

**Joint Action 2013**  
**GA N° 2013 82 01**  
**Call for Tender for Test Laboratories**  
**Product Activity TOYS**

## 1. Background

PROSAFE is an international non-governmental organisation established in 1991 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. Since 2006, PROSAFE has established itself as the organising and coordinating body for Joint Market Surveillance Actions in Europe. PROSAFE's official name is "Stichting PROSAFE". It is a foundation under Dutch law.

PROSAFE's main task is to coordinate Joint Actions. Each Joint Action comprises a number of product-specific activities that target specific product groups, and a number of activities aiming at developing methods and best practices.

In 2013, PROSAFE became the coordinator for the Joint Market Surveillance Action 2013. Toys is one of the five product-specific activities to be carried out more or less simultaneously. The Joint Action on toys started in March 2014 and will end in March 2016. One of the product-specific activities in the Joint Action will address TOYS.

The Joint Action identifies a number of *roles and responsibilities*:

- A *Project Leader* for the Joint Action has been appointed. He is responsible for the performance, reporting and coordination of the Activity Leaders;
- A Member State representative has been selected as Activity Leader responsible for carrying out the Activity on Toys.
- An external consultant, Noel Toledo, has been selected as Activity Coordinator responsible for the daily coordination of the Activity on Toys;
- PROSAFE's Executive Director is responsible for the general and financial management of the Joint Action;
- The financial and project administration is handled by the PROSAFE Office.

## 2. The scope of the tender

An important part of the Joint Action is the testing of a number of toys. Within this Joint Action, toys to be tested are **toys intended for children under three years of age** and in line with the meaning given by Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys.

The agreement foresees the testing of samples according to:

- (i) Clauses 4.9, 5 and 6 of En71-1:2011+A3:2014. More information is provided within Annex 1.
- (ii) En71-3:2013, specifically migration of heavy metals, in particular migration of lead in such toys. Detailed requirements are found within Annex 1.
- (iii) Testing of phthalates content according to the REACH Regulation. The phthalates DEHP, DBP and BBP are prohibited in all toys and childcare articles, while phthalates DINP, DIDP and

DNOP are prohibited in toys or childcare articles that can be placed in the mouth by children. The test method for phthalates will be based on EN14372:2004 - Child use and care articles - Cutlery and feeding utensils - Safety requirements and tests. Detailed requirements are found within Annex 1.

**\*\* Obtained values when the failure occurred is needed in ALL tests performed by the laboratory.**

The purpose of the testing is to test a number of toys according to the physical / mechanical requirements found under EN71-1:2011+A3:2014 and also to test either the same samples or a number of different samples for chemical properties. In the case of chemicals, the tests carried will be for evaluating the content phthalates and for migration of heavy metals, in particular lead.

Around 140 assessments of toys will be performed. It is important to note that this is only indicative. The precise number of samples may deviate from this budget value. It will be determined by the Activity Leader and the Activity Coordinator during the course of the Action. Therefore, the indicative number of samples to be tested is as follows:

- (i) Around 140 samples tested for Clauses 4.9, 5 & 6 of EN71-1:2011+A3:2014
- (ii) Around 140 samples tested for migration of lead according to EN71-3:2013
- (iii) Around 140 samples tested for content of phthalates in line with the Reach Regulation and according to test method identified within EN14372:2004

Some of the samples may end up being tested for more than one of the three tests mentioned above but this will mainly depend on the type of toy being tested. Each market surveillance authority will specify clearly to which tests each particular sample needs to be tested.

**PROSAFE is calling for one or more laboratories to undertake the testing as indicated above.**

- The purpose of this testing is to assist the respective market surveillance authorities in determining the level of risk found within such samples which will ultimately result in the necessary action / measures taken by them accordingly.
- The Activity may ask the laboratory to participate in one or more project meetings, for instance to explain test methods or test results to the Member States.
- The Activity may also ask the laboratory to host a project meeting for the representatives from the sampling Member States.
- The samples will be provided by 10 (ten) Market Surveillance Authorities in the following Member States (MS): Cyprus, Czech Republic, Denmark, Greece, Lithuania, Malta, Norway, Poland, Portugal and The Netherlands.
- The Member States will provide one item of each sample for the examination and testing.
- Each sample will be sent to the laboratory directly from the Member States. It will be accompanied by a list that identifies the sample, the Joint Action, the submitting Member State and specific requirements for the testing, if any.
- The testing is envisaged to start some time during the fourth quarter of 2014 and will possibly end by the end of second quarter of 2015. Certain flexibility may however be needed.
- It is emphasised that PROSAFE may decide to assign the testing to more than one laboratory.

