

#### **CALL FOR TENDERS**

N° ENER/B4/2019-267

Expert for the safety of offshore oil and gas operations in the context of the Offshore Safety Directive (2013/30/EU),

## **TENDER SPECIFICATIONS**

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#### 1. Information on tendering

#### 1.1. Participation

The invitation was sent to a minimum 5 candidates, in accordance with Article 6.1 of the Annex to Financial Regulation.

#### 1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

#### 1.3. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU<sup>1</sup>.

#### 1.4. Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

#### Part E: Financial offer

The maximum contract price is EUR 75.000, which will include all cost including travel expenses. Tenders with prices higher than the maximum will be considered unacceptable.

<sup>&</sup>lt;sup>1</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).

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

#### 1.5. Identification of the tenderer

The tender must include a **cover letter** signed by an authorised representative presenting the name of the tenderer.

All tenderers must provide a signed Legal Entity Form with its supporting evidence. The form is available on:

http://ec.europa.eu/budget/contracts\_grants/info\_contracts/legal\_entities\_legal\_entities\_en.cfm

The tenderer must provide the following information in its tender if it has not been provided with the Legal Entity Form:

For natural persons, if required under applicable law, proof of registration in a professional or trade register or any other official document showing the registration number.

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer must provide a Financial Identification Form (see annex 1) with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: <a href="http://ec.europa.eu/budget/contracts">http://ec.europa.eu/budget/contracts</a> grants/info contracts/index en.cfm

The tenderer must declare whether it is a Small or Medium Size Enterprise in accordance with Commission Recommendation 2003/361/EC. This information is used for statistical purposes only.

#### 2. TECHNICAL SPECIFICATIONS

#### 2.1 Background of the assignment

The Offshore Safety Directive<sup>2</sup>, establishing minimum requirements for safety, environmental protection and emergency response across the EU, entered into force on 19 July 2013. Member States had to transpose the Directive into national rules and regulations by 19 July 2015; transitional periods for the industry applied.

The European Commission seeks to ensure a high level of safety of offshore oil and gas operations in the EU. After the implementation of the Offshore Safety Directive by Member States and the evaluation of first experiences with the Directive it intends to support Member States by training measures, development of guidelines and best practice and specifically advise on setting up adequate external emergency plans. It intends to strengthen co-operation of Member States' within the European Offshore Authorities Group, up-grade the services provided by its virtual centre of expertise on offshore safety (VICOS) and analyse Member States' safety performance. Furthermore, it addresses technical/legal issues as decommissioning, its follow-up and the liability for offshore accidents.

#### 2.2 Task list

Tasks of the external expert may include (non-exhaustive list):

- a. Training for competent authorities
- Organise training for Member States' competent authorities (e.g. workshops, exercises);
- Organise training for neighbouring countries of the EU (OSD, Article 33 (1)) i.e. Morocco, Israel, Egypt, Lebanon), specifically for setting up independent Competent Authorities including the management or work processes;
  - a. European Offshore Authorities Group (EUOAG, Commission Decision of 21.1.2012)

Contribute to the preparation of agendas and provide technical expertise for the meetings of the European Offshore Authorities Group (EUOAG);

- b. Commission applications ViCOS and SPIROS
- Contribute to the contents of the Commission's centre of expertise (ViCOS); promote and advertise Vicos; manage its user base;

<sup>&</sup>lt;sup>2</sup> Directive 2013/30/EU, OJ of 28.6.2013. p 66 – 106

- Contribute to the annual report on offshore safety (OSD, Article 25) based on data from Member States (e.g. provided by SPIROS and national sources); double check safety performance by using additional sources' data.

#### c. Emergency response and cross-border co-operation

- Assess Member States' external emergency response plans in co-operation with EMSA (Article 10 (3a), Article 29 (3) and Annex VII).
- Develop with EMSA, Member States and operators a catalogue of emergency equipment and services available (Article 10 (2c).
- Verify the level of compatibility and interoperability of response equipment throughout geographical regions (Art 29 (4)).
- Based on information from Member States, record emergency response equipment (Art. 29 (5) and its localisation.
- Prepare trans-boundary external emergency exercises with Member States
- Contribute to exercises focused on testing transboundary emergency mechanisms (Art 31(5);
- Review with EMSA exercises that focus on testing transboundary and Union emergency mechanisms (Article 10 (3b).

