

**Enclosure 1**

**Description of needs and requirements**

**Attached to the Invitation to Submit Request to participate in the  
Competitive Dialogue**

**in the context of**

**Procurement Procedure No. EMSA/CDI/01/2014**

**for Service Contract for Aerial Application of Dispersant Service**

**1. Introduction**

The European Maritime Safety Agency (EMSA) was tasked to “work with the Member States to support 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, when a request has been presented” (Art. 2 (3) d of Regulation 1406/2002/EC as amended by Regulation (EU) N.100/2013).

EMSA’s Action Plan for Oil Pollution Preparedness and Response (2004), as well as the Action Plan for Response to Marine Pollution from Oil and Gas Installations (2013), as updated by the annual Work Programmes of the Agency, identify how to implement these tasks. These documents are available on the Agency’s website: [www.emsa.europa.eu](http://www.emsa.europa.eu) under “Publications”.

**2. Type of Procedure**

Private or public entities are invited to submit a Request to participate in the Competitive Dialogue (EMSA/CDI/01/2014) for a Service Contract for Aerial Application of Dispersant service in accordance with the rules set out in the Contract Notice and in this “Description of needs and requirements”.

The Competitive Dialogue Procedure is divided into four phases:

- Phase 1: Pre-selection of candidates;
- Phase 2: Dialogue phase between EMSA and the pre-selected candidates;
- Phase 3: Tender phase;
- Phase 4: Award and signature.

During Phase 1, an information meeting will take place in EMSA premises in Lisbon open to all interested parties. The exact location and time will be published on the EMSA website by 7 January 2014 at the latest. EMSA will not reimburse the travel expenses but will publish all presentations, questions and answers within one week of the meeting. Any candidate interested will be able to submit also questions on the

Invitation to submit requests by e-mail to EMSA as specified in the Invitation to submit requests.

In phase 2, and based on the requests, a list of pre-selected candidates will be drawn up according to the criteria set out in the Contract Notice and its associated enclosures. The following requirements will be assessed for this pre-selection:

1. Legal form to be taken by the contractors and Legal position (see points 9, 10 and 12.1);
2. Exclusion Criteria (see points 12.2 and 12.3);
3. Selection Criteria – the candidate must submit evidence of his capacity to perform the contract, both from the economic and financial point of view (see point 12.4) and from the technical and professional point of view (see points 12.5 and 12.6).

A candidate that does not fulfil the exclusion and selection criteria will not be admissible for further assessment.

All pre-selected candidates will be invited to the Dialogue phase (Phase 2). Nevertheless, the inclusion on the list of pre-selected candidates does not entail any obligation on the part of the Agency concerning either the invitation to submit the final tender or the award of the contract. In the Tender phase (Phase 3), pre-selected candidates will be invited to submit their final tenders based on detailed tender specifications. EMSA will award the contract(s) to the most economically advantageous bid (+the one providing the best value for money). More information on the award criteria is provided under point 13 below.

An overview of the different stages within the Competitive Dialogue procedure is provided in point 6 hereunder.

### **3. Contract objective and scope of the work**

#### **3.1. Overall objective**

In accordance with EMSA's Founding Regulation 1406/2002/EC as amended, the primary objective of this procurement procedure is to 'top-up' the capabilities of coastal EU Member States, EFTA/EEA Countries and Candidate Countries and support the ENP Countries, in a cost efficient way, primarily in the field of oil pollution from offshore installations, but also in the event of ship-sourced pollution.

#### **3.2. Specific objective**

The aim of this procurement procedure is to provide the means for timely and effective aerial oil dispersant application in the event of a request for assistance by a coastal State. EMSA aims to establish an aerial dispersant application service for an initial period of 2 years (followed by a maximum of two annual renewals) with private or public entities in order to guarantee, on a short term basis, the availability of one or two airplanes together with on-board crew qualified for performing dispersant spraying operations. The airplane(s) shall be equipped with portable dispersant application system(s) and all the necessary accessories required for loading and spraying dispersant during oil spill response operations.

### **3.3. Lots**

The procurement procedure will be divided in two lots:

- Lot 1: For a service including one single airplane to be mobilized on request at any time under the contract;
- Lot 2: For a service including the possibility to mobilise up to two airplanes at the same time, allowing for higher response capacity.

