

Lisbon, 08 MAY 2014

INVITATION TO TENDER No. EMSA/NEG/19/2014

(Negotiated procedure with minimum 3 candidates)

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is launching an invitation to tender regarding **"legal services in the field of aviation law"**.
2. Tenderers who wish to submit an offer are invited to send a bid to the Agency **before the 2 June 2014, 12h00 (Lisbon time)**. The offer should be **duly signed** by the authorised representative, scanned and **submitted by e-mail to the following address: NEG192014@emsa.europa.eu**. The size of the mail may not exceed 12 Mb per one email.
Please note that an original hard copy of the offer including all accompanying documentation will be requested from the company to which the contract is awarded.
3. Tenders must be
 - signed by the tenderer or his duly authorised representative;
 - perfectly legible so that there can be no doubt as to words and figures.
4. Period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect shall be until 1 September 2014.
5. Submission of a bid implies full acceptance of the draft contract attached to this invitation to tender and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. These requirements are binding on the tenderer to whom the contract is awarded for the duration of the contract.
6. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of technical and professional capacity and the draft contract are available under the Procurement Section relevant to the present call to tender on the EMSA website at the following address: www.emsa.europa.eu.

7. Contacts between the contracting authority and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of tenders:

At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing and sent to the following e-mail address: NEG192014@emsa.europa.eu.

Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.

EMSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

Any additional information including that referred to above will be published on EMSA website in the Procurement section.

After the opening of tenders

If clarification is required or if obvious clerical errors in the tender need to be corrected, EMSA may contact the tenderer provided the terms of the tender are not modified as a result.

In case of negotiated procedure, EMSA may negotiate with tenderers the offers they have submitted, in order to adapt them to the requirements set out in tender specifications or any additional document and in order to find the tender offering best value for money. During negotiations equal treatment of all tenderers will be ensured.

8. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation under the Financial Regulation section on the EMSA website (www.emsa.europa.eu).
9. This invitation to tender is in no way binding on EMSA. EMSA contractual obligation commences only upon signature of the contract with the successful tenderer.
10. Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
11. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
12. Tenderers will be informed of the outcome of this procurement procedure by email or fax. It is the tenderers' responsibility to provide a valid email address and fax

number together with your contact details in your tender offer and to check it regularly.

13. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
14. Processing your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Head of Unit – Pollution Response Services. Details concerning processing of your personal data are available on the privacy statement "Information on personal data protection in procurement procedures" at: <http://www.emsa.europa.eu/about/personal-data-protection.html> Tenderers will be informed by the Agency whether or not their bids have been accepted.
15. Your personal data may be registered in the Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDC E)

Yours Sincerely,



Bernd Bluhm

Head of Unit

Pollution Response Services

Enclosures:

1. Tender Specifications
2. Draft Service Contract
3. Tenderer's Checklist
4. Declaration on Honour
5. Statement of Subcontracting/Joint Offer (if applicable)
6. Declaration of absence of conflict of interest and of confidentiality