

## Joint Action on Harmonised Products 2021 [GA N. JA2021-07] Circular Saws

### RELAUNCHED Call for Tender for the testing of circular saws

## 0. Introductory explanation

This is a relaunch of the call for tender for the testing of circular saws initially issued by PROSAFE on 2 February 2023. Several responses to that call for tender were received but none of the tenderers was fully qualified for the testing of the 3 product categories to be tested: mini handheld circular saws, transportable table saws and building site saws.

Furthermore, initial prospection indicates that there are few circular saws on the market designed according to the specific harmonised standard for building site saws.

Consequently, this Relaunch Call for tender is issued with a modified scope. Test bodies that responded to the initial call for tender are strongly encouraged to submit an updated proposal in response to this Relaunch Call and are not expected to resubmit documents that are unchanged.

## 1. Background and scope

JAHARP2021-07 is a Joint Market Surveillance Action co-funded by the EU concerning the safety and conformity of circular saws.

The Joint Action is coordinated by PROSAFE which is an international non-governmental organisation established in 1991 by market surveillance officers from various countries throughout Europe. The main aim of PROSAFE is to contribute to the safety of products and services by promoting best practices in market surveillance. In 2021, PROSAFE was appointed as the Coordinator of JAHARP2021-07.

The Joint Action runs between August 2022 and August 2024 (24 months).

JAHARP2021-07 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.

An important part of JAHARP2021-07 is the testing of circular saws in order to check their safety and compliance with the requirements of the Machinery Directive 2006/42/EC.

The product categories to be tested are:

- a) Mini handheld circular saws (mains or battery powered) subject to standards [EN 62841, Parts 1 and 2-5](#);
- b) Circular table saws or saw benches subject to standards [EN 62841, Parts 1 and 3-1](#) and/or standard [EN 1870-5](#).

PROSAFE may contract more than one laboratory to carry out the testing. The contract will operate under Belgian law.

## 2. Requested services

Tenderers are expected to provide the following services:

### a) Prior to testing

- 1) Nominate a contact person, having management authority, for the duration of the Joint Action, responsible for liaison with the project team and for ensuring the correct execution of the tasks;
- 2) Make appropriate arrangements for the reception, identification, storage and disposal of the test samples;
- 3) Participate in a meeting of the Project Group in order to agree on the test programmes. This may be a physical or an online meeting.

### b) Testing and reporting

- 4) Test the circular saws according to the agreed test programmes.

It is planned to test a total of 51 different models of circular saw, but this number may be modified in light of the number of test samples required and the cost of testing; the breakdown by product category is approximately 24 mini handheld circular saws and 27 circular table saws or saw benches.

In addition, it is foreseen to test approximately 5 mini handheld circular saws sampled by the Swiss MSA. The testing of these samples will be subject to a separate contract, the authority being outside the financial scheme of the Grant Agreement (see Section 3).

- 5) Issue a test report, in English, for each model tested, setting out the results of the tests carried out and the values measured, including full photographic records of all non-conformities;
- 6) Draw up a summary report, in English, listing the outcome of all the tests carried out. This report shall be periodically updated during the period of testing.

### c) Following the testing

- 7) Participate in a meeting of the Project Group to discuss the outcome of the tests and the risks associated with the non-conformities detected. This meeting may be hosted by the tenderer;
- 8) Respond to enquiries from the participating authorities about the outcome of the tests and the observations made by economic operators;
- 9) Dispose of the test samples at the end of the Joint Action in a manner agreed with PROSAFE;
- 10) Establish a short end-of-contract report, summarising the work done and explaining the measures taken to dispose of the test samples.

