

Procurement procedure N° EMSA/NEG/1/2015

Service contracts for stand-by oil spill recovery vessel(s)

Questions/Answers

QUESTION 01 (dated 14/01/2015, 11:13):

We consider to attend the meetings, but for us these are only interesting if new sweeping arms are required for the tenders.

Can you inform us if this is the case?

ANSWER TO QUESTION 01: (published on 16/01/2015):

Please note that the tender requirements regarding the technical characteristics of the oil spill response equipment to be purchased within NEG/1/2015 will be developed at later stage (second phase – Invitation to Tender).

QUESTION 02 (dated 22/01/2015, 11:34):

Our Company also fulfils a Stand-by Oil Recovery Contract for our national Government for the North sea area, etc. Can we nevertheless still participate in this tender?

ANSWER TO QUESTION 02 (published on 27/01/2015):

As stated in point 3.3 of the Application Specifications, the Agency is tasked to provide additional response capacity to that under contract to the Member States of the European Union as well as EU Accession and Candidate Countries, European Free Trade Association (EFTA) countries and third countries sharing a regional sea basin with the European Union, in line with the EU Civil Protection Mechanism.

Nevertheless, a company that has a contract with such a country for the same services can take part in the tender. However, the vessel offered should not be under contract at the time of the Application, for the same type of services with one or more of the above mentioned countries for a period overlapping with the period which EMSA intends to contract the vessel. The Agency by no means can award a contract to a vessel that is already engaged for oil spill recovery service with such a country.

QUESTION 03 (dated 22/01/2015, 11:34):

A: Is there an obligation to be present in the areas of both Lot 1 and 2 during the full contract duration?

B: Will a “part time presence” (for example half a year per year or so) also be a possibility for this contract?

ANSWER TO QUESTION 03 (published on 27/01/2015):

A: The vessel is expected to be in the area of operation at all times. Area of operation is the area where the vessel must be “ready to sail”, meaning equipped, unloaded and with the necessary crew for performing oil recovery services, within the deadline agreed in the Vessel Availability Contract as mobilisation time. The mobilisation time must be respected at all times during the Stand-by Phase. The contract will not be awarded to a company not committing with this full time availability.

B: The option of having one contracted vessel that is 6 months in and 6 months off the contracted area is not acceptable for the Agency as the mobilisation time cannot be respected in this case.

However, the tenderer may consider offering a pool of vessels under the condition that one of the vessels is always staying within the area whereas the other vessel will have the flexibility to leave the area for commercial operations. Nevertheless, the contractor will have the obligation to maintain at all times the minimum agreed recovery capacity in the area.

QUESTION 04 (dated 22/01/2015, 11:34):

In document "Enclosure 1: Applications specifications" under 3.6 on page 4 the requirements indicate a maximum speed of above 12 knots and heating capacity of the storage hold.

Would it be possible to make any exemptions on these requirements?

ANSWER TO QUESTION 04 (published on 27/01/2015):

As stated in point 3.7 of the Application Specifications (Enclosure 1), the technical specifications of the vessel and equipment required will be detailed during the second phase of the procurement procedure. Hence, the requirement of a vessel having a maximum speed above 12 knots is at this stage merely indicative, and should not impede a tender to be selected for negotiation.

Nevertheless, this requirement shall be evaluated in the final stage of the procurement procedure against the award criteria: a tender offering a vessel with a maximum speed below 12 knots will not be excluded but will receive lower points (for the relevant quality criterion) than a tender offering a vessel with a maximum speed above 12 knots.

QUESTION 05 (dated 22/01/2015, 16:26):

We, as chartered of two offshore supply Vessels in the port of Tarragona, would like to know if you will open a bidding process for Stand-by Oil Spill Recovery Vessels in West Med during the year 2015.

I have seen in your website that the last one was EMSA NEG/1/2012.

