

Tender Specifications

Attached to the Invitation to tender

Invitation to tender No. EMSA/NEG/19/2021 for Assistance for the definition of business and functional needs, and overview of technical specifications for the development of a database of inspections of Recognised Organisations

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. Among its tasks, the Agency carries out inspections on behalf of the Commission as required by binding legal acts of the Union regarding organisations recognised by the Union in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.²

2. Objective, scope and description of the contract

EMSA carries out a number of inspections of each recognised organisation every year. This includes inspections of head offices and selected regional, field and site offices and also includes visits to ships, all for the purpose of verifying the performance of the recognised organisations. EMSA also carries out the necessary inspections of organisations for which recognition has been requested by a Member State.

The results of the inspections are currently stored in a database that was initially developed in Microsoft Access and later upgraded to a Microsoft SQL Server with an ASP.net web interface. It is hosted within EMSA infrastructure. Findings from RO inspections are manually uploaded in the system through a cut-and-paste function from the related reports. At the end of 2020 a new working arrangement agreed with the Commission resulted in a change in reporting format which turns out to require even more manual intervention, thus making the upload of findings more laborious.

EMSA intends to implement a new platform where reports' data could be automatically uploaded and processed for extraction of information.

The purpose of the contracted service is the definition of the business and functional needs as well as an overview of the technical specifications for a new database. The result will be used as the basis for the functional and technical specifications to launch a future call for tender for the implementation of the new platform.

The contracted services should achieve the following objectives:

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.).

² OJ L 131, 28.5.2009, p. 11.

2.1 System design and function

Draft the business requirements and functional specifications for the RO Inspection Database (ROID) application, considering the input of EMSA experts. The requirements should be documented, actionable, measurable, traceable, related to identified business needs or opportunities, and defined to a level of detail sufficient for the future database design and implementation. The requirements shall be drafted following the EMSA requirement drafting guidelines and templates attached to this specification.

The development should include a reporting tool connected to the database – to enable reports to be drafted and directly integrated into the database – and a graphical user interface for extraction and presentation of information and statistics. The new database shall also be able to track and process the information submitted by the RO in response to inspection findings.

The definition of the requirements and functional specifications shall take into account the following:

- Consider the impact and define a strategy for migration of the existing database into the future system
- Analyse the existing database and identify the different major categories of findings (survey, training, legal, others)
- Revising and updating the existing classification of findings to support the future database implementation. The current database allows manual classification of findings according to certain criteria (Regulation 391/2009 criteria, requirements from IMO conventions and resolutions/circulars, IACS Resolutions, RO main processes/activities). Other criteria that can be considered includes the RO Code and the Paris MoU matrix of technical deficiencies.
- Consider the possible automatic classification of findings
- Consider the addition of more RO related information such as statistical data provide by RO on yearly basis, Port State Control findings on ships certified by each RO, list of surveys carried out by ROs, etc.
- Tracking of inspection, inspection findings and follow-up activities
- Enhance the current database capacity for producing statistics/analysis/trending of inspections and inspection findings based on main information in the reports.

The basic necessary functions for the daily work will include:

- Authentication, authorisation, user management and provisioning, considering EMSA corporate identity management implementation
- Human/machine web interface
- Community portal and content management
- Data entry and production of inspection reports, including report writing, review and validation.
- Data query and extraction
- System workflow management
- Taxonomy management

- Interfaces with other maritime applications
- Integration with business intelligence tools and/or use of AI for analysis

2.2 System architecture, technical and non-functional

- Set down the technical specifications
- Set down the technical scenarios for the system's integration with other EMSA maritime applications
- Set down the non-functional requirements
- Consider operability, maintainability and scalability and characterise HW/SW scenarios and hosting criteria

2.3 Deliverables

The contractor will provide the following key deliverables:

- a. Project Plan
- b. Requirements and functional specifications following the EMSA guidelines for requirements definition in annex.
- c. High level solution design
- d. High level cost estimate for solution implementation

The tenderer shall describe the methodologies and tools proposed to build-up the deliverables and include additional documentation considered relevant.

The contractor should ensure that the deliverables are suitable for use as the base documents of a future tender for the implementation of the database.

During contract implementation, all deliverables provided by the contractor shall be subject to formal acceptance by EMSA.

The working language, working documents and all deliverables must be in English. Their structure and contents are outlined hereafter.

2.3.1 Project Management documentation

- Project plan

2.3.2 Requirements and functional specifications

The following documents should be produced:

- Requirements and functional specifications
- User profiles
- User scenarios

- User interaction diagrams

2.3.3 Technical specifications

The contractor outlines a high-level technical architecture of the solution

2.3.4 Cost indications

The contractor provides a cost estimate for the implementation of the technical solution.

3. Contract management responsible body

EMSA Unit 1.2 in charge of Visits & Inspections, Human Element - will be responsible for managing the contract.

4. Project Planning

The kick-off meeting shall take place within 15 days of signing the contract.

Weekly meetings will be scheduled to monitor the work progress and allow time for problem solving.

The contractor shall issue a report within four calendar months from the signature of the contract. EMSA will approve the report within 10 working days.

5. Timetable

The estimated date for signature of the contract is November 2021.

The total duration of the project shall not exceed four months.

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 15,000.00 excluding VAT.

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/19/2021** 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 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

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.⁴

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 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)

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 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).

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 provision of Assistance for the definition of business and functional needs, and overview of technical specifications for the development of a database of inspections of Recognised Organisations.
- 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 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 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).

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.

14.3.2 Evidence

Legal Entity Form (LEF)

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 on Honour (DoH)

14.5 Technical and professional capacity – Selection criteria

14.5.1 Standards / Prerequisites

- a) The tenderer must have previous experience on three projects related to similar type of services, performed in the last three years.
- b) The tenderer shall propose a team consisting as a minimum of the following members, who shall have the requested experience as indicated below:
 - Project Manager: 5 years of working experience, out of which at least 4 years in the area related with this procedure; the project manager shall speak and write excellent English;

- Business Analyst: 3 years of working experience in the area related with this procedure; the business analyst speaks and write excellent English.

The tenderer shall propose different resources for the above profiles.

14.5.2 Evidence

- a) The tenderer shall submit as evidence for substantiating the previous experience as requested in point a) above a list of projects in similar services, in which the tenderer has participated and worked in the last three years.

This shall include a description of the services with indication of the objectives, contracting parties, duration and budget.

- b) The tenderer shall also provide, within their bid, detailed curriculum vitae of each member of the team responsible for carrying out each part of the work, including his or her professional experience (including references to previous studies and projects), research work, publications and language skills.

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, relevance and description of the methodology proposed for the project, including tools proposed to support the methodology, project work, communication and storage of the deliverables
2. Quality criterion 2 ($W_2 = 20\%$), quality of the proposed team, based on the team structure and distribution of the tasks

and the price criterion and associated weighting:

3. Price of the bid ($W_{Price} = 30\%$) = the quoted price as per section 12 shall be considered for evaluation purposes.

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 , a minimum of 60 % for Q_2 , etc. 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.