

Lisbon, 03 DEC 2014

**INVITATION TO TENDER N°.EMSA/OP/13/2014**  
**(Open Procedure)**

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is launching an invitation to tender for an aerial dispersant application service.

The invitation to tender follows the publication of the Contract Notice.

2. Tenderers who wish to submit an offer are invited to send to the Agency a bid duly signed by their authorised representative, together with three copies of their bid, strictly identical to the original bid (total: 1 original and 3 copies). Bids can be submitted in three different ways:

**(a) either by registered post**

in this case the bid should be posted not later than **23 February 2015** (the stamp of the **post office** acting as proof).

**(b) or by hand-delivery**

in this case hand delivery should be made not later than 16h00 (Lisbon local time) on **23 February 2015**.

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) or by private courier service**

in this case the bid should be 'deposited' with the Private courier service not later than **23 February 2015** (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**

Bernd Bluhm  
Head of Pollution Response Services Unit  
European Maritime Safety Agency (EMSA)  
Praça Europa 4  
1249-206 Lisbon  
Portugal

3. Bids must be submitted in two envelopes, one inside the other. Both envelopes are to be sealed. The inner envelope must be marked as follows:

<p><b>Call for tenders N°EMSA OP/13/2014</b></p> <p><b><u>NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT</u></b></p> <p><b>To the attention of</b></p> <p><b>Mr Bernd Bluhm</b></p> <p><b>Head of Pollution Response Services Unit</b></p>
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The outer envelope must be marked as follows:

<p><b>Call for tenders N°EMSA OP/13/2014</b></p> <p><b>To the attention of Mr Bernd Bluhm</b></p> <p><b>Head of Pollution Response Services Unit</b></p>
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If self-sealed envelopes are used, they must be closed by adhesive tape with the sender's signature written across it.

4. In addition, an electronic copy of the bid must also be submitted in PDF format. Such an electronic copy must be submitted by **23 February 2015** to the following email address: [OPEN132014@emsa.europa.eu](mailto:OPEN132014@emsa.europa.eu) or included in a CD, USB key or similar. In case of inconsistency, the paper version will have precedence over the electronic one. The date of submission of the paper version will in any case be taken into consideration for the assessment of the opening criteria (i.e. whether the bid was dispatched on time or not).
5. Tenders must be:
- signed by the tenderer or his duly authorised representative;
  - perfectly legible so that there can be no doubt as to words and figures;
  - drawn up using the bid template in enclosure 3 of this invitation.
6. Period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect shall be until 31/12/2015.

7. The bids will be opened on 2 March 2015 at 15.00h (Lisbon local time), in the offices of the European Maritime Safety Agency, Praça Europa 4, 1249-206 LISBOA, Portugal.

This opening session will be public. 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 5 calendar days before the date of the opening) to the following e-mail address: [OPEN132014@emsa.europa.eu](mailto:OPEN132014@emsa.europa.eu) indicating the name of the attending person and the tenderer he/she represents.

8. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specification and in the draft contract 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.
9. 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 the EMSA website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)
10. Contacts between the contracting authority and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:
- **Before the final date for submission of tenders:**
    - \* At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the nature of the contract.  
Any requests for additional information must be made in writing and sent to the following e-mail address [OPEN132014@emsa.europa.eu](mailto:OPEN132014@emsa.europa.eu)  
EMSA is not bound to reply to requests for additional information made less than five working days before the deadline for submission of tenders.
    - \* 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 tenders.
    - \* Any additional information including that referred to above will be published on EMSA website in the Procurement section. The website will be updated regularly and it is tenderers' responsibility to check for updates and modifications during tendering period.
  - **After the opening of tenders**
    - \* 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.



11. An information meeting is planned on **14 January 2015** at the EMSA premises, between 10.00h and 16.00h. A maximum of two representatives per Company are invited. In order to confirm the participation an e-mail to the dedicated e-mail address ([OPEN132014@emsa.europa.eu](mailto:OPEN132014@emsa.europa.eu)) should be sent by the interested Companies not later than Thursday, 8<sup>th</sup> January 2015, 16.00h. Please also note that the Agency will not reimburse any travel expenses incurred in relation to the meeting.
12. 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 the EMSA Website [www.emsa.europa.eu](http://www.emsa.europa.eu)
13. This invitation to tender is in no way binding on EMSA. EMSA contractual obligation commences only upon signature of the contract with the successful tenderer.
14. Up to the point of signature, the contracting authority 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.
15. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
16. Tenderers will be informed of the outcome of this procurement procedure by email or fax. It is the tenderers' responsibility to provide a valid email address and fax number together with your contact details in your tender offer and to check it regularly.
17. If tenderer's offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
18. Processing your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 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. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by Mr Bernd Bluhm, Head of Pollution Response Services. Details concerning processing of your personal data are available on the privacy statement "Information on personal data protection in procurement procedures" at: <http://www.emsa.europa.eu/about/personal-data-protection.html>

19. Your personal data may be registered in the Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on: [http://ec.europa.eu/budget/library/explained/management/protecting/privacy\\_statement\\_ced\\_en.pdf](http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_ced_en.pdf))

Yours faithfully,



Markku Mylly  
Executive Director

Enclosures:

1. Tender Specifications
2. Draft Service Contract
  - Annex I Tender Specifications (to be added at contract signature)
  - Annex II Offer of the Contractor dated (to be added at contract signature)
  - Annex III Incident Response Contract – Airplane (IRC-A)
  - Annex IV Pre-financing guarantee template
  - Annex V International/National Airplane Exercise Participation Agreement
3. Bid Template
4. Statement of Subcontracting/Joint Offer
5. Tenderer's Checklist