body proving that it is authorized to perform the certification services in its country of establishment.

14.3.2 Evidence

A copy of the authorisation or the accreditation as Certification Body and the list of ISO Standards covered by the authorisation/accreditation shall be provided.

14.4 Economic and financial capacity – Selection criteria

14.4.1 Standards / Prerequisites

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

14.4.2 Evidence

Declaration of Honour, please refer to section 14.2 above

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

The Bidder shall have previous experience in the audit and certification of the following ISO Standards:

- ISO 9001:2015 for Quality Management System;
- ISO 14001:2015 for Environmental Management System. In addition of ISO 14001 certification, the Certification Body shall be able to cover the specific requirements for EMAS registration in line with the requirements of the Portuguese Agency for Environment (APA = Agência Portuguesa do Ambiente⁶);
- ISO 29993:2017 for learning services outside formal education;
- ISO 27001:2013 for Information Security Management System;

⁶ <https://emas.apambiente.pt/content/sobre-o-emas?language=pt-pt>

14.5.2 Evidence

Evidence of the previous experience shall include:

- the List of Certification Services for the last three years;
- the CVs of the auditors selected to perform the requested services under this contract.

15. Declaration of Honour (DoH)

Please note that the tenderer shall provide information with regards its situation and on the natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control and beneficial owners.

Upon request and within the time limit set by EMSA, the tenderer shall provide the following evidence concerning itself, the natural or legal persons as listed under the first paragraph, and concerning the natural or legal persons which assume unlimited liability for the debt of the tenderer:

For the exclusion situations described in points (a), (c), (d), (f), (g) and (h) of the Declaration of Honour, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.

For the exclusion situations described in (a) and (b) of the Declaration of Honour, production of recent certificates issued by the competent authorities of the country of establishment is 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. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The successful tenderer must provide the documents mentioned as supporting evidence before signature of the contract and within the deadline given by EMSA. This requirement applies to each member of the group in case of joint tender.

If the tenderer already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

16. Award criteria

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 criterion and its associated weighting:

1. Quality criterion 1 ($W_1 = 50\%$), organisation of the work for delivery of the service (organisation of responsibility for the tasks, communication methods with EMSA)

and the price criterion and associated weighting:

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

Using the prices provided in **Appendix 1 - Financial proposal**, the price of the bid is calculated by the following formula:

$$P_{bid} = P_{iQMS} + 2P_{aQMS} + P_{iEMS} + 2P_{aEMS} + P_{iAMS} + 2P_{aAMS} + P_{iISMS} + 2P_{aISMS}$$

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

The score is calculated as

$$S = SQ + SP$$

where:

The 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

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

Only bids that have reached a minimum of 60% for Q_1 , 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 50 % for the score S will be taken into consideration for awarding the contract.

17. 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. are on the list of EU Recognised Organisations⁷ (as EMSA performs inspections of EU Recognised Organisations, in order to avoid conflicts of interest, the tenderer shall not provide services as ship Classification Society and shall not be included in the list of EU Recognised Organisations);
- C. have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- D. 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.

18. 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 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.

⁷ <http://www.emsa.europa.eu/inspections/assessment-of-classification-societies.html>