Candidates and tenderers will be able to apply for one or both lots. EMSA would award the related service contracts on the best value for money principle, in view of the offers received under the two lots and the budget available. Therefore EMSA may award, one or two contracts for Lot 1, or one single contract for Lot 2.

### **3.4. Scope of the work**

#### **"Top-up" principle**

The scope of the service is to set up a European tier for aerial dispersant application upon receipt of a request for assistance, in order to perform dispersant spraying during oil spill response operations. The Agency is tasked to provide additional response capacity to that under contract to the Member States of the European Union as well as EU Accession and Candidate Countries and countries which are contracting parties to the European Free Trade Association (EFTA). In addition, the Agency may also provide assistance in case of pollution to third countries sharing a regional sea basin with the European Union, in line with the EU Civil Protection Mechanism. Consequently, EMSA cannot award a contract for an airplane that is already engaged with such a country or in the same geographical area for the same services.

#### **Area of operation**

The area of aerial dispersant application will be the European waters and shared sea basins. EMSA will establish one or two dispersant depots most likely in the Mediterranean that will be mainly used by the aerial service resulting from this procurement procedure. However, the aerial service might also be used in combination with dispersants' capacities provided by Member State.

#### **Duration of operations**

In principle, the dispersant application over an oil slick will take place during day light hours, as during the night time it becomes difficult to efficiently and safely conduct the spray operations. Consequently, the number of sorties per day may also vary depending on the distance between the base airport and the location of the spill, and the weather conditions. However, it is envisaged that the airplane may perform a number of three to four sorties per day. The airplane may continue to perform dispersant spraying flights (sorties) for a maximum period of 21 consecutive days unless differently agreed by the parties (EMSA, Contractor, Country requesting the service). The duration of dispersant spraying operations may be extended beyond 21 days, if all parties agree.

### 3.5. Main elements of the Service Contracts

Each Service Contract may be composed of the following(sub) contracts:

-An Airplane Availability Contract signed between the private (or public) entity and the Agency for the availability and associated preparation of airplane(s) to perform aerial dispersant application service.

-An Incident Response Contract signed between the private or public entity and the coastal State requesting assistance in the event of a (major) oil spill.

A draft Service Contract will be sent to the pre-selected candidates before the dialogue phase and will be subject to discussion during the Dialogue phase.

### 3.6 Project phases and related tasks

The following two implementation phases are foreseen in principle within the Aerial Application of Dispersant Service project. This detailed description is provided hereunder as indicative. Some changes could take place following the Dialogue phase if the candidates propose variants (which respect the main objectives, budget and timeline of the project):

a) **The Preparatory phase** (for a maximum period of six months after signature of the contract) during which the Contractor will have to:

- Adjust and prepare the airplane;
- Ensure that the airplane pilots and support crews receive the appropriate training;
- Finalise all amenities, facilities and conditions required for the receipt and storage of the dispersant application equipment;
- (As an option to be discussed during the Dialogue phase) purchase of one dispersant application system in line with the technical requirements defined by EMSA;
- (As an option to be discussed during the Dialogue phase) finalise all amenities, facilities and conditions required for the receipt, storage and management of dispersant, in line with the technical requirements defined by EMSA.

A compensation for the preparation phase as well as the reimbursement of the dispersant application system (if directly purchased) and storage arrangements may be financed by the Agency.

b) **The Stand-by Phase** (duration 24 months) during which the contractor will:

#### **Under normal circumstances:**

- continue to conduct the activities in which the airplane is usually engaged,
- participate in one annual airplane mobilisation exercise (maximum 3 day duration), or, in alternative, in one annual pollution response drill (maximum one day duration plus transfer time);
- accept to exceptionally participate in a second airplane mobilisation exercise over the course of one year, subject to EMSA's request and with one month's prior notice;

- arrange annual training programs on aerial dispersant application for all the personnel engaged in the performance of the service; and
- submit every six months the Bi-annual Reports listing all the activities carried out (such as drills, exercises or actual oil pollution response operations).

