

## Joint Actions on Harmonised Products 2021 - GA N. JA2021-04

### Scissor Platform Lifts

## Call for Tenders for the inspection and testing of scissor lifts

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### 1 Background and scope

JAHARP2021-04 is a Joint Market Surveillance Action, co-funded by the EU, concerning the market surveillance of Scissor lifts. The Joint Action runs between August 2022 and August 2024 (24 months) and PROSAFE is the Project Coordinator.

The main aim of PROSAFE, an international non-governmental organisation established in 1991 by market surveillance officers from various countries throughout Europe, is to contribute to the safety of products and services by promoting best practices in market surveillance.

JAHARP2021-04 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 3);
- The Project Leader is the Netherlands Labour Authority (NLA), represented by Ms Khadija NOUHASSI;
- 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 Ian Fraser, to provide technical expertise and guidance in the day-to-day organisation of the Joint Action.

This Call for Tenders comprises the following 2 Lots.

#### LOT A

- On-site inspection of 42 models of scissor lifts to check their safety and compliance with the requirements of the Machinery Directive 2006/42/EC;

#### LOT B

- Comprehensive inspection and testing of 2 models of scissor lifts to check their safety and compliance with the requirements of the Machinery Directive 2006/42/EC.

Candidates may submit tenders for Lot A alone, for Lot B alone or for both Lots. Candidates tendering for Lot A may be inspection bodies or individual experts. Tenders from inspection bodies shall designate one or more named expert(s) to carry out the inspections included in Lot A.

PROSAFE may contract more than one inspection body or expert to carry out the requested services.

The contract(s) will operate under Belgian law.

### 2 Requested services

JAHARP2021-04 is focused on the safety and compliance of Mobile Elevating Work Platforms (MEWPs) having an extending structure that is a scissors mechanism (Scissors lifts).

Lot A comprises the following tasks:

- 1) Before the on-site inspections, the designated expert(s) shall take part in a meeting with PROSAFE and representatives of the Project Group to agree on the inspection programme;

- 2) The designated expert(s) shall travel to the countries where the on-site inspections are to be carried out - this is labeled as a national visit which may comprise of multiple on-site inspections;
- 3) The on-site inspections shall be carried out in a team with inspectors from the national market surveillance authority concerned. Selected models of scissor lifts will be inspected at the premises of manufacturers, importers, distributors, rental companies or users;
- 4) For each model of scissor lift inspected, the designated expert(s) shall draw up an inspection report, and at the end of each national visit a one-page briefing note of all administrative details for inspections carried out per country should be presented;
- 5) After completion of the inspections, the designated expert(s) shall draw up an overview report summarizing the results of all the inspections carried out in all national visits;
- 6) After completion of the inspections, the designated expert(s) shall take part in a meeting with the Project Group to present and discuss the results and examine the risks posed by any non-conformities detected;
- 7) After completion of the inspections and until the end of the Joint Action, the expert(s) shall respond to enquiries from the participating Market Surveillance Authorities about the results;
- 8) Before the end of the contract, the expert(s) shall submit a short end-of-contract report summarizing the work done.

**Lot B comprises the following tasks:**

- 1) The inspection body shall nominate a contact person, having management authority, to be responsible for execution of the work;
- 2) Before the comprehensive inspections and tests, the inspection body shall take part in a meeting with PROSAFE and representatives of the Project Group to agree on the comprehensive inspection and test program;
- 3) The inspection body shall make the necessary arrangements to ensure the safe reception, storage, and testing of the test samples;
- 4) The inspection body shall carry out the agreed comprehensive inspection and test program on the test samples provided;
- 5) The inspection body shall draw up a test report for each of the models inspected and tested;
- 6) After completion of the inspections and tests, the inspection body shall take part in a meeting with the Project Group to present and discuss the results and examine the risks posed by any non-conformities detected;
- 7) After completion of the inspections and tests and until the end of the Joint Action, the inspection body shall respond to enquiries from the participating Market Surveillance Authorities about the results;
- 8) At the end of the Joint Action, the inspection body shall ensure the disposal of the test samples in a manner agreed by PROSAFE;
- 9) At the end of the contract, the inspection body shall submit a short end-of-contract report summarizing the work done and explaining the measures taken to dispose of the test samples.

The working language of the activity is English.