#### d. Other work areas

- Contribute to the drafting of guidelines and provide advice to the Commission on the decommissioning of offshore installations;
- Assess whether and how far sealed wells require long-term monitoring and follow-up actions;
- Provide technical advice for the Commission's assessment of Member States' major accident reports.
- Occasionally provide advice on special subjects as for example the liability for accidents.

#### e. Organisational framework of the expert's assignment

The expert will work under the supervision of the official in charge for safety of offshore oil and gas operations. He/she will be present in the Commission's offices during at least 20 % of the number of working days, which the candidate expert proposes to work for the Commission. The candidate expert may work the remaining working days at his/her home office, where the Commission may contact him/her by phone and e-mail.

Working language and contributions to the Commission's analysis and reporting shall be in English.

The duration of the tasks shall not exceed **18 months**. Execution of the tasks begins after the date on which the contract enters into force.

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of

*force majeure*). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

A **kick-off meeting** will take place in Brussels, at the latest 15 working days following the entry into force of the contract, in order to settle all the details of the work to be undertaken.

Since the expert shall work at least 20 % of the time spent for this contract in the Commission's premises co-operation with the Commission will take place on a daily and continuous basis. During the duration of the contract the Commission will further specify deliverables and set deadlines.

All information obtained in the context of this contract is confidential and shall not be disclosed by the expert, neither during nor after the expiry of the contact.

#### 3. EVALUATION AND AWARD

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- Selection of tenderers on the basis of selection criteria
- Verification of compliance with the minimum requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The Contracting Authority will assess these criteria in no particular order. The successful tenderer must pass all criteria to be awarded the contract.

#### 3.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 2), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the contracting authority..]

A tenderer is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

A tenderer is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

#### 3.2. Selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

#### 3.2.1. Declaration and evidence

The tenderers whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 2), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them.

This declaration is part of the declaration used for exclusion criteria (see section 3.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the evidence to be submitted with the tenders

A tenderer is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

A tenderer is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

#### 3.2.2. Regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders.

#### 3.2.3. Economic and financial capacity criteria

The tenderer must have the necessary economic and financial capacity to perform this contract until its end.

#### 3.2.4. Technical and professional capacity criteria and evidence

#### a. Criteria relating to tenderers

Tenderers must comply with the criteria listed below. The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- Criterion A1: The tenderer must prove experience from at least one field from the following list:
- i) Safety of offshore oil and gas operations at the level of industry,

(ii) Safety of offshore oil and gas operations at a Competent Authority for offshore safety, an Environmental Authority for offshore oil and gas operations or a Licensing Authority;

Evidence A1: The tenderer must provide references for at least three projects delivered in the area of safety of offshore oil and gas operations during the last five years.

- Criterion A2: The tenderer must prove capacity to work in English.

Evidence A2: the tenderer must provide references for three projects in the area of offshore safety delivered in the last five years showing the necessary language coverage.

- Criterion A3: The tenderer must prove capacity to draft reports in English.

**Evidence A3**: the tenderer must provide two documents of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last five years. The verification will be carried out on 5 pages of the document.

- Criteria relating to the expert delivering the service:

The expert delivering the service should include, as a minimum, the following profiles.

Evidence will consist in CV of the expert responsible to deliver the service.

<u>B1 - Expert</u>: At least 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience.

**Evidence**: CV

<u>B2 - Language quality check</u>: The expert should have at least C1 level in the Common European Framework for Reference for Languages<sup>3</sup> in English.

Evidence: native speaker, language certificate or past relevant experience.

**B3** - Expert in safety of offshore oil and gas operations: At least 10 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 10 years' professional experience in the field.

**Evidence**: CV

### 3.3. Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

<sup>&</sup>lt;sup>3</sup> See http://www.coe.int/t/dg4/linguistic/Cadre1 en.asp

Tenders must score minimum 65% for each criterion, and minimum 70% in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

#### Quality of the proposed methodology and project outline (40 points – minimum score 65 %)

Relevance and quality of methodologies to be employed to achieve the tasks and objectives required by the tender specifications, including the methodology to manage information sources and data necessary to carry out the work.

#### Organisation of the work and resources as estimated on the basis of this tender's description of foreseeable tasks and objectives (40 points - minimum score 65 %)

This criterion assesses the planned global allocation of time and resources to the project; it provides initial suggestions for a sample of task or deliverables, and whether this allocation is adequate for the work. The tender should provide information on the planned allocation of time and human resources and the rationale behind the choice of this allocation.

