

Invitation to Tender No. EMSA/NEG/9/2023

(Negotiated procedure with a minimum of three candidate(s))

Design of green spaces in EMSA's building

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.
2. Tenderers who wish to submit an offer are invited to send a tender to EMSA. The time limit for receipt of the tenders is on 13/09/2023 at 16:00 hrs (Lisbon time). The offer shall be duly signed by the authorised representative, scanned and submitted by e-mail as attachment to the following address: neg92023@emsa.europa.eu. The size of the e-mail may not exceed 12 Mb per one email. Please note that an original hard copy of the offer including all accompanying documentation may be requested from the company to which the contract is awarded.
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 31/01/2024.
5. Submission of a tender implies full acceptance of all the terms and conditions set out in the procurement documents 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. No more than one tender (per lot, if applicable) can be considered per tenderer¹. If the same tenderer submits more than one tender (per lot, if applicable), neither of which has been withdrawn as described above, only the latest tender will be considered. The tenderer may not refer to earlier submitted tenders to complement, clarify or correct its latest tender.
7. All costs incurred during the preparation and submissions of tenders are to be borne by the tenderers and will not be reimbursed.
8. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of legal, regulatory, economic, financial, technical and professional capacity, if applicable, and the draft contract are available under the Procurement Section relevant to the present call for tenders on EMSA's website at www.emsa.europa.eu
9. Contact between the contracting authority and tenderers is prohibited throughout the procedure, save in exceptional circumstances and under the following conditions only:

¹ Except where the Tender Specifications allow variants or multiple tenders per tenderer.

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: neg92023@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 tenders².

- (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.

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) 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, the equal treatment of all tenderers will be ensured.

10. An on-site visit/information meeting is possible between 28 of August and 8 September 2023 at the following address: European Maritime Safety Agency, Praça Europa 4, 1249-206, Lisbon, Portugal. To schedule the on-site visit, an e-mail shall be sent to the dedicated e-mail address: neg92023@emsa.europa.eu no later than 2 working days before the desired date.
11. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation under the Financial Regulation section on EMSA's website: (www.emsa.europa.eu).
12. 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.
13. 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.
14. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
15. 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 email address regularly.

² EMSA public holidays are available on EMSA's website / Procurement Section (Important information for Tenderers) at <https://emsa.europa.eu/procurement.html>

16. 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 pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council³. Unless indicated otherwise, 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 Legal, Finance and Facilities.
17. 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>.
18. 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 mentioned in Article 136 of Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council⁴. For more information, see the Privacy Statement available at [EDES \(europa.eu\)](http://www.emsa.europa.eu/edes).
19. 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, Republic of North Macedonia, Iceland, Liechtenstein, Montenegro, Norway, Kosovo Serbia and Bosnia and Herzegovina.
20. Tenderers, including each member of the group in case of joint tender, must ensure that they are not subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU).⁵ The prohibition applies throughout the whole performance of the contract.

Andrea Iber

Head of Legal, Finance & Facilities - Unit 4.2

³ 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.

⁴ 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.

⁵ Please note that the EU Official Journal contains the official list of entities subject to restrictive measures and, in case of conflict, it prevails over the list of the [EU Sanctions Map](http://www.europa.eu/external-representation/sanctions).