

Tender Specifications

Attached to the Invitation to tender

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Invitation to tender No. EMSA/OP/11/2021 for Interpretation services

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, as amended. Among its tasks, the Agency “shall provide the Member States and the Commission with the technical and scientific assistance needed and with a high level of expertise, in order to help them to apply Community legislation properly in the field of maritime safety and prevention of pollution by ships, to monitor its implementation and to evaluate the effectiveness of the measures in place”. In order to do so, the Agency normally requires the coordination and provisions of simultaneous interpretation services.

2. Objective, scope and description of the contract

2.1 Objective and Scope

EMSA aims at concluding a Framework Contract for the provision of simultaneous interpretation services for physical and online meetings.

2.2 Organisation of service

The contractor shall manage the teams of interpreters and act as point of reference for all commercial, contractual, administrative, technical, and operational matters between the interpreters and EMSA.

The contractor shall also appoint a project manager who will be the contact point for administrative and operational communication between the contractor and EMSA, which will be held in English.

The contractor must have a ‘pool’ of interpreters at its disposal. The interpreters do not necessarily have to be employees of the contractor (e.g. may be subcontractors, freelancers, etc.) but must be available to be assigned at short notice.

The contractor is, among others, responsible for:

- selecting a team of qualified interpreters for the requested languages, including backups;
- informing the interpreters of the conditions of the contract applicable to their service and the obligations they must comply with under the contract;
- making sure that the interpreters have organised travel arrangements according to the EMSA reimbursement rules;
- providing replacement interpreters when necessary;
- issuing the invoices for interpretation fees, allowances, and travel reimbursements. EMSA will pay the invoices to the contractor only (not directly to interpreters);

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.).

- collecting all supporting travel documents from interpreters and submitting them in an organised and complete form, including a summary table of expenses per interpreter;
- appointing a team-leader for each interpretation team (i.e. a team of interpreters used in a particular specific contract);
- providing training to the teams of interpreters on video conference tools and ensuring they have the necessary equipment for remote interpretation via video conference platforms.

2.3 Language requirements

The contractor shall be capable of ensuring a team of interpreters to provide professional simultaneous interpretation from and into the languages listed below without the use (or minimising the use) of a relay language where possible, including backup interpreters. Additional EU or international languages may be requested.

N°	Languages	ISO
1	French	FR
2	German	DE
3	English	EN
4	Italian	IT
5	Spanish	ES
6	Portuguese	PT
7	Arabic	AR
8	Russian	RU

Interpretation services will in principle require at least two interpreters per language.

The teams shall be composed in a way as to reduce the use of relay languages. Relay should not be used unless previously authorised by EMSA in justified cases, as described in the Order Form.

2.4 Locations and timings

Interpretation services will be requested mainly for the below meetings, but may also be required for other occasions, meetings, locations, and languages:

- EMSA Administrative Board (AB), which takes place three times per year (in March, June, and November), for simultaneous interpretation for languages EN-FR-ES-IT-DE, in principle in Lisbon or remotely.
- Southern European Neighbourhood Policy (ENP) annual steering committee meetings and selected trainings, for the languages EN-FR and exceptionally EN-FR-AR, in principle in Lisbon or remotely.
- Eastern ENP annual steering committee meetings and selected trainings, with interpretation of the languages RU-EN, in principle in Lisbon or remotely.
- Occasional, whisper interpretation may also be requested during an inspection or meeting, as presential or remote.

The meetings in general run from 9:00 to 17:30. The interpreters are required to be present at the place of the assignment/logged in for remote interpretation at least 30 minutes before the start of the meeting. A full day is eight (8) hours of interpretation, including coffee and lunch breaks.

Presential interpretation services are mainly performed at the EMSA headquarters in Praça Europa 4, 1249-206 Lisbon – at Loyola de Palacio Conference Center or Amerigo Vespucci meeting room. They may also be performed in any other agreed locations within or outside the Lisbon area, upon a request for services.

2.5 EMSA interpretation equipment

Loyola de Palacio conference centre (400 sqm large) has six interpretation booths (each one for two interpreters) fully equipped with Bosch interpretation microphone system.

Amerigo Vespucci meeting room (80 sqm large) has one interpretation booth (for two to three interpreters) with Bosch interpretation microphone systems.

2.6 Description of contract

The contractor receives a request with the description of the services required, languages, dates and location or platform for remote interpretation. The interpretation team must be composed in such a way as to avoid/minimise the use of relay languages, unless authorised by EMSA, to ensure reduced delays in interpretation and a high level of service.

Based on these details, the contractor shall submit a quotation which must include:

- the proposed team set-up and language profiles;
- the proposed team of interpreters (for AB and ENP the team used must be that proposed in the tender and for other meetings the proposed team must be accompanied by CVs in line with the below Selection Criteria on Technical and Professional Capacity – Point 15.5.1.3);
- if a relay language is foreseen (including justification);
- daily interpreter fees, in line with the submitted tender;
- administration fee in line with the submitted tender;
- estimated travel costs, if applicable and
- any additional costs, if applicable;
- if it is deemed necessary to travel the day before or following the meeting, a travel day fee may be paid upon request, as a maximum of 50% of the working day fee.