**In the event of a (major) oil spill and following a request for assistance**, via the Agency, by a coastal State,

- the airplane(s) will cease its usual activity as soon as possible and will provide aerial dispersant application operations. The services will be provided to the requesting coastal State, or any third party with the consent of EMSA, on the basis of the "Incident Response" contract which should include pre-agreed terms, conditions and tariffs for the provision of assistance to the requesting party. At the moment of the signature of the Incident Response Contract, the parties will also agree on the exact endurance of the aerial operations taking into account an estimate on the number of payloads necessary to treat a slick (payloads are weight-limited and an airplane normally makes several sorties to apply dispersant) and the distance between the spill and the base airport premises (or any other operating base). Nevertheless, the entire duration of a sortie (which includes the time needed for the airplane to reach the location of the slick and to fly back to the airport for refilling and refuelling) should be in accordance with the applicable reserve-fuel requirements that influence the maximum operating range of the airplane.
- During the actual operations, the airplane's crew will load the dispersant and will fly to the location of the slick to perform dispersant spraying operations.
- From its arrival at the place of delivery, the airplane(s) will act under the operational command and control of the Public Authority coordinating the whole oil pollution response operations. The Public Authority will be responsible for arranging all logistics for accommodating the airplane and its crew, transporting the dispersant to the airplane and ensuring the availability of suitable fuel and refuelling capabilities.
- During the actual aerial dispersant application operations, the Public Authority shall provide a support airplane (spotter airplane) and associated air crew to assist the airplane performing dispersant spraying, if deemed necessary. The spotter airplane will fly above the latter with the aim to assist the pilot in applying the dispersant. A trained aerial observer will be on board the spotter airplane and will direct the pilot in conducting the operations (when to commence and cease spraying) and will guide him towards the heaviest concentrations of oil. The Public Authority will be responsible for the disposal of the wastes and dispersant contaminated items generated during the dispersant application operations.

#### **4. Different lots**

Candidates may decide to propose the charter of one or two airplanes for the provision of aerial dispersant service. Accordingly, the procurement procedure will be divided in two lots:



Lot 1: For a service including one single airplane to be mobilized on request at any time under the contract;

Lot 2: For a service including the possibility to mobilise up to two airplanes at the same time, allowing for higher response capacity.

Candidates and tenderers will be able to apply for one or both lots. EMSA would award the related service contracts on the best value for money principle, in view of the offers received under the two lots and the budget available. Therefore EMSA may award, one or two contracts for Lot 1, or one single contract for Lot 2.

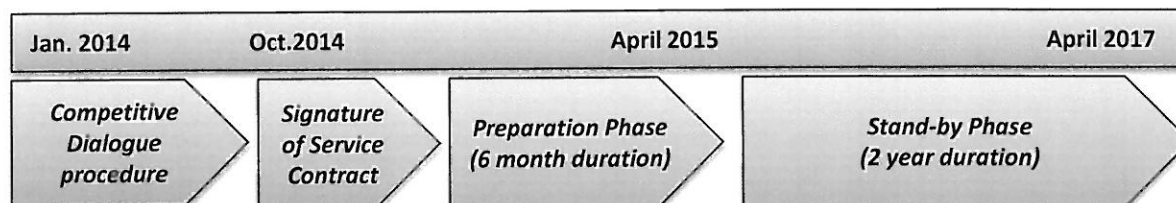
For both lots, candidates may also foresee in their proposals the purchase of one (or two) dispersant application equipment set(s) and/or the management (storage and transportation) of dispersants, which are to be supplied by the Agency.

A technical description of the dispersant application equipment as well as additional details about the type of dispersant will be published in two separate documents as enclosures to the Invitation to Tender letter.

It is worth noting that both the equipment and the dispersant may be stored at the airplane's home base. However, in case the dispersant is stored in a different location, candidates should include in their final offers an estimation of the transportation price of the dispersant from the storage location to the nearest airport (taking into account the cost per km).

