

# Joint Action on Harmonised Products 2022 JAHARP2022-03 Chainsaws

(Grant Agreement No. JA2021-02-3)

## RECAST - Call for Tender for Test Laboratories Electric Chainsaws

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## 1 Introduction

This is a relaunch of the Call for Tender for the purchase of test laboratory services under the EU co-funded JAHARP2022-03 on Chainsaws, first published on 30 January 2024. The initial public procurement round did not lead to contract award.

This new second tender notice is issued with updated Terms of Reference (ToR). Tenderers that replied to the initial Call for Tenders are strongly encouraged to submit an updated proposal in response to this relaunched Call and are not expected to resubmit documents that are unchanged.

## 2 Background and scope

Stichting PROSAFE is an international non-governmental organisation established as a foundation in the Netherlands by market surveillance officers from various countries throughout Europe. Its main aim is to contribute to the safety of products and services by promoting best practices in market surveillance.

One of PROSAFE's activities is to set up and coordinate Joint Market Surveillance Actions (MSAs) with the support of EU funding, such as JAHARP2022-03. The Joint Action runs between **April 2023 and March 2025**

(24 months duration) and addresses Chainsaws with focus on the consumer market. The JAHARP2022-03 Action includes the following roles and responsibilities:

- The Joint Action main Project Group is made up of representatives of the participating Market - Surveillance Authorities (see Section 2 below);
- The Project Leader is FPSE (Federal Public Service Economy), represented by Mr Thomas Gaignaux.
- The Project Leader is supported by the Project Coordinator, PROSAFE, who is responsible for the overall performance and management of the Joint Action and for reporting to the European Commission.
- PROSAFE is represented by Mrs Ioana Sandu, Executive Director, who appointed a Technical Facilitator, Mr Edwin Velsink, to provide technical expertise and guidance in the day-to-day organisation of the Joint Action.

The project aims to verify the compliance with the essential requirements of the following legislation:

- **Directive 2006/42/EC** of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC, and
- **Directive 2014/35/EU** on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits.

This Call for Tender concerns the testing of chainsaws for forest service of the following two types for non-professional use:

- a) **Electric mains-powered (corded) chainsaws;**
- b) **Electric battery-powered (cordless) chainsaws.**

The latest applicable harmonised test standard (as published in the OJEU) are the following:

1. **EN 62841-1** - Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery - Safety - Part 1: General requirements.
2. **EN 62841-4-1** - Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery - Safety - Part 4-1: Particular requirements for chainsaws.

PROSAFE may contract more than one accredited test laboratory to carry out the requested services.

The contract(s) will operate under Belgian law. Please see the attached standard terms and conditions that will apply to the contract (Appendix I).

## 2.1 Subcontracting

Subcontracting is permitted subject to the conditions below and the stipulations of Sections 5, 6 and 7 of this Call.

In case of subcontracting, the contractor will retain full liability towards PROSAFE for the performance of the contract as a whole.

Tenderers are required to identify in the tender all subcontractors whose capacity is necessary to meet the qualifying and/or assessment criteria and perform the requested services.

Subcontractors must provide evidence and explain how they fulfil the qualifying and assessment criteria applicable to them – see more in Sections 6 and 7 below.

During contract performance, a change in subcontracting shall only be permissible under exceptional circumstances and subject to the prior written approval of PROSAFE.

### 3 Participating authorities

The following Market Surveillance Authorities participating in JAHARP2022-03 will select the models of products to be tested:

1	Belgium	FPSE	Federal Public Service Economy
2	Croatia	DIRH	State Inspectorate
3	Finland	TUKES	Finnish Safety and Chemicals Agency
4	Czech Republic	CTIA	Czech Trade Inspection Authority
5	Spain	EJ&GV	Dirección de Proyectos Estratégicos y Administración Industrial Consejería de Desarrollo Económico, Sostenibilidad y Medio Ambiente Gobierno Vasco

### 4 Requested services

The testing will be carried out according to the specifications of the relevant harmonised standards.