ANSWER TO QUESTION 05 (published on 27/01/2015):

At this stage, the Agency has not planned to launch in 2015 a procurement procedure for stand-by oil spill recovery vessels in the West Mediterranean Sea.

Questions received during the Information meetings held on 27 January in Madrid (Spain) and 29 January in Gdynia (Poland) – published on 04 February 2015

Contractual issues

QUESTION 06:

How much dispersant should the vessel contractor store in the context of the service to be provided under Lot 1 - Canary Islands and Madeira for establishing the dispersants spraying capability?

ANSWER TO QUESTION 06:

The storage should be foreseen by the vessel contractor for a maximum of 200 T of dispersants stored in IBCs of approximately 1 T each, even if the initial quantity supplied by EMSA might be lower.

QUESTION 07:

What would happen under the Vessel Availability contract if a vessel has to go for revision/repairs?

ANSWER TO QUESTION 07:

It is permitted: The VAC foresees the possibility for 40 days of dry dock over the 4 years of the initial period without reduction in the vessel availability fee.

QUESTION 08:

When does Preparation Phase start and when does it end?

ANSWER TO QUESTION 08:

The Preparation Phase foreseen in the contract for the Purchase or transfer of equipment and completion of any necessary pre-fitting works and/or training will start as from contract signature (expected in November 2015, and finishes at the end of June 2016 (for Lot 1) and end of September 2016 (for Lot 2).

QUESTION 09:

You mentioned that the vessel contractor will have to perform 4 drills per year. Will the costs of the drills be supported by the vessel contractor or paid by EMSA?

ANSWER TO QUESTION 09:

The cost of such drills should be taken into account by the tenderer when submitting an offer to EMSA. This cost will be covered by the availability fee that EMSA will pay every quarter as they should be (like the costs for maintenance, storage, insurance, etc.)

QUESTION 10:

How long will the Preparation Phase last?

ANSWER TO QUESTION 10:

For Lot 1 - Canary Islands and Madeira, the Preparation Phase should be of 6, maximum 7 months, following signature, to allow the necessary time to purchase the equipment, preparation of the vessel and obtaining the necessary certificates.

For the Lot 2- Southern Baltic, the preparatory phase will be somehow longer, maximum 9 months to allow for the necessary transfer and overhauling of equipment from the previous contractor, preparation of the vessel and obtaining the necessary certificates.

QUESTION 11:

Will the drills be performed at sea with popcorn for example?

ANSWER TO QUESTION 11:

The drills will be performed at sea, 4 times a year, but without any product simulating pollution. The objective will be to test the performance of the arrangement and level of training of crew to deploy efficiently and safely the oil spill response equipment.

QUESTION 12:

What happens if a vessel contractor does not comply with its obligations?

ANSWER TO QUESTION 12:

The Vessel Availability Contract foresees penalties such as deductions from the availability fee pro rata temporis for each day of non-availability. In most serious cases, there could be causes for early termination of contract by EMSA and recovery of any pre-financing or investment.

Mobilisation and logistical arrangements

QUESTION 13:

How many countries can be involved in one incident response?

ANSWER TO QUESTION 13:

Each vessel can only be contracted for one incident by one Member State that will be in command. There could be serious incidents where more than one Member States contract different EMSA vessels for the same incident.

QUESTION 14:

How can the 24h mobilization time be respected if it takes already more than that for a vessel to go from one corner of the area targeted to the other corner?

ANSWER TO QUESTION 14:

The 24h for mobilisation time is not counted until arrival on the site of the incident but until the vessel is present in the area, manned, equipped, unloaded of any cargo and ready to sail to the place of the incident.

QUESTION 15:

Could a Stand-by oil spill response vessel, contracted by EMSA, be sent to a third country outside the EU and EFTA waters (e.g. Libya)?

ANSWER TO QUESTION 15:

In principle it could, in accordance with the new EMSA mandate that foresees the possibility to respond to accidents in neighbour countries sharing a regional sea basin, as far as an oil spill in these waters could be a risk for the EU and EFTA waters.