## 5. Project Planning

A range of indicative project milestones are identified here below:



## 6. Competitive Dialogue planning

The table hereunder details the most relevant stages of the competitive dialogue procedure:

	Description	Indicative date
Phase 1 Pre-selection of candidates	Publication of the Contract Notice in the Official Journal (OJ)	3 January
	Information Meeting at the Agency's premises in Lisbon	week 4/5
	Submission of Requests to Participate	10 February

	Evaluation of Requests to Participate	14 March
	Invitation to Participate (ITP) in the Dialogue Phase	17 March
<b>Phase 2 Dialogue with pre-selected candidates</b>	Meetings between EMSA and the pre-selected candidates	From 18 March to 8 May
<b>Phase 3 Tender phase</b>	Issue Invitation to Tender (ITT)	26 May
	Submission period of Final Tenders	From 26 May to 2 July
	Evaluation of tenders received	17 September
	Notification to Tenderers	8 October
<b>Award and Signature</b>	Signature of the contract	End of October 2013

Following the publication of the Contract Notice in the OJ , an Information Meeting, opened to all interested candidates, is planned to take place at the Agency's premises at the end of January . The exact date of the meeting will be confirmed at the beginning of the year and will be published on the EMSA website ([www.emsa.europa.eu](http://www.emsa.europa.eu) under the procurement section) by 7 January at the latest. During this meeting candidates will have the opportunity to ask for clarifications in relation to the competitive dialogue procedure as well as to the content of this descriptive document. The presentations and minutes of such a meeting will be also published on the EMSA website.

Interested candidates should present their Requests to Participate following the structure indicated in point 11 and by providing the relevant documents listed in the Checklist (enclosure 2 to the Invitation to Submit Requests). A clarification question and answer process will take place and will be available for consultation on the Agency's website at the link set up for this specific procurement.

Following the receipt of the Requests to Participate all candidates that meet the selection criteria set in the Contract Notice and in this descriptive document will be invited for the dialogue.

EMSA shall send an Invitation letter to participate in the Dialogue phase to the short-listed candidates. The timeline of the dialogue will be included in the Invitation letter.

Up to three dialogue meetings will be conducted separately with each candidate. The purpose of the dialogue is to discuss about the general arrangement proposed in the initial solution described in the Requests to Participate. Both technical and financial aspects of the proposal will be analysed and elements for clarifications will be identified in the dialogue meetings.

During the Dialogue phase, EMSA will provide feedback to the candidates concerned, in accordance with the principles of equal treatment and non-discrimination.

At the end of the Dialogue phase, EMSA will send an Invitation to Tender asking the tenderers to submit their final offers. After the closure of the Dialogue meetings and before the submission of the final offer, tenderers can still send requests for clarification to EMSA.

Once the final tender is submitted this cannot be changed or negotiated. Tenders will be evaluated to apply the best value for money principle, in accordance with the criteria under point 13 below.

At the end of the evaluation process tenderers will be notified if their proposals have been awarded or not.

In accordance to the above indicative timeline, the Service Contract is expected to be signed at the end of October 2014.

## **7. Contract management responsible body**

The European Maritime Safety Agency – Unit C.1, in charge of Pollution Response Services – will be responsible for managing the contract.

## **8. Estimated Value of the Contract**

The maximum budget available for the contract(s) is EUR 2,300,000, excluding VAT.

## **9. Sub-contracting**

If the candidates intend to either sub-contract part of the work or realise the work in co-operation with other partners they shall indicate in the offer which part will be sub-contracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the candidate).

If the candidate relies on the capacities of subcontractors to fulfil selection criteria as specified in points 12.5 and 12.6 (technical and professional capacity), then each subcontractor must provide the required evidence for the exclusion and selection criteria. To rely on the capacities of a subcontractor does not mean that the contractor has to use deliveries or services of another entity but that this entity and its special capacity is central to the capacity of the contractor to fulfil the contract and that it cannot be easily changed or replaced. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided will be checked to ensure that the candidate and its subcontractors as a whole fulfil the criteria.

## **10. Joint Offer**

Groupings, irrespective of their legal form, may submit requests to participate and bids (in the third phase). Candidates may, after forming a grouping, submit a joint request to participate and bid (in the third phase) on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the entity or person heading the project and must also submit a copy of the document authorising this entity or person to submit an application and bid (in the third phase).



Each member of the consortium must provide the required evidence for the exclusion and selection criteria. The exclusion criteria will be assessed in relation to each economic operator individually. Concerning the selection criteria, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

If awarded, the contract will be signed by the person authorised by all members of the consortium. Candidates from consortiums of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member or group.