The task comprises the following services:

#### 4.1 Prior to testing

- i. Potentially host a pre-testing meeting of around 2-4 participants/staff at the lab facility, or a virtual visit (to be decided by the project team), as part of the final stage of the assessment process. Will include discussions on the test programmes, logistics for the transport of samples, timing, and capacity issues with lab staff.
- ii. Appoint a primary contact person who has project management authority for the duration of the Work package. Any change of appointed contact must be made in agreement with the Joint Action team. Work with the JAHARP2022-03 staff by email/phone to plan the preparation, testing, and reporting programme to achieve a workable and smooth process.
- iii. Make the necessary arrangements to ensure the safe reception of the samples which will be delivered to the lab free of charge in original packaging, brand new. They will arrive either singly or in batches. Products remain the property of PROSAFE or the authority providing them the whole time until permission for disposal has been given.
- iv. Take digital identification photographs of each product before testing that show all main features and functionality. A photograph of labels and markings of the tested samples should also be taken, and the details recorded in a separate document alongside test results. Label each image file recognisably and/or provide an index of images that is searchable by brand, model number, project ID number.
- v. Upon request of and in coordination with the project team, provide a digital copy of the documentation, labels, and markings of each product prior to testing.

#### 4.2 Testing and reporting

- i. Test each product according to the applicable EU legislation and harmonised standards, to verify and demonstrate compliance with the specific requirements relevant to the product type. It is planned to test an estimated total of:
  - **15 models of electric (battery-powered and mains-powered) chainsaws. All testing shall be done with 2 samples per model.**
- ii. Issue a comprehensive individual test report in English for each model tested that fits the needs and requirements of the participating MSAs. This should be in accordance with the highest appropriate standards of quality, integrity, accuracy, and timely delivery, and the recommended/agreed reporting format. They must indicate the measured value for each property, not only “failed/passed” and must include uncertainty of measurement and the appropriate limits where

applicable. Reports should also include photos of the product, and appropriate labels included with the product.

**Furthermore**, if a product is found that was designed according to the previous version of the current applicable harmonised standards (e.g. EN 60745-2-13:2009/A1:2010, the test body should take this into account for the testing).

- iii. Before testing, risk analysis of each individual chainsaw model. Based on this assessment, and if a high risk is identified, make suggestions for complementary tests, if not covered by the agreed upon test programme. This with special attention to the electric parts like the safety circuits, moisture sensitivity, etc.
- iv. Host a physical or a remote/virtual meeting of the JAHARP2022-03 members/participants/experts at or near the lab to discuss the results, the test reports, and experience of the testing process. This should include observations from lab staff on difficulties, queries, and suggestions to improve any aspect of the testing process, test standard and regulations. It would be helpful for full understanding, if necessary, to include a visit to the test chamber with an example product. This could involve up to 15 participants.
- v. Report continuously on the testing progress and results, including swift communication of any unexpected results, and give recommendations for improvements to test methods and legislation based on the results of testing.
- vi. Participate in discussions on test results with other labs to develop common good practice approaches as a learning exercise for all participating test labs during the testing programme, if applicable.
- vii. Provide recommendations for improvements to test methods and legislation based on the results of testing.

#### 4.3 Following testing

- i. Respond to enquiries from the participating authorities about the outcome of the tests and the observations made by economic operators.
- ii. Store each product securely until disposal (subject to PROSAFE's approval). The cost of storage to the end of the project duration should be included in the quoted price.
- iii. Disposal should be done in a socially responsible. Confirmation of disposal and route will be required as part of the final report. Proposals on this are requested and may be used in the assessment in the case of equivalent bids.
- iv. Prepare a **summary report with all results and test analyses in English**, updated at regular intervals, on all the tests carried out and their results.
- v. Prepare an **end of the contract report in English** where the lab will provide an adequate overview of the state of play at the end of the contract and must guarantee its cooperation for handing over the tested samples, if needed, in a progressive, secured, and orderly manner to PROSAFE.