The procedure for mobilisation and authorisation will be detailed in the second phase (invitation to tender).

Equipment

QUESTION 16:

Would the dispersant spraying system planned for Lot 1 be independent?

ANSWER TO QUESTION 16:

Yes, this system should include the necessary spraying arms, pumps, storage containers, etc. in order to be a fully independent unit.

QUESTION 17:

When will the equipment to be purchased be paid to the vessel contractor by EMSA?

ANSWER TO QUESTION 17:

Within 10 days following the contract signature the equipment could be pre-financed at 100% if the appropriate quotations and bank guarantee are presented by the contractor.

QUESTION 18:

At the end of the contract would EMSA recover the equipment?

ANSWER TO QUESTION 18:

Yes, the Vessel Availability Contract (VAC) foresees a 1 Euro Call option implying that at the end of the contract EMSA has the possibility to buy for 1 Euro back the equipment for itself or transfer it to another vessel contractor maintaining the operations.

QUESTION 19:

Some Oil Slick Detection systems currently operated by EMSA might have problems of maintenance of the Microsoft XP system as they have older versions. Doesn't EMSA foresee technical problems in the future 8-year contracts?

ANSWER TO QUESTION 19:

Within the tender EMSA always requires upgrade of the slick detection system equipment (e.g. the computer) and update of software and the relevant budget for this is foreseen.

QUESTION 20:

Are the vessels' contractors free to choose or it is EMSA who decides which the equipment to be purchased?

ANSWER TO QUESTION 20:

EMSA will set the minimum requirements and type of equipment to be purchased for each lot (taking also into account the available equipment to be transferred from previous contracts) in the Technical specifications (this will be prepared during the second phase – Invitation to Tender). The tenderer is, based on these minimal requirements and taking into account the budget, free to choose the manufacturer and the exact model to be indicated in the proposal. The quality of the equipment proposed as well as the price will be taken into account when evaluating the offer.

QUESTION 21:

Does all the equipment purchased within the EMSA tenders meet the EU Directive and standards with respect to the safety?

ANSWER TO QUESTION 21:

The complete equipment arrangement on board is approved by the relevant classification society of the vessel. EMSA will detail in a clearer way these requirements/standards in the technical specifications of the equipment.

QUESTION 22:

Could you accept a new solution for the equipment?

ANSWER TO QUESTION 22:

Yes, as long as it complies with the requirements in terms of performance and fits into the overall budget available.

QUESTION 23:

Is the oil pollution response equipment operated on board the vessels property of EMSA?

ANSWER TO QUESTION 23:

The vessel operator has the possession of the equipment, is responsible for its maintenance and insurance but cannot sell it or transfer it to a third party. EMSA maintains at all times the right to purchase it back for 1 Euro. These clauses will be included in the Vessel Availability Contract that will accompany the Invitation to Tender for those preselected tenderers.

QUESTION 24:

What about the old equipment EMSA plans to transfer? Will it be upgraded?

ANSWER TO QUESTION 24:

Yes, it is planned to transfer the equipment to the new vessel contractor after an upgrade/overhauling of it as appropriate.

QUESTION 25

Do you have the list of equipment to be overhauled/ transferred?

ANSWER TO QUESTION 25:

At this stage, all the information we can provide is on the slide of the presentation. The detailed description of the equipment will be sent at the end of March to the selected applicants invited for tender.

QUESTION 26:

When you talk about equipment certified for operation below 60°C flashpoint do you mean Zone 1 or Zone 2?

ANSWER TO QUESTION 26:

The vessel will be certified to carry and recover oil with a flashpoint below 60°C only if the equipment is positioned on board in line the Class rules. In line with the tender and budget available, it is preferred that the equipment is certified to meet at least the ATEX requirements for operation in Zone 2.

Vessel

QUESTION 27:

Are the vessels more than 10 years old excluded from the tender evaluation?

