

## Tender Specifications

### Attached to the Invitation to tender

## Invitation to tender No. EMSA/NEG/14/2022 for Concept study for plant-greened spaces at EMSA headquarters

### 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. Among its tasks, the Agency EMSA is applying the environmental management systems ISO 14001:2015 and EMAS (Environmental Management and Audit Scheme of the EU), aiming to continuously improve its environmental performance. In line with the Green Deal climate neutrality objective, that aim means, among other goals, at the promotion of healthy ecosystems, green infrastructure and nature-based solutions that should be systematically integrated into urban planning, including in the design of buildings, public spaces and infrastructure.

EMSA complies with all applicable legal requirements relating to the environment and endeavours to ensure that suppliers comply with its environmental policy within the remit of the activities carried out for the contract. EMSA invites tenderers to consult the document and consider it when preparing bids.

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

The main objectives of the contract are:

- To improve the ambience of EMSA's work environment;
- To work towards EU/EMAS goals (reducing sealed soil, improve biodiversity, green roofs, green-blue interaction, building efficiency, etc).

The present Invitation to Tender refers to the elaboration of a **feasibility study** for green structures in various spaces of the EMSA building, indoors and outdoors (as indicated in the attached document 'Greening plans').

An on-site visit is planned for **6 and 7 of April 2022** at the following address: European Maritime Safety Agency, Praça Europa 4, 1249-206, Lisbon, Portugal. To schedule an on-site visit, an e-mail shall be sent to the dedicated e-mail address: [neg142022@emsa.europa.eu](mailto:neg142022@emsa.europa.eu) no later than **4 April 2022 at 12h00**.

For this procurement, tenderers are requested to prepare a **proposal for a study** to be done on 'green features' for the EMSA building.

Tenderers shall describe the execution process of a feasibility study and the methodological approach to be taken, in as much detail as possible, including the experience in similar projects, the team involved, steps of the study, estimated time of execution, method of data collection and essential surveys (if any), additional analysis and research method (if any), sketching/visualisation tools used for presentation, cooperation method with the client, etc. The execution of the study is not included in this contract.

The awarded tenderer will then prepare the study, which should include:

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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.).

- Concise proposal for 'green features', indoor and outdoor of the building, according to the mentioned plans;
- General description of the ideas proposed;
- Potential types of plants, their installations, maintenance, etc, with brief explanation. This should also foresee options for fresh flowers during VIP events, as well as plants that can be reallocated when needed in the meeting rooms.  
Also to be considered: foreseen lifespan, weight of the feature, living insects, fungi and similar organisms potential, water and soil features, dependencies between plants and air circulation/air-conditioning, oxygen and CO<sub>2</sub> impacts, required space, etc.;
- Initial investment costs and overall time required for the implementation of the proposal (approximate budget and planting/building time);
- Summary table with pros and cons related to the proposed solutions;
- Anything else (from the expert's point of view) important to compare these ideas and select the best one for further development stages (detailed concept & design, delivery, implementation).

The proposed greening initiatives included in the study (for floors, walls, roof space and other areas) must be coordinated with the building management requirements of the facilities.

The following aspects shall be taken into consideration on the proposed **feasibility study**:

- Improvement of the thermal and energetic balance in the premises;
- Improvement of the acoustic conditions of the space;
- Natural light on the designated areas (when applicable);
- Promotion of calm spaces and corporate environment;
- Improvements to the design of the building's interior and exterior areas of intervention;
- Improvement of space usage;
- Biological considerations;
- Operational-technical considerations incl. aspects of sustainability, consumption, and environmental impacts;
- Relation and interaction of the proposal with the urban and riverine surrounding and neighbourhood of the "Ribeira das Naus" area, considering that the external solutions should be integrated into the urban planning around EMSA.

### 3. Contract management responsible body

EMSA Unit 4.2 in charge of Legal, Finance & Facilities - will be responsible for managing the contract.

### 4. Project Planning

EMSA may request meetings with the contractor in order to clarify any point of the proposed study.

### 5. Timetable

The estimated date for signature of the contract is June/July 2022. The feasibility study shall be delivered to EMSA within maximum 2 months from the signature of the contract.

### 6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 13,000.00 excluding VAT.

### 7. Terms of payment

Payments will be made in accordance with the provisions of the draft **Purchase Order** available in the Procurement Section under the call to tender **EMSA/NEG/14/2022** 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 Purchase Order.

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

## 11. 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>3</sup>

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](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.

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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> 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).

- 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 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](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 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 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 1616 of these specifications;

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

## 12. Price

- a) Price must be quoted for Concept study for plant-greened spaces at EMSA headquarters, as described under point 2.
- 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.

## 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 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 group will be checked to ensure that the group as a whole fulfils the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature.

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

##### **14.3 Legal and regulatory capacity – Selection criteria**

###### **14.3.1 Standards / Prerequisites**

Not applicable.

###### **14.3.2 Evidence**

Not applicable.

##### **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**

Not applicable.

##### **14.5 Technical and professional capacity – Selection criteria**

###### **14.5.1 Standards / Prerequisites**

- a) The tenderer shall have the necessary technical and professional capacity to provide the services with at least 3 years of experience in providing plant-greening studies/projects.
- b) The team involved in the study shall include at least one Landscape Architect with minimum 3 years of professional experience in 'green area' / garden designing, acting as leader of the team.

## 14.5.2 Evidence

- a) List of minimum 3 studies/projects provided in the last 3 years related to the subject of the tender. The list shall include the year of the service provided, client's name, concise description of the study/project.
- b) CV of the Landscape Architect acting as the leader of the team.

## 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 criteria and their associated weightings:

1. Quality criterion 1 ( $W_1 = 50\%$ ) - **Quality of the proposed methodology for developing feasibility study.**

Tenderers shall describe the execution process of the feasibility study and the methodological approach (e.g., distribution of tasks between team members, steps/staging of the study, estimated time of execution, method of data collection and essential surveys (if any), additional analysis and research method (if any), sketching/visualisation tools used for presentation, cooperation method with the client, etc.).

and the price criterion and associated weighting:

2. Price of the bid ( $W_{Price} = 50\%$ ) - **Price of the feasibility study** for plant-greened spaces at EMSA headquarters as described in point 2 above. The price must be quoted in line with point 12 above.

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

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

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 60 % 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. 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.

## 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.