### **3 Participating authorities**

The following Market Surveillance Authorities participating in JAHARP2021-04 will select the models of scissor lifts to be inspected and tested:

Country	Acronym	Authority
Belgium	FPSE	Federal Public Service Economy
Republic Czech	CTIA	Czech Trade Inspection Authority
Ireland	HSA	Health and Safety Authority
Latvia	CRPC	Consumer Rights Protection Centre
The Netherlands	NLA	Netherlands Labour Authority
Portugal	ACT	Authority for Working Conditions
Spain (Andalusia)	SGIM	Secretariat General of Industry and Mines
Spain (Basque Country)	EJ&GV	Department of Economic Development, Sustainability and Environment
Spain (Catalonia)	SGSI	Sub-directorate General for Industrial Safety

## 4 Programme and duration of inspections, reporting, delivery time

### LOT A

The inspection programme will be based on the requirements of the Machinery Directive 2006/42/EC supported by the specifications of standard EN 280. The on-site inspections will be limited to visual examinations and functional tests. An indicative inspection programme is set out in Appendix 3 and marked specifically for Lot A. The final inspection programme will be determined and agreed at the meeting referred to in Section 2 A (1).

For the purposes of functional tests, the Market Surveillance Authorities will ensure that the scissors lifts can be operated by trained staff during the on-site inspections.

The expected duration of each inspection is half a day and one day is foreseen for preparation of the inspection report and other reports. A national visit would cover approximately 6 inspections and we foresee 7 national visits (BE, CZ, IE, LV, NL, PT, ES).

The individual expert would have the following available days in the financial envelope - 63 days:

- Half a day for each inspection → 21 days for 7 countries (3 days per country/national visit)
- One day for reporting per visit → 42 days for 7 countries (6 days per country/national visit) which should cover tasks for the visit in question but also general aggregated tasks for the whole programme of visits. These are:
  - Preparing an inspection report for each inspected lift (Section 2 Lot A paragraph 4);
  - Preparing a one-page briefing note (Section 2 Lot A paragraph 4) on the administrative details of the 6 inspections per national visit;
  - Preparing overview report summarizing the results of all the inspections carried out in all national visits (Section 2 Lot A paragraph 5);
  - Attending 1 day meeting with the MSAs to present the end results and provide clarifications (Section 2 Lot A paragraphs 6 and 7);
  - Preparing end-of-contract report summarizing the work done (Section 2 Lot A paragraphs 6 and 8).
- Actual incurred travel expenses are paid separately according to the EU rules.

### LOT B

The inspection programme foreseen for Lot B will be completed with potentially destructive tests.

An indicative inspection and test programme is set out in Appendix 3 and marked specifically for Lot B. The final comprehensive inspection and test programme will be determined and agreed at the meeting referred to in Section 2 B (2).

Tenderers shall indicate the delivery time needed for executing a comprehensive inspection and test programme, from receipt of the test sample to the issuing of the test report.

## 5 Exclusion Criteria

Tenderers shall complete and sign in original handwriting a Declaration on Honour 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 2. Tenderers shall use this model in its entirety.

## 6 Qualifying criteria

The following minimum criteria must be met by tenderers in order for their tender to be considered:

### LOT A

The expert(s) designated to carry out the on-site inspections shall have:

- 1) Qualification as an engineer OR an equivalent diploma OR post-graduate professional experience of at least 5 years in a related field;
- 2) Thorough knowledge of the Machinery Directive 2006/42/EC and of the related harmonised standards;
- 3) At least 3 years of experience of conformity assessment of scissor lifts or similar machinery;
- 4) Full independence from manufacturers, importers or other economic operators in the field of machinery; this criterion applies to the individual expert but also to the body appointing the expert;
- 5) Excellent mastery of the English language, either as a native speaker or through having worked in an international environment for at least 3 years.

### LOT B

- 1) The team of expert(s) designated by the tenderer to carry out the comprehensive inspections and tests for this lot shall each and individually meet as a minimum the qualifying criteria required for Lot A from point 1) to 5);
- 2) Relevant accreditation or equivalent proof of competency;
- 3) The tenderer shall agree to comply with the PROSAFE General Conditions for Tender (Appendix 1);
- 4) The tenderer should have no conflict of interest arising from the lack of full independence from manufacturers, importers or other economic operators in the field of machinery;
- 5) The tenderer shall have the necessary test equipment and test facilities located in the EEA.

## 7 Financial offer

The financial offer must remain valid for at least 3 months from the submission of the tender.

Travel costs will be reimbursed according to the rates applied by the European Commission and therefore should not be included in the financial offer.

### LOT A

The tenderer shall quote a daily rate (in Euros, without VAT) for on-site inspection of scissor lifts and reporting as included in Section 4.