## **11. Requirements to submit requests to participate in the Competitive Dialogue**

Candidates should note the following important points:

- Failure to submit relevant information by the candidates could be a ground for rejection of their request from the procurement process.
- Each request needs to be treated as individual/unique and, accordingly, a full set of all relevant supporting documentation must be submitted with each request.
- Requests can be submitted in any of the official languages of the EU even if the working language of the Agency is English. Nevertheless, requests must include a copy in English of the documents/information indicated under point 12.7 - General description of the proposed arrangement. The copies of official certificates or documents, e.g. VAT Registration Documents, do not need to be translated to English and can be submitted in the original language.
- Candidates need to arrange their requests to participate in the format identified below. If the candidate does not include one of the requested documents, a clear and thorough justification must be provided.

If the candidate intends to either sub contract part of the work or realise the work in co-operation with other partners (Join Offers) he shall indicate in the form "Information regarding joint offers and subcontracting".

Requests to participate must be presented as follows and must include:

- A completed **Checklist** (Enclosure 2 to the Invitation to Submit Request).
- **Part A:** all the information and documents required by the contracting authority for the shortlisting candidates on the basis of the points 9, 10, 12.1, 12.2 and 12.3 of these specifications (part of the Identification information and Exclusion criteria):
  1. Signed Cover Letter, indicating the name of the entity and the person heading the project, and in the case of groupings, specifying the companies that are part of the consortium (including role, qualifications and experience of each member or group) and indicating the entity and person heading the project;

2. the "Statement of subcontracting/Joint offer" – Information regarding joint offers and subcontracting, if the candidate intends to either sub contract part of the work or realise the work in co-operation with other partners (Joint Offer) he shall indicate in his offer by completion of the template (Enclosure 3 to Invitation to Submit Request).
  3. Original document authorising this person to represent the entity/grouping or consortium for the purpose of this procurement procedure and sign the contract on behalf of the entity;
  4. Legal Entity Form (Enclosure 4 to Invitation to Submit Request; also available on EMSA website) completed, dated and signed by the authorised representative and accompanied by:
    - A copy of the VAT Registration Document, if applicable, and if the VAT number does not appear on the Official Document referred to the point below.
    - A copy of an Official Document (Official Gazette, Company Register, etc.) showing the name of the entity, the address of the Head Office and the Registration Number given to it by the relevant National Authorities.
  5. Financial Identification Form (Enclosure 5 to Invitation to Submit Request; also available on EMSA website) filled and signed by the account holder and the bank (or accompanied by a recent bank statement).
- **Part B:**
    6. Declaration of Honour (Enclosure 6 to Invitation to Submit Request; also available on EMSA website) completed and signed, or alternatively, the additional proof listed under point 12.3.
  - **Part C:** all the information and documents required by the contracting authority for the shortlisting candidates on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point 12.4 of these specifications:
    7. Balance Sheets for the last 3 financial years
    8. Turnover and Profit and Loss account for the last 3 financial years  
or for public entities:  
The annual budget of the last year
  - **Part D:** all the information and documents required by the contracting authority for the shortlisting candidates based on the **Technical and professional capacity** (part of the Selection Criteria) set out under point 12.5 and 12.6 of these specifications.
  - **Part E: Documentation relating to Point 12.7 (for information)**

**12. Information concerning the personal situation of the service provider and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required**

**12.1. Legal position – means of proof required**

When submitting their application, candidates are requested to complete and enclose the **Legal Entity Form** and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

**12.2. Grounds for exclusion - Exclusion criteria**

To be eligible for participating in this contract award procedure, candidates and tenderers must not be in any of the following exclusion grounds:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union financial interests;
- f) they have been the subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

**12.3. Evidence to be provided by the candidates and tenderers (in the Invitation to Tender phase)**

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) shall be completed and signed.

Please note that the tenderer to whom the contract is to be awarded shall provide additional proof evidencing eligibility.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow

the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

When the tenderer to be awarded the contract has already submitted relevant evidence to EMSA, it remains valid for 1 year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the Contractor is required to submit a statement of confirmation that their situation has not changed.

#### **12.4. Economic and financial capacity – Selection criteria**

Requirements:

- The candidate must be in stable financial position and the economic and financial capacity to perform the contract.