If the proposal is accepted by EMSA, an Order Form shall be issued for the services.

For meetings with interpretation of five languages such as the AB meeting (EN, FR, IT, ES, DE) the contractor must be able to organise interpretation services with a maximum of four interpreters recruited from abroad (i.e. outside the meeting location) per meeting, in order to reduce travel related costs and in order to have a lower environmental impact. In case more than four interpreters need to be recruited from abroad, prior approval of EMSA is needed, and justification must be provided in the Order Form.

For example, for four interpreters recruited from abroad for a meeting in Lisbon, EMSA will pay a flat rate daily allowance of 83 EUR (for Lisbon) per meeting day, and reimbursement of accommodation based on actual costs of accommodation upon production of an original invoice, up to the ceiling of 101 EUR (for Lisbon) per necessary overnight stay during which the tasks are executed and, if necessary, a travel day fee.

Any costs related to public health, such as tests required to travel, may be reimbursed by EMSA upon proof of actual costs incurred, if exceptionally approved by EMSA, justified by the contractor and included in the Order Form.

2.6 Remote Interpretation

Remote/virtual interpretation may be requested via a video conferencing platform (such as Teams, Webex Zoom, Interactio or equivalent). These remote interpretations do not require the physical relocation of an interpreter. The interpreters will be working remotely via the video conferencing platform and not from EMSA's premises. No travel related costs will be reimbursed, or daily allowances paid for remote interpretations, unless specified differently during the request for services.

The contractor shall ensure that all interpreters have appropriate training on widely used video conferencing tools and equipment, and appropriate technical conditions both in terms of computer hardware (camera, speakers, headphones, microphone, as required) and in terms of stable internet bandwidth for a quality connection. The equipment and internet connection shall ensure quality provision of an uninterrupted service.

The contractor must ensure that the interpreter always has all necessary equipment, which shall be ready to be connected and used. The availability of replacement/backup equipment is recommended.

Prior to the signature of an Order Form for virtual interpretation, the contractor shall deliver training to the pool or teams of interpreters on remote interpretation tool functions and troubleshooting of technical issues.

2.7 Tenders shall include:

- Description of the proposed project implementation and methodology of organisation and administration of delivery of simultaneous interpretation services, as well as the ability to coordinate a team of interpreters capable to carry out simultaneous interpretation services in the requested languages. This description shall be included both for interpretation during physical meetings and for remote/virtual meetings via video conferencing tools such as: Teams, Zoom, Webex, Interactio or any similar platform..
- Description of the proposed team that will coordinate the implementation of the framework contract.
- Description of the team proposed for the interpretation of the AB and ENP annual steering committee meetings and selected trainings.
- Description of the recruitment policy/methodology to select interpreters to the database.

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 between the Agency and the contractor in order to follow up the implementation of the contract.

5. Timetable

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

6. Estimated Value of the Contract

The maximum budget available for this contract is EUR 300,000.00 excluding VAT.

7. Terms of payment

Payments shall be issued in accordance with the provisions of the **draft contract** available under the dedicated section of the procurement procedure on the e-Tendering platform at <http://simap.ted.europa.eu/>.

8. Terms of contract

When drawing up a bid, the tenderer should bear in mind the terms of the draft contract.

EMSA may, before the contract is signed cancel the award procedure without the tenderers being entitled to claim any compensation.

9. Financial guarantees

Financial Guarantees are not applicable to this Framework Contract.

10. Subcontracting

If the tenderer intends to either subcontract part of the work or perform the work in co-operation with other partners, they shall indicate in their offer which part will be subcontracted, as well as the name and qualifications of the subcontractor(s) or partner(s). 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 criteria². 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 should in particular include an English version of the documents requested under points 15.5 and 16 of these Tender Specifications.

² To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

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.³

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 (Joint 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).

12. Submission via the e-Submission application

Tenderers shall submit tenders electronically via e-Submission in one of the official languages of the European Union through the e-Tendering website and before the closing date for the tenders reception as described in the Invitation to tender.

The detailed steps on how to access and use e-Submission are provided in Appendix I – *E-Submission Guidelines*, attached to these Tender Specifications.

The tenderer must provide the following information using e-Submission:

- A. **Cover letter** indicating the name and position of the person authorised to sign the contract, including recent proof of that authorisation (not more than one year old), the bank account to 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. 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, along with the requested accompanying documentation. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).
- D. All the information and documents required by EMSA for the appraisal of tenders on the basis of the points **10, 14, 15.2 and 15.6** of these Tender Specifications (part of the exclusion criteria).
- E. All the information and documents required by EMSA for the appraisal of tenders on the basis of the **Economic and Financial capacity** (part of the selection criteria) set out under point **15.4** of these Tender Specifications.
- F. All the information and documents required by EMSA for the appraisal of tenders on the basis of the **Technical and professional capacity** (part of the selection Criteria) set out under point **15.5** of these Tender Specifications.
- G. All the information and documents required by EMSA for the appraisal of tenders on the basis of the **Award Criteria** set out under point **16** of these Tender Specifications.
- H. Setting out **prices** in accordance with **point 13** of these Tender Specifications.