### LOT B

The tenderer shall quote a price (in Euros, without VAT) per model of scissor lift, for the execution of the comprehensive inspection and test programme set out in Appendix 3.

The price quoted per model shall cover:

- a) Reception and storage of the test samples;
- b) Execution of the comprehensive inspection and test programme;
- c) Preparation of the test report;
- d) Responding to enquiries from the participating authorities and the Project Coordinator about the results;
- e) Preparation of the short end-of-contract report.

Note 1: If the comprehensive inspection and test programme decided at the meeting foreseen in section 2 B (2) differs from the programme set out in Appendix 3, the price will be adjusted accordingly.

Note 2: Stichting PROSAFE is VAT registered as a taxable person established in Belgium as from 01 January 2020. PROSAFE's VAT number is BE 0809.226.854. From 1 January 2020 onwards, PROSAFE applies the reverse charge mechanism in accordance with Articles 44 and 196 of the VAT Directive 112/2006.

Note 3: PROSAFE reserves the right to negotiate with one or more shortlisted tenderers maintaining the initial tender conditions before taking a decision on the placing of a contract. The offer shall remain valid until changes are agreed in writing.

## 8 Tender documentation

The tender shall be accompanied by all relevant supporting documents. In order to ensure that the tender documentation is complete, a checklist for the contents of the tender is provided in Appendix 4, to be completed and sent with the tender documentation.

For the Financial offer - Appendix 3 The tenders are welcome to include additional comments to the test programme presented if these clarifications help explain the pricing they quoted.

The tender shall include the following contents per LOT:

### LOT A

#### *a) Declaration on Honour*

1. The completed and signed Declaration on Honour on the Exclusion criteria referred to in Section 5 (Appendix 2);

#### *b) Technical offer*

2. A full explanation of how the tenderer is able to provide the services set out in Section 2;
3. The name(s) and CV(s) of the expert(s) designated to carry out the on-site inspections;
4. A full explanation of how the tenderer complies with the Qualifying criteria set out in Section 6;
5. A self-declaration of attestable in place measures that ensure continuity of service over the full period of the contract;
6. A precise account of the tenderer's experience of conformity assessment of scissor lifts or similar machinery.
7. A portfolio of similar inspection projects carried out in the last 3 years.

#### *c) Financial offer*

The Appendix 3 - Financial Offer shall be submitted together with the tender documentation and having the table on the second page filled in accordingly to Lot A: Daily Rate.

### LOT B

#### *a) Declaration on Honour*

1. The completed and signed Declaration on Honour on the Exclusion criteria referred to in Section 5 (Appendix 2);

#### **b) Technical offer**

2. A full explanation of how the tenderer is able to provide the services set out in Section 2;
- If there is a maximum number of products total or per period that you would wish to impose or any other restrictions on the capacity that PROSAFE should bear in mind for planning. These will not necessarily count against your bid and could help if you indicate how they can be managed.
  - 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 - all product identification details to be removed, such as brand, country of origin, serial number, etc.) covered by the scope of this call for tender, a product tested by the tenderer during the last five years.
  - Please indicate how you propose to dispose of products responsibly.
3. The name(s) and CV(s) of the expert(s) in the team that will carry out the testing of the scissor platform lifts, which should remain the same until the completion of the contract;
- If at a later stage a change in the staff is required this has to 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.
4. A full explanation of how the tenderer complies with the Qualifying criteria set out in Section 6;
  5. A precise account of the tenderer's experience of conformity assessment of scissor lifts or similar machinery.
- Please submit a table that shows the tests conducted year by year.
  - Please list the experience you have with testing or working for European Market Surveillance Authorities, if any. Please give sufficient level of detail.
6. A description of the tenderer's test facilities;
  7. The delivery time referred to in Section 4 B.
- Please indicate any significant implications of changes to the standard testing timeline (up to a 3-month delay or some acceleration).

#### **c) Financial offer**

The Appendix 3 - Financial Offer shall be submitted together with the tender documentation and having the table on the second page filled in accordingly to the Lot B: The price per model for the comprehensive inspection and testing.

## **9 Award criteria**

Tenders will be assessed according to the following criteria with the aim of achieving best value for money:

### **LOT A**

#### **a) Technical offer**

The following criteria, which count for 70% of the assessment, will be awarded points (from 0 if not treated, 1 not satisfactory to 3 if very satisfactory) if they are covered; regarding the clarity of the bid in responding to our needs; regarding the level of details provided. Additionally, each criteria have a weight based on their importance:

- I. Ability and availability to carry out the required tasks - 25%

- II. Qualifications of the designated expert(s) - 35%
- III. Experience of conformity assessment of scissor lifts or similar machinery - 40%

#### ***b) Financial offer***

This criterion will count for 30% of the assessment.

