

## QUESTIONS AND ANSWERS

Attached to the Minutes of the Information meeting

### Preliminary Remarks:

- Please note that answers to questions 1 and 2 received by e-mail under the pre-selection of candidates phase (phase 1) of the procurement procedure No. EMSA/CDI/01/2014 were answered and published on the EMSA webpage prior to the dispatch of these minutes.
  - To facilitate the understanding the Q&A at the meeting were classified by subject
- Aerial dispersant application service (description of the service, area of operation, duration of the service)

Question 3: Is it possible to use a backup for the airplane?

Answer 3: The backup solution can be foreseen in case the airplane is engaged in other scheduled operations that could, for instance, last for 3 or 4 months and the back-up allows to maintain the same level of service. For short-term unavailability on the other hand, EMSA could consider the establishment of a predefined ceiling of days during which the airplane may be out of service (e.g. for maintenance), as it is currently foreseen in the EMSA stand-by oil spill response vessels contracts. If the unavailability of the airplane exceeds this ceiling, then the provider would have to provide a replacement plane, otherwise liquidated damages will apply.

Question 4: Will the airplane be required to operate for 21 days during the performance of the contract?

Answer 4: No, what the invitation to apply indicates is that the airplane may be requested to operate for a maximum period of 21 consecutive days each time it is requested for an operation. This period can be extended with the consent of the airplane provider. However, it cannot be foreseen how many times, if at all, a request for mobilisation will be placed during the contract. Please refer to point 3.4 of Enclosure 1 - Description of needs and requirements.

Question 5: Do these 21 days concern 24 hour operation or only include daylight time?

Answer 5: The airplane is expected to perform aerial application of dispersant during daylight hours only. Therefore these 21 days do not refer to 24 hour operation.

Question 6: Please clarify the meaning of the 'usual operations' that the airplane can continue during the stand-by phase.

Answer 6: During the stand-by phase the airplane operator may continue to undertake its usual commercial or military activity. However, upon request, the airplane must be able to cease any activity in order to be ready to provide aerial dispersant application operations as contracted with EMSA. Please refer to point 3.6 (b) of Enclosure 1 - Description of needs and requirements.

The usual operations of an airplane should not be dispersant application services within the European waters, as this would render the service not in line with EMSA's mandate of topping-up the Member States' capabilities. Please refer to point 3.4 ("Top-up" principle) of Enclosure 1 - Description of needs and requirements.

Question 7: Shall EMSA cover the cost for the participation in an annual pollution response drill?

Answer 7: One has to distinguish two different cases: drills and exercises. The airplane operator will perform one annual drill in order to demonstrate its capacity to perform the service and prove that the equipment is operational. The satisfactory performance of the drill will be a condition for EMSA to pay the annual availability fee agreed in the contract. On the other hand, the airplane operator might be requested to participate in exercises, and in this case receive an additional ad-hoc financial compensation separate from the initial amount foreseen in the main contract.

Question 8: With regard to the general description of the proposed arrangement, will EMSA need to prove that the airplane can be ready to fly to the selected location within 24 hours?

Answer 8: Yes, EMSA will carefully examine the mobilisation plan of the airplane provider. Besides, the effectiveness of the mobilisation plan is an award criterion and will be evaluated accordingly. The 24 hour mobilisation benchmark was set at the time of the establishment of the EMSA network of stand-by vessels. It is preferable that the airplane is also mobilised within 24 hours, however offers that exceed this time will still be admitted to the Competitive Dialogue. Please refer to point 13 of Enclosure 1 - Description of needs and requirements.

➤ Dispersant application equipment

Question 9: Has any specific type of dispersant application system been identified for the service?

Answer 9: Not yet, the suitable aerial dispersant application system will be identified during the dialogue phase. The technical specifications for the equipment, as well as for the airplane, will be drafted after the dialogues held during the bilateral meetings with the pre-selected candidates.

Question 10: Which organisation is recognised to approve and certify that a specific dispersant application system has been flight tested and approved for the use on board the type of airplane offered for this procurement competition?

Answer 10: Any organisation recognised by the EU Member State where the airplane is based may issue this kind of certificate. This is applicable for both military and civilian airplanes.

Question 11: With regard to the regulations applicable to certify and approve the airplanes for operation with the dispersant spraying equipment within Europe, EASA allows each Member State to interpret the relevant requirements. In addition, the EASA requirements do not apply to military aircraft. How will EMSA balance this difference in treatment with regard to offers received from different countries and sectors?

Answer 11: EMSA has set this requirement for the airplane to be certified and approved to fly with the dispersant spraying equipment on the basis of the need to be able to operate within European air space and taking into account the applicable EU and international legislation. The requirements for either civilian or military aircraft are the same as these are necessary for the final objective of the procurement procedure.

Question 12: With regard to the dispersant spraying equipment, how will the Agency adjust to any new technology that might be developed after the conclusion of the service contract?

Answer 12: The development of new technology was taken into account for the definition of the duration of the service contract. The service contract is foreseen for two years followed by a maximum of two annual renewals. If minor adjustments need to be made (for instance fitting new nozzles to the dispersant spraying equipment), these could be implemented through an improvement project to be negotiated with the existing contractor. However, if major adjustments need to be made, the Agency may decide not to renew the contract and to launch a new procurement procedure with the purpose of improving the service.

Question 13: Can EMSA estimate the available budget for the purchase of the aerial application system?

Answer 13: No, the current EMSA estimations should be confirmed or refined during the dialogue phase.

➤ Management (storage and transportation) of dispersant

Question 14: How does the Agency intend to supply the dispersant to the airplane provider? How will the location of the dispersant depots take into account the operational needs during the mobilisation of the airplane?

Answer 14: A stock of dispersant will be purchased by EMSA through a separate procurement procedure and will be stored in selected locations strategically identified by EMSA. In case of mobilisation, the airplane will be requested to fly to a storage place in order to load the dispersant or may have a small stock of dispersant at the home airplane, which can be loaded before the take-off.

➤ Evaluation criteria

Question 15: Will the service contract be awarded based only on the price of the final offer?

Answer 15: No, both technical and price criteria will be assessed for the awarding of the contract. Their relative weights are already set in point 13 of the 'Description of needs and requirements' document (Enclosure 1 to the Invitation to Submit Request letter). Following the Dialogue phase, the breakdown of the weight of each of the technical and price award criteria will be described in detail in the tender documentation sent to the pre-selected candidates.

➤ Financial and contractual issues

Question 16: Does the budget ceiling cover both lot 1 and lot 2, or is it for one lot only?

Answer 16: The budget ceiling covers all services to be contracted as a result of this procurement procedure. Three possibilities are envisaged as explained by the invitation to submit request enclosure: either one airplane is contracted from one tenderer under lot 1, or two airplanes are contracted from the two best tenderers under lot 1, or two airplanes are contracted from the same tenderer having submitted an offer for two airplanes under lot 2.

Question 17: Is the cost for the purchase of dispersant included in the estimated maximum budget available for the contract(s)?

Answer 17: No, the cost of the dispersant will not be covered from the budget estimated for the service to be procured through the current procedure EMSA/ CDI/1/2014, which is EUR 2,300,000 (excluding VAT).

➤ Miscellaneous

Question 18: Will the Requests to participate in the Competitive Dialogue submitted at this stage of the procedure be published on the EMSA website?

Answer 18: No, the requests will be confidential and will not be disclosed. Any subsequent meeting in the context of the Dialogue will also be held on a bilateral confidential basis.