

Call for Purchase Proposals No. EMSA/SA/1/2024

Sale of Assets: Sale of oil pollution response equipment

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Annexes

Annex I.A Description (Catalogue) of the Assets – Lot 1;
Annex I.B Description (Catalogue) of the Assets – Lot 2;
Annex II Sale Contract;
Annex III Purchase Proposal Form;
Annex IV Transfer of Asset Delivery statement and inventory list.

1. Background

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council¹ for the purpose of ensuring a high, uniform and effective level of maritime safety.

The sale of assets of the Union is governed by Article 5 of the EMSA Regulation and Article 87 of the General Financial Regulation.

Among its tasks, EMSA shall work with the Member States to support on request with additional means, in a cost-efficient way, the pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations (Article 2(3)(d) of Regulation (EC) No 1406/2002 as amended).

EMSA may also provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting those third countries sharing a regional sea basin with the Union (Article 2.5 of Regulation (EC) No 1406/2002 as amended).

EMSA fulfils its mandate in the field by providing operational pollution response services including a network of stand-by oil spill recovery vessels which are chartered commercial vessels adapted and equipped with 'state-of the art' oil pollution response equipment as well as several Equipment Assistance Services (EAS) arrangements offering stand-alone specialised equipment and personnel mobilisation services. More information on EMSA operational pollution response services can be found under the 'sustainability' dedicated webpages of the EMSA website (<https://emsa.europa.eu>).

The oil pollution response equipment items which the Agency is selling were part of two separate stand-by oil spill response vessel arrangements.

2. Contract objective and technical requirements

2.1 Contract Objective

The objective of this procedure is the sale of all the oil pollution response equipment items listed in Annex I.A "Description (Catalogue) of the Assets" – Lot 1 and Annex I.B "Description (Catalogue) of the Assets" – Lot 2.

The sale of assets is divided into two lots. The equipment items listed in Annexes I.A and I.B are offered for sale per lot. Within each lot, the equipment items are for sale as a whole and not separately.

Interested buyers may submit a Purchase Proposal for one or two lots, i.e. interested buyers shall submit one Purchase Proposal for buying all the items listed in Annex I.A or/and Annex I.B. Purchase proposals for buying individual items separately are not acceptable and will be rejected.

The successful buyer shall be responsible to take the equipment from their storage locations. The current storage locations where the successful Buyer(s) shall take deliveries of the equipment are²:

¹ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1.).

² Exact address will be provided to interested buyers attending asset visit as per point 2.3 below, those interested buyers who ask for the exact address by email or the successful Buyer.

- Lot 1: Port of Ostend (Belgium);
- Lot 2: Port of Sines (Portugal).

The successful buyer shall take delivery of the equipment shortly after having paid the purchase price to EMSA. All the equipment shall be picked up at the latest by the following dates:

- Lot 1: by 31 March 2025, at the latest;
- Lot 2: by 11 December 2024, at the latest.

The exact dates for taking deliveries of the equipment will be mutually agreed between the successful buyer and EMSA.

On the agreed date of picking up the equipment, the successful buyer representative shall use the Annex IV 'Transfer of Asset Delivery statement and inventory list' to ensure delivery of all the oil pollution items purchased. Annex IV will be completed with the equipment inventory list following completion of the sale of assets procedure and sent before the agreed delivery date to the successful buyer.

On the agreed date, the equipment will be packed, placed outside the storage space and ready for loading on the receiving transport mean and for transportation. The company currently storing the equipment will make available the necessary means for the purpose of handing the equipment over including labour force, cargo handling and lifting equipment (e.g. mobile crane, forklift) ready for loading on the receiving transport means.

The successful buyer shall be responsible to take care and pay for the transport from the place of delivery which is where the equipment is currently stored to its destination as decided by the successful buyer.

The successful buyer shall also be responsible to clear the equipment for any export tax and take care of all the necessary formalities for that (if any).

2.2 Technical requirements

The equipment is used, second-hand, and is sold 'as is'. The equipment has been regularly deployed at-sea during quarterly drills and oil pollution response exercises but has never been used during actual oil pollution response operations. Please note that no guarantees or warranties are provided regarding suitability for specific purposes or current functionality. Prior to installation on board a vessel, a comprehensive inspection and testing are recommended to identify any requirements for servicing or overhauling.

Regarding lot 1, all the equipment items have been regularly maintained and are functional. The last deployment in water of these items was on 16 May 2023, showcasing full operational functionality without any technical issues. Since this, the equipment has been mainly in outdoor storage, with some items indoor. Detailed description of the equipment is provided in the "Description (Catalogue) of the Assets" (Annex I.A).

Regarding lot 2, the equipment was reported as average and operational in April 2021, during the last at-sea quarterly drill during which it was deployed in water. Since this, it has been in dry storage conditions and these items have not undergone testing due to the impracticality of testing them within storage on shore. Due to the passage of time and lack of recent usage, it is likely that the equipment may require servicing, parts replacement, or refurbishment to ensure optimal functionality. While efforts have been made to preserve its condition, the exact extent of refurbishment needed cannot be definitively determined without inspection and

testing. Detailed description of the equipment is provided in the “Description (Catalogue) of the Assets” (Annex I.B).

2.3 Asset visit

Interested buyers are offered the possibility to attend ‘Assets Visits’ in order to view the assets. The proposed dates per location are detailed in the table below.

Lot	Location	Week and dates 2024
1	Ostend Port (Belgium)	Week 22 between 27 and 31 May
2	Sines Port (Portugal)	Week 21 between 20 and 24 May

Should you wish to attend, please send a request at the latest on 15 May 2024 indicating the lot(s) you are interested in, the name of the attending person and the Potential Buyer they represent to the following e-mail: SA12024@emsa.europa.eu. Personnel attending, as identified in the email, will be provided with precise logistical details in due time. As the equipment is stored in the port area, for security reasons and access to the port facilities, personnel attending will be requested to provide their identification data and a copy of an identity document (e.g. passport).