- IV. Daily rate;

### **LOT B**

#### ***a) Technical offer***

The following criteria, which count for 70% of the assessment, will be awarded points (from 0 if not treated, 1 not satisfactory to 3 if very satisfactory) if they are covered; regarding the clarity of the bid in responding to our needs; regarding the level of details provided. Additionally, each criteria have a weight based on their importance:

- I. Ability to carry out the required tasks - 20%
- II. Qualifications of the designated expert(s) - 30%
- III. Experience of conformity assessment of scissor lifts or similar machinery - 35%
- IV. Delivery time - 15%

#### ***b) Financial offer***

- V. Price for execution of the comprehensive inspection and test programme.

## **10 Selection Process**

The tenders will have to follow the standard submission and evaluation procedure. An evaluation committee will assess all tenders received as follows:

- 1) Tenders will be screened for compliance with the Exclusion and Qualification criteria set out in Sections 5 and 6;
- 2) Tenders found eligible after step 1) will be assessed against the award criteria set out in Section 9;
- 3) For Lot B, PROSAFE may visit the tenderer's test facilities before the selection is finalised;
- 4) All tenderers will be informed about the results of the selection by email.

Candidates may appeal the selection decision within 5 working days from receipt of the email about the result of the selection. PROSAFE will analyse the appeal and provide a final decision within a week from the moment the appeal is launched.

## **11 Questions about this Call for Tenders**

Any questions about this Call for Tenders must be submitted by e-mail to Mrs Ioana Sandu, Executive Director, [ioana@prosafa.org](mailto:ioana@prosafa.org), and Mr Mario Arigliani, Junior Policy and Project Officer, [mario@prosafa.org](mailto:mario@prosafa.org), and also addressed to the Project Facilitator, Mr Ian Fraser: [ianfraser.safety@gmail.com](mailto:ianfraser.safety@gmail.com) with the subject header 'Question for JAHARP2021-04 Call for Tenders'.

Such questions must be received, at the latest, by 27 February 2023 17h00 CET.

Anonymised question(s) and response(s) will be circulated to interested parties and posted on the PROSAFE website.

## **12 Deadline for submission of tenders**

Deadline for the submission of tenders: **6 March 2023 17 h 00 CET.**

Tenders must be sent:

- In hardcopy to the offices of PROSAFE at Avenue des Arts/Kunstlaan 41, 2nd floor, 1040 Brussels, Belgium and
- Via email to [ioana@prosafe.org](mailto:ioana@prosafe.org), [mario@prosafe.org](mailto:mario@prosafe.org) and [ianfraser.safety@gmail.com](mailto:ianfraser.safety@gmail.com) with the subject header 'JAHARP2021-04 Call for Tenders'.

Hardcopies must be received at latest by 9 March 2022 – stamp date being the proof that they were sent on 6 March 2023.

Tenders received after that deadline will not be assessed.

## 13 Timetable

1. Tender published on PROSAFE websites on 03/02/2023.
2. Deadline for submission of questions about the specifications: 27 February 2023, 17 h 00 CET.
3. Deadline for submission of tenders: 6 March 2023, 17 h 00 CET.
4. PROSAFE notifies bidders of the results or request clarifications in weeks 11-12;
5. Week 13 - appeal period;
6. Preparation of the contract and start discussions with selected expert(s) and inspection body(ies) - Week 14;
7. Signing the contract - mid April;
8. Start inspections and testing - beginning of May 2023.

## 14 Standard terms and conditions for the contract

Please see the attached standard terms and conditions that will apply to the contract.

## 15 Protection of personal data and confidentiality

If processing a tender involves the recording and processing of personal and sensitive data (such as name, address, email, quotations, etc.), such data will be processed pursuant to Regulation (EU) 2016/679 on data protection and privacy in the European Union and the European Economic Area. Any personal or sensitive data provided in connection to this Call will be processed by PROSAFE, which also acts as the data controller, solely for those purposes indicated above in point 2.

With best regards,

Ioana SANDU

PROSAFE Executive Director



## Appendices

[Appendix 1](#) - PROSAFE General conditions of Tender

[Appendix 2](#) - Declaration on Honour on Exclusion criteria

[Appendix 3](#) - Indicative inspection and test programme and financial offer

[Appendix 4](#) - Checklist for the contents of the tender