ANSWER TO QUESTION 27:

No, they are not. Younger vessels are preferred but older vessels can be contracted as well. EMSA might request though for the project to foresee in the Preparation Phase the vessel to undergo a Hull Renovation Scheme or equivalent programme.

QUESTION 28:

You referred in your presentation to a potential proposal for a future equipment assistance service to be put in place by EMSA to put specialised equipment available for Member States and for Vessels of Opportunity (VOO). What is your concept of VOO?

ANSWER TO QUESTION 28:

This proposal needs still to be discussed by the EMSA Board in the framework of the EMSA work programme 2016. It is not part of the EMSA/NEG/1/2015 procurement procedure. In any case, VOO is a vessel that is performing commercial activities but that on ad-hoc basis, in case of an incident, could be easily adapted to provide oil pollution response services. For example, an off-shore supply vessel with an ample deck that could be used for deployment of a boom.

QUESTION 29:

What are the requirements for a VOO?

ANSWER TO QUESTION 29:

EMSA cannot answer at this stage. As mentioned under previous answer, it is a project outside the scope of the current tender procedure, which has also to be validated by the EMSA administrative Board.

QUESTION 30:

How many vessels does EMSA own?

ANSWER TO QUESTION 30:

None. EMSA does not become owner of the vessels. The Pollution Response Service is performed under the Vessel Availability Contract that specifies the conditions for the stand-by and mobilisation.

Procurement procedure

QUESTION 31:

What is the reason for 2Meuro difference in the budget between the two lots?

ANSWER TO QUESTION 31:

There are different reasons: different equipment will be purchased for the different lots, different running costs for different services to be provided (e.g. dispersant spraying capabilities), and higher requirements for Lot 1 (the vessel must be certified to carry and recover oil with a flashpoint below 60°C) which will require additional funds.

QUESTION 32:

Why do you foresee at this stage to purchase only a boom for Lot 2 - Southern Baltic Sea?

ANSWER TO QUESTION 32:

Because the rest of the standard Oil Pollution Response equipment available from the previous contractor to be transferred is in operational condition and can be still used after proper overhauling.

QUESTION 33 (dated 02/02/2015, 09:03):

What type of oil recovery system do you need in this area (lot 1) and what capacity?

ANSWER TO QUESTION 33 (published on 04/02/2015):

Please note that the tender requirements regarding the technical characteristics of the oil spill response equipment within NEG/1/2015 will be developed at later stage (second phase – Invitation to Tender).

QUESTION 34 (dated 05/02/2015, 16:21):

We have some questions regarding the Contract award scheme, specifically item #12 (Low-Value Procurement Procedure).

What we understand from the EMSA Contract is that we are to make an offer for the vessel stand-by use based on a daily rate in addition to the contract amount for purchasing the equipment and when an oil spill does occur, we would then receive compensation based on a set formula from the Authorities of the country in which the accident took place.

Please confirm if our understanding is correct.

On the other hand:

- 1.- Do you know what the set formula rates are?
- 2.- What does EMSA pay for daily rate during the yearly exercises?

ANSWER TO QUESTION 34 (published on 12/02/2015):

EMSA understands that your question refers to a document that is not part of the tender procedure EMSA/NEG/1/2015. The Low-Value Procurement Procedure that is included in the section “Documents for the tenderer” on EMSA website (see below the screenshot) is a general document that is not relevant to EMSA/NEG/1/2015.



EMSA European Maritime Safety Agency

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 - Period 2011 - Today
 - Period 2006-2010
 - Awarded contracts

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- Remedies

DOCUMENTS FOR TENDERER

- Financial Form
- Legal Entity Form
- Declaration of Honour
- General Conditions for Purchase Order
- Low-value procurement procedure Tendering Conditions (applicable only if Invitation to Tender refers to them)**

PROCUREMENT NEWSLETTER

If you are interested in receiving information about calls for tenders launched by EMSA, please fill the form:

Name or Company

EMSA/NEG/1/2015

Published 03.01.2015
Deadline 18.02.2015

Service Contracts for Stand-by Oil Spill Recovery Vessel(s)

The Agency provides additional response capacity to that of the pollution response mechanisms of EU Member States through contractual arrangements with private or public companies/consortia. Such companies/consortia can be drawn from any relevant industry including shipowners/operators and the spill response service providers:

The contracted vessels would undertake normal commercial activities and, at request, be transformed and mobilised at short notice for at-sea oil recovery services during a (major) oil spill.