**Nota bene: Tenderers must meet all of the Exclusion and Qualifying Criteria. Please check these carefully and ensure that the bid explicitly addresses how each of these criteria is met.**

## 5 Exclusion criteria

**Tenderers and subcontractors whose capacity is necessary for the provision of the services must complete and sign in original handwriting a Declaration on Honour (DoH) attesting that they are not in any of the situations giving rise to exclusion from the procedure. The exclusion criteria are listed in the model Declaration on Honour provided with the Call for Tenders in Appendix II. Tenderers shall use this model in its entirety.**

*In line with the relevant European Commission requirements, tenderers that submitted a Declaration on Honour (DoH) as part of their tender file in the initial procurement round during January - February 2024 are not required to resubmit this document on condition that their situation is unchanged.*

## 6 Qualifying criteria for eligibility

The following minimum criteria must be met and explicitly presented by single tenderers, or tenderers with subcontractors in order for the tender to be considered.

**In the case of subcontracting, compliance with the criteria will be verified by combining the evidence/declarations provided by each concerned entity for a consolidated assessment:**

- 1) **Ability to provide the services described in Section 4.** In case of subcontracting, this criterion applies to the tenderer as a whole. In such a case, the tender must describe the structure and internal organisation.  
  
Subcontractors must additionally provide a signed letter of intent stating their willingness to provide the service presented in the tender, in line with the Tender Specifications.
- 2) **Proof of relevant accreditation or equivalent proof of competency for the product categories concerned:** electric chainsaws for forest service - mains-powered or battery-powered.
- 3) **At least 5 years of experience of conformity assessment of chainsaws.**
- 4) **Independence** from manufacturers, importers, distributors or other economic operators in the field of machinery, and **absence of conflict of interest.**
- 5) **Agreement** to allow one or two representatives of PROSAFE and/or the MSA, and/or the European Commission to **witness any given test** by prior arrangement, under supervision of test laboratory personnel.
- 6) **Agreement** to comply with the **PROSAFE General Conditions for Tender (Appendix I)** and the fact that the **European Commission**, the European Court of Auditors, and OLAF (European Anti-Fraud Office) **have the right to carry out checks, reviews, and audits** on contractors and subcontractors.
- 7) **Mastery of the English language**, demonstrated by the CVs of staff/experts who shall be involved in the provision of the requested services.
- 8) **Test facilities located within the territory of the EEA.**

Bids assessed to have met the above Qualifying Criteria will be entered into a shortlist for further joint evaluation on the assessment criteria and the financial offer to determine the best value for money. Bids that do not meet the above Qualifying Criteria will be rejected.

## 7 Assessment criteria for Technical Offer

The goal of the evaluation is to understand the ability of candidates to carry out the programme of work timely and to a high standard of quality, and to assess the quality and quantity of the Tenderer's experience of similar work, for the organisation as a whole and for the named individuals. Tenderers shall demonstrate how they best comply with the aspects raised in the questions below.

Please note that each criterion needs to be treated one by one so that the Evaluation Committee can trace swiftly and score your answer on a scale from 0, if not satisfactory, to 3 if very satisfactory. The proposed offer should treat each criterion in a manner that shows:

- Comprehensive presentation;

- Clarity in addressing the project requirements and needs;
- Good level of detail.

The selection will be based on a set of assessment criteria, each with its own weight in the final score.

**In case of subcontracting, the technical quality of the tender will be evaluated based on the combined capacity of lead contractor and the subcontractor, against the following assessment criteria:**

### 7.1 Criterion A: Team

Please describe the staff/team who will carry out the work (number, individual experience, qualifications, involvement in development of test standards, technical product design consulting, etc). Include a Europass CV of the lead technical expert and test engineers that will be involved in the testing. The team presented should be exactly the team conducting the service should the tenderer win and the number of staff in the composition should be respected throughout the test programme. *Weight: 1.*

**In case of subcontracting, the tender must also specify the roles, responsibilities, and division of tasks between the entities and staff involved in the provision of the services.**

If at a later stage a change in the staff is required, this must be pre-approved by PROSAFE after having received the CV and the professional references of the new team member. Please note that changes in the composition of the team should be justified and should by no means alter the conditions based on which the evaluation of the tenders took place.