2.4 Competitive purchasing - Two Cycles

The Sale of Assets procedure is organised through competitive bidding within two cycles.

The Potential Buyers who submitted the 3 highest Purchase Proposals in the first cycle will be informed of the highest purchase proposal offered in the first cycle and will be invited to submit a higher Purchase proposal in the second cycle.

In the event that only one Purchase Proposal is received during the first cycle, no second cycle will be organised.

In the event that no Purchase Proposal is received during the second cycle, the Purchase Proposals received during the first cycle will be considered for final evaluation.

The successful Purchase Proposal will be the one with the highest price offer, taking in consideration all the Purchase Proposals received in the first and second cycles.

The interested buyers are bound to the Purchase Proposal they submitted until the moment of transfer of the assets.

3. Indicative timetable

Signature of Sale Contract is planned for September 2024.

4. Estimated Value of the Sale of Assets Procedure

The overall value of the procedure covering both lots has been estimated at EUR 245414 (two-hundred and forty-five thousand and four-hundred and fourteen euro) excluding VAT.

All equipment items forming lot 1 are for sale for a minimum price of EUR 165 784 (one-hundred and sixty-five thousand seven-hundred and eighty-four euro) excluding VAT.

All equipment items forming lot 2 are for sale for a minimum price of EUR 79 630 (seventy-nine thousand six-hundred and thirty euro) excluding VAT.

5. Terms of Payment

After completion of the Sale of Assets procedure, EMSA shall issue a Debit note to the successful Buyer with the request for payment of the Purchase Proposal.

The property of the assets shall be transferred to the successful Buyer from the moment the amount of the price has been deposited on EMSA's bank account.

After the amount of the price has been deposited on EMSA's bank account, EMSA will send the buyer a Letter of Confirmation that will serve as proof of payment.

6. Terms of Sale Contract

In drawing up a Purchase Proposal, the Potential Buyer should bear in mind the terms of the **draft Sale Contract**, attached to this Call for Purchase Proposals.

Please note that EMSA may, before the contract is signed, either abandon the Sale of Assets procedure or cancel the award of the contract without the Potential Buyers being entitled to claim any compensation.

7. Requirements of the Purchase Proposal

Potential Buyers shall submit Purchase Proposals in one of the official languages of the European Union before the closing date for the Purchase Proposals' reception as described in the Invitation to Submit Purchase Proposals.

The Potential Buyer must provide the following information:

- A. **Cover letter** indicating the name and position of the person authorised to sign the contract, including up-to-date proof of that authorisation and the email address to be used for contacts during the public sale procedure.

- B. **The Legal Entity Form** - completed, signed by the person authorised to sign the contract, along with the requested accompanying documentation. This document is available on the Procurement Section of EMSA's website (www.emsa.europa.eu).
- C. Declaration of Honour.
- D. Purchase Proposal Form with Price offer in accordance with **point 8** below.
- E. **Potential Buyer's Checklist** completed and signed.

8. Price

- A. Price for Sale of oil pollution response equipment shall be quoted for one or more lots. Price must be quoted for all the oil pollution response equipment items forming each lot and listed in the "Description (Catalogue) of the Assets", Annex I.A for lot 1 and/or Annex I.B for lot 2. The successful Buyer shall take delivery of all the items at their respective storage location. The offered Price for Sale of oil pollution response equipment is therefore excluding any transport costs which shall be borne separately by the successful Buyer. Prices may submitted for only one or for both lots. Prices for buying individual items separately under a lot are not acceptable.
- B. Prices must be quoted in Euro.
- C. Prices must be fixed amounts, non-revisable and remain valid for the duration of the contract.
- D. Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Union, EMSA is exempt from all duties, taxes and other charges, including VAT. This applies to EMSA pursuant to the Regulation (EC) No 1406/2002. These duties, taxes and other charges can therefore not enter into the calculation included in the Purchase Proposal. The equipment items for sale are second-hand goods exempt from VAT.
- E. Interested buyers submit a financial offer using the Purchase Proposal Form (Annex III).

9. Eligibility and Selection Criteria

9.1 Legal position – means of proof required

When submitting their Purchase Proposal, applicants are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section of EMSA's website (www.emsa.europa.eu).

9.2 Grounds for exclusion – Exclusion criteria

To be eligible to participate in this contract award procedure, a Potential Buyer must not be in any of the exclusion situations listed in the Declaration of Honour.

For this purpose, the Declaration of Honour available on the Procurement Section of EMSA's website (www.emsa.europa.eu) shall be completed and signed.

10. Award criteria

For each lot, the Sale Contract will be awarded to the Potential Buyer who submits the Purchase Proposal with the highest price.

11. Management of the procedure

EMSA Unit 1.1 - Pollution Response Services will be responsible for managing the Sale procedure for Sale of oil pollution response equipment.

12. Evaluation and award

The evaluation of the Purchase Proposals that comply with the conditions as per Invitation to submit Purchase Proposals will consist of the following elements:

- Check if the Potential Buyer is not subject to restrictive measures and has access to the market;
- Verification of non-exclusion of Potential Buyers on the basis of the exclusion criteria;
- Evaluation of Purchase Proposals on the basis of the award criteria.
- EMSA will evaluate the above-mentioned elements in the order that it considers to be the most appropriate. The successful Buyer(s) must pass all the above-listed elements to be awarded the contract.

13. Rejection from the procedure

Contracts will not be awarded to Potential Buyers who, during the sale procedure, are in one of the following situations:

- are in an exclusion situation;
- have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- were previously involved in the preparation of documents used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.