This procurement procedure for stand-by oil spill recovery vessels will cover the following geographical areas:

- Canary Islands and Madeira
- Southern Baltic Sea

More details about this procurement procedure can be found in the Invitation to Apply and associated Enclosures that can be downloaded in the zip file below.

Two Information Meetings open to any interested party were organised in January in Madrid and Gdynia (see the details in the table below).

Country	City	Date	Location	Agenda & presentations
Spain	Madrid	27.01.2015 11:00	Sociedad de Salvamento y Seguridad Marítima (SASEMASR) C/ Fruela 3 28011 Madrid	(see below)
Poland	Gdynia	29.01.2015 10:30	Maritime Office Gdynia Chrzanowskiego Str. 10 (Conference Room 1st floor) 81-330 Gdynia	(see below)

[NEG12015.zip](#)
[Agenda_Madrid.pdf](#)
[Agenda_Gdynia.pdf](#)
[EMSA_presentation_NEG1215.pdf](#)
[Q & A_2_FEB.pdf](#)

Updated 04.02.2015

Consequently, article 12 of this document that you refer to, including the formula for calculation of the score, is not applicable in this case. Therefore, the way you understand the payment of the compensation for mobilisation during an oil spill recovery operation is not correct.

For clarification please find below a short explanation on the different compensations/rates that the contractor would receive in accordance with the contract. Tenderers will have to offer a price for each one of the following:

- Price for a stand-by services (Vessel Availability Fee) – this price is a lump sum (and not a daily rate) which covers the whole contractual period and shall allow to reimburse the costs related to:
 - storage, maintenance and insurance of the oil spill response equipment;
 - emergency procedures;
 - training the crew;
 - quarterly drills.

Therefore, during the stand-by period (“peace time”) the contractor will receive from EMSA quarterly instalments based on the above mentioned lump sum (Vessel Availability Fee) and not related to any daily rate. The national authorities are not involved in this process.

2. Price for chartering the vessel (Daily Operational Rate) - this price will be used for calculation of the payments during a real mobilisation of the vessel as well as for exercises, as follows:
 - a) When an oil spill occurs and the vessel is mobilised the Requesting Party (e.g. coastal Member State) will pay:
 - 100% of Daily Operational Rate – when the vessel is engaged in operations;
 - 75% of Daily Operational Rate – when the vessel is on stand-by and cannot recover oil (e.g. during bad weather).Besides this, the Requesting Party will also pay the fuel consumed, port and berthing charges, agent’s fee, pilotage, tug assistance, etc. After the operation is complete the cost for cleaning the vessel and oil spill response equipment will also be covered by the Requesting Party.
 - b) For participation in at-sea exercises upon EMSA request the Agency will pay 75% of the Daily Operational Rate and the actual fuel costs based on documented consumption.

QUESTION 35 (dated 11/02/2015, 10:49):

You had informed us that we are required to use 200 mt of dispersant. Our question is: must this dispersant be 200 mt pure in total or dissolved with sea water

ANSWER TO QUESTION 35 (published on 16/02/2015):

The vessel contractor should foresee the storage of a maximum of 200 T of dispersants in pure condition (not diluted) kept in IBCs of approximately 1 T each.

Published on 16/02/2015

Requests for additional information regarding this tender should be sent by e-mail to the following address NEG12015@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.

The deadline for submission of the bids of this tender is **18 February 2015**.

Responsibility for monitoring the Agency’s website for replies to queries and/or further information remains with potential applicants.