

Lisbon, 27 JUL 2016

## Invitation to Tender No. EMSA/OP/16/2016

(Open Procedure)

### Provision of Software Maintenance Support Services for the EU LRIT DC, LRIT-IDE, and LRIT-Ship DB systems

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is planning to award the public contract referred to above. The procurement documents consist of this letter, the tender specifications with its appendixes, and the draft contract.

Tenderers who wish to submit an offer are invited to send to EMSA a **bid duly signed** by their authorised representative. The bid shall be submitted in paper AND electronic versions on CD,DVD or USB key or similar added to the paper bid. In case of any inconsistency, the paper version will have precedence over the electronic one.

For the paper version, the bid shall be submitted together with **three copies** of the bid (in total: one original and three copies). Bids can be submitted in three different ways:

**(a) by post**

The bid should be posted no later than 08 September 2016, with the stamp of the **post office** acting as proof. Please note, if the bid is submitted by post, it is recommended that it be sent by registered post.

**(b) by hand-delivery**

Hand delivery should be made no later than 20.00 (Lisbon local time) on 08 September 2016.

A dated and signed receipt issued by an official of EMSA **has to be requested by the person delivering the bid** as proof of delivery of the bid.

**(c) by private courier service**

The bid should be 'deposited' with the private courier service not later than 08 September 2016, with the slip issued by the private courier services acting as proof.

**In whichever form the bid is submitted, the following address should be used:**

**European Maritime Safety Agency**  
Leendert Bal  
European Maritime Safety Agency (EMSA)  
Praça Europa, 4  
1249-206 Lisbon  
Portugal

2. Bids must be submitted in two envelopes, one inside the other and both envelopes should be sealed. The inner envelope must be marked as follows:

**Call for tenders No. EMSA OP/16/2016**

**NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT**

**To the attention of Mr Ivo Kupsky**

The outer envelope must be marked as follows:

**Call for tenders No. EMSA/OP/16/2016**

**To the attention of Mr Ivo Kupsky**

If self-sealed envelopes are used, they must be closed by adhesive tape with the sender's signature written across it.

3. Tenders must be:

- (a) signed by the tenderer or their duly authorised representative; and
- (b) perfectly legible so that there can be no doubt as to the words and figures therein contained.

4. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect shall be until 30 June 2017.
5. The bids will be opened at 10.00 (Lisbon time) on 16 September 2016, in the offices of the European Maritime Safety Agency, Praça Europa 4, 1249-206 LISBOA, Portugal.

This opening session will be public and a representative of each tenderer may attend the opening of the bids. At the end of the opening session, the Chairman of the opening committee will indicate the name of the tenderers and the decision concerning the admissibility of each offer received. The prices indicated in each received bid will not be communicated. Should you wish to attend, please send a request (at least five calendar days before the date of the opening) to the following e-mail address:

[Open162016@emsa.europa.eu](mailto:Open162016@emsa.europa.eu) indicating the name of the attending person and the tenderer they represent.

6. Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, the 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.
7. All costs incurred during the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.
8. The tender specification, listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial, technical and professional capacity and the draft contract are



available under the Procurement Section relevant to the present call to tender on EMSA's website:  
[www.emsa.europa.eu](http://www.emsa.europa.eu)

9. Contact between EMSA and the tenderers is prohibited throughout the procedure, save in exceptional circumstances and under the following conditions only:

**(a) Before the final date for submission of tenders:**

- (i) At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the procurement documents.

Any requests for additional information must be made in writing and sent to the following e-mail address: [Open162016@emsa.europa.eu](mailto:Open162016@emsa.europa.eu).

EMSA is not bound to reply to requests for additional information made less than six working days before the deadline for submission of tenders.

- (ii) EMSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the procurement documents.
- (iii) Any additional information, including that referred to above, will be published on EMSA's website in the Procurement section. The website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the tendering period.

**(b) After the opening of tenders:**

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

10. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation available under the Financial Regulations section on EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu))

11. This invitation to tender is in no way binding on EMSA. EMSA's contractual obligation commences only upon signature of the contract with the successful tenderer.
12. Up to the point of signature, EMSA 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.
13. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.

14. Tenderers will be informed of the outcome of this procurement procedure by email. It is the tenderers' responsibility to provide a valid email address together with their contact details in their tender offer and to check this e-mail address regularly.
15. If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), the data will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>1</sup>. Unless indicated otherwise, the replies to tenderers, and any personal data requested, shall be used to evaluate the tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by **Ivo Kupsky, Head of Unit Digitalisation and Application Development**, entity acting as data controller.
16. Details concerning the processing of personal data are contained in the privacy statement "Information on personal data protection in procurement procedures" available at:  
<http://www.emsa.europa.eu/about/personal-data-protection.html>
17. Personal data may be registered in the Early Detection and Exclusion System (EDES) if a tenderer is deemed to be in one of the situations detailed in Article 106 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>2</sup>. For more information, see the Privacy Statement available at [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm#BDCE](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE)
18. In addition to economic operators established in the Member States of the Union, only economic operators from the following countries are eligible to participate in the present procurement procedure: Albania, FYROM, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Bosnia and Herzegovina.

Yours faithfully,

VR

Markku Mylly  
Executive Director

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<sup>1</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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 (OJ L 8, 12.1.2001, p. 1).

<sup>2</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).