### 7.2 Criterion B: Management

Please describe briefly how your organisation ensures that the systems that resulted in laboratory accreditation are implemented and maintained in daily work. Give a couple of examples of specific management practices that help to achieve this. *Weight: 1.*

### 7.3 Criterion C: Storage and Disposal

Please indicate how you propose to store and then dispose responsibly of the products securely and if restrictions on quantity or time apply. **In case of subcontracting, tenders must address this criterion for each entity involved in the delivery of the services, if applicable.** *Weight: 1.*

### 7.4 Criterion D: Testing experience

Please describe:

- i. The experience of the team (collectively) of carrying out testing on chainsaws according to the specifications of the relevant methods in the past 5 years. **Tenderers must specify a) the version of the standard(s) applied (including older/replaced versions) for the test cases referenced in their tender, and b) tested quantities for electric chainsaws (mains powered and battery-powered).** *Weight: 3.*
- ii. The experience you have with testing for European MSAs. *Weight: 2.*
- iii. Propose risk-based best-value-for money adjustments/additions to the indicative test programme as presented in Appendix III, based on your testing experience with chainsaws or similar products. Please justify. *Weight: 1.5.*

When addressing points i) and ii), please indicate if you have recent customer references that could be followed up as part of the assessment.

### 7.5 Criterion E: Technical experience

Please describe any technical experience of the team regarding the interpretation of test results.

**For example:** a) any experience of applying knowledge to product development, b) development of test methodologies, c) participation in standardisation committees, d) round robin exercises, e) experience in risk assessment and/or accident analysis on chainsaws or similar products, f) experience in verifying compliance of battery-powered chainsaws or similar products with the safety requirements of ANNEX K (Battery tools and battery packs) of IEC 62841-1:2014, etc. Please list your responses in reference to the above.

Tenderers must also indicate if they can perform the proposed test programme (see Appendix III) with 2 samples of each chainsaw model. In case you require more than 2 samples per tested model, please justify and specify the number of samples required. *Weight: 2*

## 7.6 Criterion F: Optimising throughput

What are your proposals on how to manage and optimise throughput capacity over your preferred phases of testing over the indicated period? Please indicate:

- i. How your staff and assets can be used to optimise throughput, given the staff resources, size, and testing equipment available to your lab. **In case of subcontracting, tenders must describe the measures for optimising throughput at the disposal of each entity involved in the performance of the services.** *Weight: 2.*
- ii. The maximum number of tests for the products concerned that can be ongoing at the same time (i.e., over the same day(s) of the test). Note that this can exclude the physical process of set-up, which does not need to occur in parallel; and it should only assume use of resources that can be made available for this project.

If you wish to propose certain restrictions regarding the maximum number of products per period or any other restrictions on the capacity, please record them clearly in the Technical Offer.

**In case of subcontracting, tenderers must also describe the logistics planning as well as the coordination/communication mechanism and arrangements between the entities involved in the provision of the services with regards to the organisation and performance of the testing.** *Weight: 1.5.*

- iii. Approximately how many products can be processed per week; note any caveats on this and how long is needed between the completion of one test and start of the next test set-up; and between the end of a test and delivery of the test report.  
**In case of subcontracting, tenders must specify this quantity for each entity involved in the execution of the services.**

Please also indicate any significant implications of changes to the timeline (up to a 2-month delay or contrarily any form of acceleration of the programme)

*Weight: 1.5.*

- iv. How long, in your estimation, would the entire indicative test program (as shown in Appendix III) take to test all 15 models anticipated in Section 3, from the first day of testing to the last product being tested? *Weight: 1.5.*

## 7.7 Criterion G: Test Reports

Please provide a copy of your proposed **standard reporting template and an example of a standard report from a previous test** (anonymised/redacted as necessary, i.e., without information such as brand, country of origin, serial number, etc.) covered by the scope of this Call and for a product tested by the tenderer during the last five years.

