

Invitation to submit a Request to participate No. EMSA/CPNEG/1/2019

Competitive procedure with negotiations

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

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is planning to award the public contract referred to above.
2. Please note that this procurement procedure is divided into two phases, the Request to participate Phase followed by the Tender Phase.
 - a) The Request to participate Phase
 - (i) Any interested party is **invited to submit a request to participate** to this Competitive procedure with negotiations following publication of a Contract Notice, in accordance with the rules set out in this document and its associated Enclosure.
 - (ii) Following the deadline for submission of requests, a list of pre-selected candidates will be drawn up according to the criteria set out in the Contract Notice and Tender Specifications, as published on EMSA's website: www.emsa.europa.eu.
 - b) The Tender Phase
 - (i) All the candidates included on the list of pre-selected candidates will be invited to submit a full offer in the Tender Phase.

The deadline for submitting requests is 02/05/2019

3. Interested parties who wish to participate must submit a request to EMSA **duly signed** by their authorised representative. The request shall be submitted in paper AND electronic versions on CD, DVD or USB key or similar added to the paper version. In case of any inconsistency, the paper version will have precedence over the electronic one.

Request can be submitted in three different ways:

(a) by post

The request shall be posted no later than 02/05/2019 with the stamp of the **post office** acting as proof. Please note, if the request is submitted by post, it is recommended that it be sent by registered post.

(b) by hand-delivery

Hand delivery shall be made no later than 16.00 hrs (Lisbon local time) on **02/05/2019**.

A dated and signed receipt or a registration number **has to be requested by the person delivering the request** as proof of delivery.

(c) by private courier service

The request shall be 'deposited' with the private courier service not later than **02/05/2019**, with the slip issued by the private courier services acting as proof.

In whichever form the request is submitted, the following address shall be used:

European Maritime Safety Agency

Mr Frédéric Hébert
Head of Unit Pollution Response Services
Praça Europa 4
1249-206 Lisbon
Portugal

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

Invitation to submit a request to participate No. EMSA/CPNEG/1/2019
Lot....
NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT
To the attention of Mr Frédéric Hébert, Head of Unit Pollution Response Services]

The outer envelope must be marked as follows:

Invitation to submit a request to participate No. EMSA/CPNEG/1/2019
Lot
NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT
To the attention of Mr Frédéric Hébert, Head of Unit Pollution Response Services]

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

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

(c) drawn up using the model reply forms in the specifications.

6. Information on the Tender Specifications is attached to this invitation to submit a request to participate.

All these documents are available on EMSA's website www.emsa.europa.eu, under the link relevant to the procurement procedure No. EMSA/CPNEG/1/2019 located in the "Procurement" section. An acknowledgement of receipt of the request may be issued to the candidates. This acknowledgment indicates only that the request has been received by EMSA.

Candidates will be duly informed whether or not their requests have been accepted for the Invitation to Tender phase of the procurement procedure.

7. All costs incurred during the preparation and submission are to be borne by the candidates and will not be reimbursed.
8. Contact between the contracting authority and candidates is prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

(a) Before the final date for submission of requests to participate:

- (i) At the request of the candidate, EMSA may provide additional information deemed necessary for preparing an adequate request.

Any requests for additional information must be made in writing and sent to the following e-mail address CPNEG012019@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 requests.

- (ii) 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 requests.
- (iii) Any additional information including that referred to above will be published on EMSA's website in the Procurement section.

(b) After the opening of requests:

- (i) If clarification is required or if obvious clerical errors in the request need to be corrected, EMSA may contact the candidate provided the terms of the request are not modified as a result.

9. 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).
10. This invitation to submit a request to participate is in no way binding on EMSA. EMSA's contractual obligation commences only upon signature of the contract with the successful tenderer.

11. Up to the point of signature, EMSA may 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.
12. Once EMSA has opened the request, the document shall become the property of EMSA and it shall be treated confidentially.
13. Candidates will be informed of the outcome of this procurement procedure by email. It is the candidates' responsibility to provide a valid email address together with their contact details in their request/tender offer and to check this e-mail address regularly.
14. If processing a reply to the invitation to submit a request to participate/tender will involve the recording and processing of personal data (such as name, address and CV) the data will be processed pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council¹. Unless otherwise indicated, 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 the Head of Unit Pollution Response Services.
15. 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>
16. 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 136 of Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council². For more information, see the Privacy Statement available at http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf.
17. 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.
18. For British candidates and tenderers - please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force candidates or tenderers from the UK could be rejected from the procurement procedure.

MARKOVIC KOSTELAC Maja (EMSA)

Executive Director

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

² Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1269/2013, (EU) 1301/2013, (EU) 1303/2013, (EU) 1304/2013, (EU) 1309/2013, (EU) 1316/2013, (EU) 223/2014, (EU) 283/2014 and Decision No 541/2014/EU and repealing Regulation No 966/2012.