#### • Quality control measures (20 points – minimum score 65 %)

This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables. The quality system should be detailed in the tender and specific to each field; a generic quality system will result in a low score.

#### 3.4. Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 70/30] is given to quality and price.

Score for tender X	_	cheapest price	*	* 100	_ ^	price weighting	_	total quality score (out of 100) for all award criteria of tender X	*	quality criteria
ocore for terider X	_	price of tender X				(30 %)				weighting (70 %)

The tender ranked first after applying the formula will be awarded the contract.

#### 4. ANNEXES

- 1. Tenderer's Identification Form
- 2. Declaration of honour on exclusion criteria and selection criteria
- 3. Draft Contract or purchase order

#### ANNEX 1

#### **IDENTIFICATION OF THE TENDERER**

(Each service provider, including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract must complete and sign this identification form)

#### Call for tenders MOVE/ENER/SRD xx/xxxx-xx

Ide	ntity
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) <sup>4</sup>	
Add	lress
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contac	t Person
Surname:	
First name:	
Title (e.g. Dr, Mr, Ms):	
Position (e.g. manager):	
Telephone number:	
Fax number:	

<sup>&</sup>lt;sup>4</sup> For natural persons.

E-mail address:						
Legal Representatives						
Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties						
Declaration by an authorised representative of the organisation <sup>5</sup>						
I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.						
Surname: First name:	Signature:					

<sup>5</sup> This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

#### ANNEX 2

Comments [in grey italics in square brackets] are to be deleted and/or replaced by appropriate information.

## Declaration of honour on exclusion criteria and selection criteria

Full official name:

(only for natural persons) himself or (only for legal persons) the following legal person:

The undersigned [insert name of the signatory of this form], representing:

herself

ID or passport number:

Statutory registration number: Full official address: VAT registration number:		
b declares whether the above-mentioned person is in one of the following situations	or not	:
SITUATION OF EXCLUSION CONCERNING THE PERSON	YES	NO
a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;		
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;		
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibity where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;		
(ii) entering into agreement with other persons with the aim of distorting competition;		
(iii) violating intellectual property rights;		
(iv) attempting to influence the decision-making process of the contracting		

authority during the award procedure;

	(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;				
d)	it has been established by a final judgement that the person is guilty of any of the following:				
	(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;				
	(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;				
	(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;				
	iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;				
	(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;				
	(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;				
e)	the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;				
f)	it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;				
g)	for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:				
i	facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;				
ii	non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;				
iii	decisions of the ECB, the EIB, the European Investment Fund or international organisations;				

iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the						
infringement of Union or national competition law; or v. decisions of exclusion by an authorising officer of an EU institution, of a						
European office or of an EU agency or body.						
[Only for legal persons other than Member States and local authorities, oth	erwise	delete	<u>this</u>			
declares whether a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who haspowers of representation, decision or control with regard to the above-mentioned legal person (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not:						
SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSONS WITH POWER PROPERTY.		YES	NO			
Situation (c) above (grave professional misconduct)						
Situation (d) above (fraud, corruption or other criminal offence)						
Situation (e) above (significant deficiencies in performance of a contract )						
Situation (f) above (irregularity)						
declares whether a natural or legal person that assumes unlimited liability for the the above-mentioned legal person is in one of the following situations or not:						
SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON  YES						
Situation (a) above (bankruptcy)						
Situation (b) above (breach in payment of taxes or social security contributions)						
declares whether the above-mentioned person is in one of the following si	tuation	or not				
	luation	5 01 1101				
GROUNDS FOR REJECTION FROM THIS PROCEDURE						
h) has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;						
<ul> <li>i) has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;</li> </ul>						
acknowledges that the above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.						

#### REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.

#### **EVIDENCE UPON REQUEST**

Upon request and within the time limit set by the contracting authority the person shall provide information on the persons that are members of the administrative, management or supervisory body, as well as the following evidence concerning the person or the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), 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 person showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person 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.

If the person 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.

declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications:					
SELECTION CRITERIA					
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section [ <i>insert</i> ] of the tender specifications;					
(b) It fulfills the applicable economic and financial criteria indicated in section [ <i>insert</i> ] of the tender specifications;					
(c) It fulfills the applicable technical and professional criteria indicated in section [ <i>insert</i> ] of the tender specifications.					
declares that the above-mentioned person will be able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.					

Date

Signature

Full name

#### >

# ANNEX 5 **DRAFT CONTRACT**

Please see separate document