In the case of subcontracting, tenderers must provide an example of a test report showing the test results obtained by each member of the group. Please provide a proposal of how each entity will report their measurements in one single test report for a product. *Weight: 1.*

## 8 Financial Offer

PROSAFE is VAT registered as a taxable person established in Belgium with VAT number BE 0809.226.854. All invoices shall mention the BE VAT number and **be issued with zero VAT**, making reference to the reverse charge mechanism according to Articles 44 and 196 of the VAT Directive 112/2006.

Terms of the offer must be valid for acceptance (or negotiation) for at least **6 months from submission**.

Invoicing will be discussed and agreed before the placement of the contract.

Tenderers are requested to quote prices (with zero VAT) per tested model/unit in **Appendix III - Detailed Product testing requirements and Price list** (separate document to download), including all charges/expenses for the requested testing services.

**The final test programme will be determined during the contracting phase, in cooperation with the selected test body or bodies.**

Under this Call for Tender and Tender specifications, ‘testing services’ means the following, without prejudice to the description of the Service Request in Section 3 above – **so that costs for all support functions are distributed across the products tested:**

- Setup of testing and related preparatory analyses, including receipt, indexing, and taking pictures of the products, as framed in Section 3 above.
- Comprehensive testing according to the applicable requirements of the relevant harmonised standards, and any additional/auxiliary technical assessment work;
- Preparation of a test report for each model tested, including the results of the tests, the values measured, and photos of all non-conformities;
- Preparation of a summary report, updated at regular intervals, on all the tests carried out;
- Preparation of an end of contract report;
- Responding to enquiries from the JAHARP2022-03 team and the participating authorities about the progress and outcome of the testing, or other part of the service as indicated in this Call, throughout the term of the contract;
- **The hosting of one physical or remote meeting with maximum 7 participants;**
- Storage and/or disposal of the products tested.

The quotation shall include an indication of **any possible discounts** that can be offered whether for quantity of tested samples or as a commercial gesture.

**Note 1:** The prices in EUR quoted for comprehensive testing according to the harmonised will be taken into account during the selection process. If it is decided to carry out a more limited test programme, the final cost of testing will be adjusted accordingly.

**Note 2:** PROSAFE reserves the right to negotiate with one or more shortlisted tenderers before taking a decision on the placing of a contract. The offer shall remain valid until changes are agreed in writing.

## 9 Tender documentation and language

The tender documentation shall be in **English** and should comprise:

- 1) **Signed Declaration on Honour** sent in original with blue ink hand-written signature by post (**Appendix II**). If handwritten blue -ink, then the original must be attached and sent by post as well.



**In case subcontracting, subcontractors must also provide a signed Declaration on Honour.**

- 2) In case of subcontracting, **subcontractors must additionally provide a signed letter of intent (Appendix V)** stating their willingness to provide the service presented in the tender and in line with the Tender Specifications.
- 3) **Document confirming compliance with qualifying criteria** which is headed ‘Qualifying Criteria’ and has sub-headings numbered as per **Section 6** of this specification.

The tenderer should duly address the qualifying criteria and attach in Annex supporting documentation proving the information presented (e.g., proof of accreditation, stand-alone declaration that the tenderer accepts the PROSAFE terms and conditions, the absence of a conflict of interest, list of test references, any other documents deemed necessary by the tenderer).

The tenderer should create one single pdf with all files for this part and if it is not possible to list the number of documents pertaining to this part in the checklist.

- 4) **Document confirming your understanding and acceptance of the Required Services (Section 3).**
- 5) **Technical Offer** addressing the aspects raised in **Section 7**, with sub-headings labelled as per the corresponding question letters (A, B, C, etc.) including all the supporting evidence in Annex to this document (e.g., CVs, sample of test report(s) anonymised for an already tested product covered by the scope of this call for tender, etc.).

The tenderer should create one single pdf with all files for this part and if it is not possible to list the number of documents pertaining to this part in the checklist (see Appendix II uploaded separately).