## 3. Participating authorities

The Market Surveillance Authorities participating in JAHARP2021-07 will take samples from their national markets and have them sent to the laboratory for testing:

|                 |       |   |
|-----------------|-------|---|
| Croatia         | DIRH  | State Inspectorate of Republic of Croatia     |
| Finland         | TUKES | Finnish Safety and Chemicals Agency           |
| Ireland         | HSA   | Health and Safety Authority                   |
| Latvia          | CRPC  | Consumer Rights Protection Centre             |
| The Netherlands | NLA   | Netherlands Labour Authority                  |
| Poland          | UOKIK | Office of Competition and Consumer Protection |

|                        |       |  |
|------------------------|-------|--|
| Portugal               | ASAE  | Food and Economic Safety Authority                                 |
| Spain (Andalusia)      | SGIM  | Secretariat General of Industry and Mines                          |
| Spain (Basque Country) | EJ&GV | Department of Economic Development, Sustainability and Environment |
| Sweden                 | SWEA  | Swedish Work Environment Authority                                 |

and, outside the framework of the Grant Agreement:

|   |     |                                       |
|---|-----|---------------------------------------|
| Switzerland   | BFU | Swiss Council for Accident Prevention |
| The testing of samples taken by the Swiss BFU will be subject to a separate contract with that authority. |     |                                       |

## 4. Test programmes, number of samples, delivery time

### a) Test programmes

The tenderer shall propose test programmes for each of the 2 categories of circular saws listed in Section 1, based on the applicable requirements of Annex 1 of the Machinery Directive 2006/42/EC and the *specifications of the relevant harmonised standards*.

The template to be used for the presentation of test programmes is given in Appendix 3.

Note : The tenderer shall propose complete test programmes, however, In order to reduce the cost of testing and/or the number of test samples required, the test programmes agreed at the meeting referred to in Section 2 (a) may be limited to the aspects that are most important for safety.

### b) Number of test samples

The participating authorities will provide 2 test samples of each model of mini handheld circular saws and 1 sample of each model of circular table saws or saw benches.

### c) Delivery times

The tenderer shall specify both:

- a) the time needed to carry out the testing and deliver the test report for each model of circular saw, as from receipt of the necessary test samples;
- b) The number of models of circular saws that can be tested per month (based on both usual capacity and capacity during July and August).

The template to be used for the presentation of delivery times is given in Appendix 3.

### d) Location and co-location of staff

All testing of the supplied products must be carried out at a tenderer situated within the EU or the European Economic Area (EEA). The tenderer must explain if the testing will be conducted in a different location/country to that of the office submitting the bid.

The tenderer shall have the necessary managerial and technical personnel based at the tenderer's site for the duration of testing; those staff shall have the authority and resources needed to carry out the testing and reporting. It is expected that the team presented in the tender will be the one executing the services under the contract and will be effectively available when the contract begins. 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. Changes must not affect/compromise the capacity of the tenderer towards the performance of the contract.

#### *e) Right to witness testing*

One or two representatives of PROSAFE and/or the Market Surveillance Authority, and/or the European Commission will be permitted to witness any given test by prior arrangement, under supervision of Technical Service personnel.

## 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 qualifying criteria must be met by a tenderer in order for their bid to be considered :

- 1) Ability to provide the services described in Section 2;
- 2) Relevant accreditation or equivalent proof of competency for each of the product categories concerned;
- 3) At least 5 years of experience of conformity assessment of circular saws;
- 4) Independence from manufacturers, importers, distributors or other economic operators in the field of machinery and absence of conflict of interest;
- 5) Agreement to comply with the PROSAFE General Conditions for Tender (Appendix 1) 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;
- 6) Mastery of the English language;
- 7) Test facilities located within the territory of the EEA.

## 7. Financial Offer

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

#### *a) Testing and reporting*

The tenderer shall quote a price (in Euros, without VAT) per model tested for each of the proposed test programmes.

The price per model shall cover:

- 1) Reception and storage of the test samples;
- 2) Execution of the proposed test programme;
- 3) Preparation of the test report;
- 4) Preparation of the summary report;
- 5) Responding to enquiries from the participating authorities about the outcome of the testing;
- 6) Preparation of the short end of contract report.

The quotation shall include an indication of discounts proposed for quantity.

In addition to the price per model, the tenderer shall quote a price for each test or group of tests included in the proposed test programmes.

Note 1: The prices quoted by the tenderer will be those taken into account during the selection process. The agreed test programmes may differ from the test programmes proposed by the tenderer, in which case the final prices of testing 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 before taking a decision on the placing of a contract. The offer shall remain valid until changes are agreed in writing.