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

³ 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).

case the tenderer shall simply indicate on the cover letter the bank account number to be used for any payment in case of award.

In e-Submission please fill in all mandatory fields (marked with a star *) and other fields as appropriate. All tenders must be clear, complete and consistent with all the requirements laid down in the Tender Specifications including the above instructions. The documentary evidence/documents required in the Tender Specifications must be uploaded in e-Submission. Tenders not uploading the necessary documents may be rejected.

13. Price

- A. Prices for Interpretation services shall include all fees described Appendix A – Price list.
- B. Prices must be quoted in Euro.
- C. Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
- D. 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 (EC) No 1406/2002. 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.

14. 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.

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.

15. Information concerning the personal situation of the tenderer and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required

15.1 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 in the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu).

15.2 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.

15.3 Legal and regulatory capacity – Selection criteria

15.3.1 Standards / Prerequisites

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

15.4 Economic and financial capacity – Selection criteria

15.4.1 Standards / Prerequisites

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

15.4.2 Evidence

- A. Financial statements or their extracts for the last three years for which accounts have been closed.
- B. Statement of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years available.
- C. 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 the provided documents are up-to-date. In this case the tenderer should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- D. If, for some exceptional reason which EMSA considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its 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 at any

moment during the procedure any other document enabling it to verify the tenderer's economic and financial capacity.

15.5 Technical and professional capacity – Selection criteria

15.5.1 Standards / Prerequisites

1. The tenderer must have the following minimum experience:
 - a. at least three (3) years in management and provision of interpretation services and coordination of qualified teams of interpreters, capable to cover the requested languages;
 - b. organisation of at least five (5) events that entailed presential simultaneous interpretation in at least two (2) European languages (for EU institutions or Public institutions, preferably in Maritime related topics) in the last four years; and
 - c. organisation of at least two (2) remote/virtual interpretation services in the last two (2) years in at least one language via a common video conferencing platform.
2. The tenderer must submit teams responsible for:
 - a. contract implementation, with at least two (2) persons with at least three (3) years of experience in managing similar contracts, and with at least B2 level of English language;
 - b. the AB interpretations, in line with the scenario for evaluation (Appendix A), with at least two interpreters and a back-up per language;
 - c. ENP annual steering committee meetings and selected trainings, with at least four interpreters for each of the following languages: Russian, Arabic and French.
3. All interpreters proposed in point 15.5.1.2 shall respect the following requirements:
 - a. Interpreters must be members of the International Association of Conference Interpreters (AIIC).
 - b. Interpreters must have at least three (3) years of experience in providing interpretation services since obtaining the diploma/qualification giving access to the profession;
 - c. Interpreters must have experience in providing simultaneous interpretation in the language they are proposed for during at least five (5) high-level international meetings (e.g. EU institutions, IMO or similar meetings), with interpretation during the last four (4) years; experience as liaison interpreter or company interpreter does not count;
 - d. Interpreters must have experience in providing simultaneous interpretation via virtual platforms. At least for two (2) virtual meetings in the last two (2) years.

15.5.2 Evidence

1. A description of the company's experience in providing similar services;
2. List of services provided under Points 2.a and 2.b of section 15.5.1 of the Tender Specifications, with all elements referred therein;
3. Curricula Vitae (CVs) of all teams' members, specifying their team and tasks they will be responsible for;
4. Proof of membership of the AIIC for all the proposed interpreters.

5. If the interpreters are not employees of the tenderer but subcontractors, then the “Statement of Subcontracting/Joint Offer” shall also be filled in and submitted. Each subcontractor must also submit a Declaration of Honour and a letter of intent with the name of the interpreter agreeing to be included in the bid to EMSA, signed and dated.

15.6 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 ($W_1 = 25\%$) Quality of the bid in terms of proposed project implementation, methodology of organisation and administration of presential/physical and remote/virtual interpretation services, and coordination of the teams of interpreters.
2. Quality criterion 2 ($W_2 = 25\%$) – Quality of the answer to the scenario proposed in Appendix A – Scenario for Evaluation in terms of team organisation, team composition to reduce use of relay languages, travel arrangements, back-up solutions, communication during the event, etc.

3. Quality criterion 3 ($W_3 = 10\%$) Quality of the methodology used by the tenderer for selecting suitable interpreters for their database and of the quality assurance policy.

and the price criterion and associated weighting:

4. Price of the bid ($W_{price} = 40\%$) – Appendix A – Price list

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

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

Only tenders 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.