- 6) **Financial Offer** as per the tables in **Appendix III** to these tender specifications – see separately uploaded template. The Financial Offer should also include any additional information or observations on the proposed indicative testing programme or price that may be relevant to planning and evaluation of offers.
- 7) Filled in and signed checklist as presented in Appendix IV.

**Tenderers that have submitted any of the requested documentation during the initial procurement are not required to resubmit it provided that the terms and conditions of their tender are unchanged, and there is no subcontracting.**

## 10 Evaluation and award procedure

**An evaluation committee** will assess all tenders received as follows:

1. Screening of tenders for compliance with the exclusion criteria (any non-compliant bid rejected);
2. Screening of tenders for compliance with the qualifying criteria (any non-compliant bid rejected);
3. Assessment of qualifying bids based on the assessment criteria and calculation of a technical score with a total weight of 70% in the final score;
4. Evaluation of the financial offer and calculation of a score with a total weight of 30% in the final score.
5. Determination of the best value for money offer;
6. Optional if conducted: the outcomes of the visit to the lab as part of the assessment process (the visit may be virtual) that may confirm or contradict the initial evaluation at point 3 above and lead to a reevaluation of the best value for money offer.
7. Final selection of tenderers and decision on the number of products to be tested and distribution between tenderers.

Tenderers may be invited to provide clarification or further information when a clerical error occurred, provided that the principles of transparency and fair competition are respected/upheld.

## 11 Questions about this specification

Any questions of clarification or other queries about the tender requirements or specification must be submitted in writing by e-mail to [ioana@prosafa.org](mailto:ioana@prosafa.org) **AND** [kyriakos@prosafa.org](mailto:kyriakos@prosafa.org), and copied to the WP Facilitator, [edwincpc@gmail.com](mailto:edwincpc@gmail.com) with the subject header 'URGENT: Question for the RECAST Tender JAHARP2022-03 Chainsaws'.

Questions must be received by 25 March 2024 at 17:00 CET.

Anonymised question(s) and response(s) will be circulated to interested tenderers and posted on the PROSAFE's website: [www.prosafe.org](http://www.prosafe.org).

Questions received differently than above described will not be answered, in fairness to all tenderers.

## 12 Timetable and deadlines

1. Call for Tender (recast) published on PROSAFE website on 13 March 2024.
2. Deadline for submission of questions about the specifications: 25 March 2024, 17:00 CET.
3. **Deadline for submission of tenders: 28 March 2024, 17:00 CET.**

Tenders must be sent to the offices of PROSAFE in hardcopy (Address: Avenue des Arts/Kunstlaan 41, 2<sup>nd</sup> floor, 1040 Brussels, Belgium) **AND** via email to [ioana@prosafa.org](mailto:ioana@prosafa.org) **AND** [kyriakos@prosafa.org](mailto:kyriakos@prosafa.org) with the subject header 'RECAST Tender - JAHARP2022-03 Chainsaws', and copied to the WP Facilitator: [edwincpc@gmail.com](mailto:edwincpc@gmail.com). Hardcopies must be received by 04 April 2024 – stamp date being the proof that they were sent on 29 March 2024 at the latest.

Tenders received after the deadline will not be assessed.

4. Clarification of bid details and implementation options with preferred tenderers during week 14 (2024).
5. PROSAFE will inform tenderers of results in week 15-16 (2024);
6. Tenderers have 5 working days to appeal the decision from the day after the information email was sent. PROSAFE will analyse the appeal and provide a final decision within a week from the moment the appeal was launched.
7. Contracts are expected to be signed in week 17-18 (2024).
8. Testing is expected to commence between week 21 and 23 (2024).

With best regards,

Ioana Sandu

Executive Director

### List of Appendices:

- Appendix I - PROSAFE General Conditions for Tenders
- Appendix II - Declaration on honour
- Appendix III - Detailed Product Testing Requirements and Price List
- Appendix IV - Checklist Complete Tender Package
- Appendix V - Letter of intent for subcontractors

### DISCLAIMER

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