#### *b) Meeting at the tenderer's premises*

The tenderer shall quote separately a price for hosting a 1-day meeting for about 15 persons on the outcome of the testing (see Section 2 (c)) and an hourly rate for the participation of representatives of the tenderer in that meeting.

#### *c) Disposal of the test samples*

The tenderer shall quote a price per model for the disposal of the test samples at the end of the contract. The template to be used for the presentation of prices is given in Appendix 3.

## 8. Tender Documentation

The tender shall include the following contents:

#### *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) The name and CV of the contact person referred to in Section 2 (a);
  - 3) A full explanation of how the tenderer is able to provide the services set out in Section 2;
- The team presented should be exactly the team conducting the service should the bidder win and the number of staff in the composition should be respected throughout the test programme. 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.
  - Please specify if there is a maximum number of products in total or per period that you 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.
    - 4) The proposed test programmes and the delivery times, as set out in Section 4;
    - 5) A full explanation of how the tenderer complies with the Qualifying criteria set out in Section 6;

6) A precise account of the tenderer's experience of testing circular saws during the last 5 years

- 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.

*c) Financial offer*

7) The completed price list (Appendix 3)

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.

Tenderers who submitted a proposal in response to the initial call for tender for testing circular saws are not expected to resubmit documents that have not been modified.

## 9. Award criteria

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

*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 criterion has a weight based on its importance:

- I. Ability to provide the required services - **25%**, including presentation of the staff/team who will carry out the work (number, individual experience shown in a CV for each member, qualifications, involvement in development of testing specifications, technical product design consulting, etc)
- II. Experience of testing circular saws - **30%**
- III. Relevance and quality of the proposed test programmes - **30%**
- IV. Delivery times - **15%**

*b) Financial offer*

This criterion will count for 30% of the assessment of the tender: Prices as listed in the model price list.

## 10. Selection procedure

Tenders will be assessed 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) 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 can appeal the selection decision within 5 working days from the moment they receive the email about the result. PROSAFE will analyse the appeal and provide a final decision within a week from the moment the appeal was launched.

## 11. Questions about this Call for Tenders

Any questions about this Call for Tender must be submitted by e-mail to Mrs Ioana Sandu, Executive Director, [ioana@prosafe.org](mailto:ioana@prosafe.org), and Mr Mario Arigliani, Junior Policy and Project Officer, [mario@prosafe.org](mailto:mario@prosafe.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 JAHARP2021-07 Relunched Call for Tender'.

Such questions must be received, at the latest, by 26 April 2023 17h00 CEST.

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: **3 May 2023 17 h 00 CEST**. Tenders must be sent:

- In hardcopy to the offices of PROSAFE at Avenue des Arts/Kunstlaan 41, 2nd floor, 1040 Brussels, Belgium and
- by 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 'JAHARP2021-07 Relunched Call for Tender'.

Hardcopies must be received at the latest by **8 May 2023** – date stamp being the proof that they were sent no later than 3 May 2023.

Tenders received after that deadline will not be assessed.

## 13. Timetable

1. Relunched Call for tender published on PROSAFE websites on 12/04/2023;
2. Deadline for submission of questions about the Call for tender 21/04/2023, 17 h 00 CEST;
3. Deadline for submission of tenders: 3 May 2023, 17 h 00 CEST;
4. PROSAFE notifies bidders of the results or request clarifications in weeks 20-21;
5. Appeal period - week 22;
6. Preparation of the contract and start discussions with selected lab(s) - Week 23;
7. Signing the contract - end May 2023;
8. Start testing - June 2023.

## 14. Standard terms and conditions for the contract

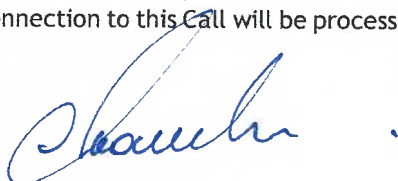
Please see the attached standard terms and conditions that will apply to the contract.

## 15. Protection of personal data

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.

With best regards,

Ioana Sandu  
Executive Director



## Appendices

*Appendix 1* - PROSAFE General conditions of Tender

*Appendix 2* - Declaration on Honour on Exclusion criteria

*Appendix 3* - Template for test programmes, prices and delivery times

*Appendix 4* - Checklist for the contents of the tender