### **3. Requirements, tenderer**

The main requirements for undertaking the assignment are:

- Ability to carry out the test required. Preferably with an accreditation according to EN 17025:2005 or similar for the required standards and tests.
- Full independence from manufacturers, importers or other economic operators in the market for toys.
- Excellent active and passive knowledge of the English language. Preferably good knowledge of other official European languages.

The following management requirements apply:

- It is the responsibility of the laboratory to carry out its testing and calibration activities in such a way as to meet the respective requirements of the tender specifications.
- The laboratory shall have managerial and technical personnel who have the authority and resources needed to carry out their duties.
- The laboratory shall provide adequate supervision of testing and calibration staff by persons familiar with methods and procedures, purpose of each test and/or calibration, and with the assessment of the test or calibration results.
- The laboratory shall establish and maintain procedures for the review of requests. The policies and procedures for these reviews leading to a contract for testing and/or calibration shall ensure that the laboratory has the capability and resources to meet the requirements.
- Any differences between the request and the contract shall be resolved before any work commences.
- The Activity Coordinator shall be informed immediately of any deviation from the contract.
- The laboratory shall establish and maintain procedures for identification, collection, indexing, access, filing, storage, maintenance and disposal of quality and technical records.
- The laboratory shall have procedures to protect and backup records stored electronically and to prevent unauthorized access to or amendment of these records.

The following requirements regarding the technical skills apply:

- The laboratory management shall ensure the competence of all who operate specific equipment, perform test and/or calibrations, evaluate results, and sign test reports and certificates. When using staff undergoing training, appropriate supervision shall be provided. Personnel performing specific tasks shall be qualified based on appropriate education, training, experience and/or demonstrated skills, as required.
- Laboratory facilities for testing and/or calibration, including but not limited to energy sources, lighting and environmental conditions, shall be such as to facilitate correct performance of the tests and/or calibrations.
- All equipment used for tests and/or calibrations, including equipment for subsidiary measurements having a significant effect on the accuracy or validity of the result of the test, calibration or sampling, shall be calibrated before being put into service.
- The laboratory shall have due experience in the field of testing.
- The laboratory shall have experience in performing tests related to toys according to the standards mentioned and in interpreting test results and classification issues.

The following requirements apply to subcontracting:

- PROSAFE does not accept that the selected laboratory further subcontracts the testing services.
- If the need to subcontract becomes apparent only after the work has been commissioned, the laboratory must ask for PROSAFE's Executive Director's permission before such a decision is adopted.

#### 4. Requirements, quotation

The tenderer is requested to quote prices for the following services in line with detailed specifications shown in Annex 1 of this tender document.

The tenderer must quote all prices including VAT. PROSAFE is not able to recover VAT and does not accept the reverse charge method.

The tenderer must explain where the testing will take place (which country). For practical reasons, PROSAFE will only in exceptional cases engage with laboratories where the testing is going to take place outside the EU/EEA countries.

The tenderer must describe his qualifications and experience in line with the above-mentioned requirements.

## 5. Deadline

Quotations shall be sent to the PROSAFE Office in hardcopy (Avenue des Arts/Kunstlaan 41, 2<sup>nd</sup> floor, B-1040 Brussels, Belgium) and via email to [info@prosafe.org](mailto:info@prosafe.org).

The email shall be copied to the Activity Coordinator, Noel Toledo on [noel.toledo@prosafe.org](mailto:noel.toledo@prosafe.org).

Quotations shall be received at PROSAFE no later than Wednesday 6<sup>th</sup> August (Time Zone: GMT +1 hour). Quotations received after the deadline are rejected.

## 6. Selection process

The selection will be based on the following criteria:

- The tenderer's ability to carry out the specific tests.
- The tenderer's experience with testing of toys in this specific area.
- The tenderer's formal qualifications (e.g. accreditation(s)).
- Price including VAT.
- Delivery time.
- Terms of delivery.
- The tenderer's ability to supply additional services to the Joint Action.
- The tenderer's ability to serve individual Member State with testing of toys outside the Joint Action.
- PROSAFE's general impression of the tenderer's ability to undertake the job.

The selection will follow a 2-stage process. First, one or more laboratories will be shortlisted based on the received tenders. Second, a meeting may be arranged between representatives from the Joint Action and representatives from the shortlisted laboratory(-ies) in their premises to allow a more thorough discussion of the assignment.

The tenderer is invited to provide additional information to ease PROSAFE's evaluation of the services being offered, the prices and other aspects related to the selection criteria as mentioned

## 7. Further information

The contract will be signed under Dutch legislation.

Further information regarding the task and the selection procedure can be obtained from the Activity Coordinator at the address:

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Belgium  
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With best regards,



Nicolaas Olie  
*Executive Director*