Evidence:

- Financial statements for the last three years for which accounts have been closed;
- Statement of overall turnover and turnover relating to the relevant services for the last three financial years; or, for public entities, the annual budget of the last year;
- Candidates are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and still complies with the requirements. In this case the candidate should simply indicate on the cover letter the procurement procedure where the evidence has been provided;
- If, for some exceptional reason which EMSA considers justified, a candidate is unable to provide one or other of the above documents, he may prove his economic and financial capacity by any other document which EMSA considers appropriate. In any case, EMSA must at least be notified of the exceptional reason and its justification in the request to participate. EMSA reserves the right to request any other document enabling it to verify the candidate's economic and financial capacity.



#### **12.5. Technical and professional capacity applicable to the public or private entity submitting a request (Selection criteria)**

Candidates shall provide evidence of their technical and professional capacity to perform the contract as follows:

- a) Candidates must have experience in the field of medium to large size airplane operations. A list of up to three major contracts performed in the last three years must be sent indicating the year of contract signature, the service beneficiary, the overall value, and duration.
- b) Candidates from the private sector must submit the Certificate of professional or commercial registration issued by the competent Authority of the country where they are established, with an indication of its geographical scope.

#### **12.6. Technical and professional capacity applicable to the airplane to be proposed (Selection criteria)**

Candidates must demonstrate their technical ability to perform the aerial dispersant application service by providing a description of the potential airplane(s), addressing at least the following points:

- a) Identification of the airplane(s) proposed including the technical characteristics.
- b) Candidates must provide an airplane that is able to operate in Europe in accordance with the existing regulations.
- c) Candidates should have the control of the airplane offered for the service at the time of the contract signature. Accordingly, evidence in a form of agreement signed with the owner of the airplane should be included in the documentation.
- d) Candidates have to provide a type of airplane for which a dispersant application system, requiring no or minimum modifications to the airplane, has been flight tested and approved for use.
- e) Candidates providing an airplane already adapted or used for aerial dispersant application are accepted only if the provided airplane is not part of any other contractual arrangements in the EU, EFTA of Candidate Countries for the same type of service.
- f) The airplane to be provided needs to have a dispersant payload between 5 and 20 tonnes and a minimum flight range of 350 and preferably over 1000 nautical miles at full payload (airplane plus the dispersant application system, dispersant, crew (including the dispersant system operator(s) and an observer) and a 45 minute flight reserve).

#### **12.7. General description of the proposed arrangement**

Candidates must submit additional information indicating the arrangement envisaged to fulfil the objectives of the project. This description is for information purposes as it could be adapted later to the detailed tender specifications, but should include, at least, the following points:

- General preliminary description of proposed arrangement to fulfil the objectives of this procurement procedure;
- Current usual area of operation and economic activity: a brief description of the usual operations of the airplane (s);
- Proposed location of base of operations;
- Draft mobilisation plan: a brief procedure indicating the way in which the airplane would be made available to EMSA for pollution response when requested at short notice.
- Indication if the candidate could envisage to perform also the direct purchase of the dispersant application system(s);
- Indication if the candidate could also envisage to include in the final tender the management (storage and transportation from the storage location to the airport) of dispersant that is supplied by the Agency;
- Any specific critical factor identified by the candidate regarding the set-up of the propose services.

### **13. Criteria for the award of the contract**

Following the conclusion of the Dialogue phase, the candidates that will be found to be eligible with regard to the criteria indicated in point 12, might be invited to dialogue meetings and will be Invited to the Tender.

The Service Contract will be awarded to the candidates that will submit the most economically advantageous bid (the one providing the best value for money), as assessed on the basis of the following criteria:

- Technical Award Criteria (70%) including at least the following :
  1. Effectiveness of the mobilization plan;
  2. Quality and appropriateness of the assets provided (eg. Airplane,equipment;
  3. Quality of the proposed team.
- and Price Award Criteria as weighted by percentage (30%)
  - o Total price of the service including at least the following elements for the calculation:
    - The fixed price for the availability (Stand-by Phase);
    - Price per flight hour during response operations.

To be considered for the award, tenders will have to have a minimum of 60% of the marks for quality.

### **14. Contracts will not be awarded to candidates and tenderers who, during the procurement procedure:**

- are subject to a conflict of interest;

- are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

### **15. False declarations**

Without prejudice to the application of penalties laid down in the contract, candidates, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in point 10 have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant shall be subject to administrative and financial penalties set out in Article 145 of Commission Delegated Regulation of 29.10.2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.