

Questions/ Answers

Procurement procedure: EMSA/OP/27/2015

Study on the development of LNG bunkering facilities for LNG fuelled ships in the SAFEMED and TRACECA countries

Question 01 (dated 21/09/2015, 07:55):

We are interested in participating in the tender mentioned above hence want to get more information about the same.

Considering the geographical constraint of personally reviewing the document, I request you to provide us the following details before we buy the document:

- 1) List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.
- 2) Soft Copy of the Tender Document through email.
- 3) Names of countries that will be eligible to participate in this tender.
- 4) Information about the Tendering Procedure and Guidelines
- 5) Estimated Budget for this Purchase
- 6) Any Extension of Bidding Deadline?
- 7) Any Addendum or Pre Bid meeting Minutes?

We will submit our offer for the same if the goods or services required fall within our purview.

Also we would like to be informed of future tenders from your organization. Hence, we request you to add our name to your bidder's list and do inform us about upcoming Projects, Tenders.

We will be highly obliged if you can send us your complete & latest contact information. This will help us reaching to you faster.

Answer to question 01:

Please note that all tender documents related to procurement procedure EMSA/OP/27/2015 as well as our complete and latest contact information can be downloaded free of charge from the procurement section of EMSA's website at: <http://www.emsa.europa.eu/work/procurement/calls/item/2477-ems-a-op-27-2015.html>

You may also sign up to our procurement mailing list on the EMSA website, as above, in order to be kept informed of new procurements.

Question 02 (dated 21/09/2015, 15:28):

We have studied your invitation to tender N° 2015/EMSA/OP/27/2015 and hereby request some further clarifications, following the procedure as described in point 9 of page 3 of your invitation to tender letter dated 28 August 2015:

- A) On page 3 of the tender specifications it is stated that “The contractor may be assigned to complete one of the Tasks or several Tasks at the same time. ...” Then on page 6 there is the statement that “EMSA aims at concluding the Multiple Framework Service Contract with 3 contractors”. Combining these statements would leave open the possibility that different Tasks for one port would be executed by different contractors (say Task 1 and 2 for port A are ordered from contractor X and Tasks 3 and 4 for the same port A are ordered from contractor Y), and we see risks in that way of working which we don't want to get into. Therefore we would like to be reassured that all the relevant Tasks for one port will be ordered from one contractor.

- B) It is stated in §2.4 that up to two trips for meetings are possible, and that we should include this into the price for each of the Tasks. However, we would assume that if a contract with a port consists of 4 Tasks, this does not imply 4 x 2 trips, but just 2 trips addressing the issues for all 4 Tasks. We would like to be reassured of this since it of course has implications to our budget estimations.

Answer to question 02:

- A) Article 8 of the Tender Specifications specifies that “This tender will result in a signature of a multiple framework service contract in cascade with EMSA and successful tenderer(s), to be implemented by order forms that will define the assigned Task(s) to the contractor. EMSA aims at concluding the Multiple Framework Service Contract with 3 contractors”.

After the deliberation by the Evaluation Committee three successful candidates will be selected as contractors for a Multiple Framework Contract in first, second and third position. When EMSA intends to purchase a study (one of the Tasks, several of the Tasks or all of the Tasks at the same time) within this Multiple Framework Contract, the contractor selected in the first position will be sent an order form or request for these services (one of the Tasks, several of them or all of them depending on EMSA needs at that moment). The contractor shall return the completed order form back duly signed and dated within 10 working days. “Should the contractor be unavailable, it shall give reasons for refusal within the same period and EMSA shall be entitled to send the order form or request for services to the next contractor on the list. In the event of failure to observe this deadline, the contractor shall be considered unavailable” (Article I.4.1 of the Multiple Framework Service Contract). In other terms, if the contractor selected in position 1 is not available to complete the requested Task, or does not reply accordingly during the foreseen deadline, EMSA will revert to the contractor selected in the second position. If the contractor selected in the second position is not available either, EMSA will then order the Tasks to the contractor selected in the third position.

As it becomes apparent from the text above, the assignment of the tasks will be per contractor. In other words there will be no ‘sharing’ of one task between the different framework contractors. This is because EMSA will establish a separate contractual relationship with every individual contractor

within the scope of the Multiple Framework Contract. However, since the mechanism of the Multiple Framework Contract in cascade implies ranking of the contractors when placing orders, in fact all the relevant Tasks for one port will be ordered from the contractor selected in the first position. If this contractor cannot execute them or is not available, only then these Tasks will be orders to the other contractors (selected in second and/or third position).

- B) According to the paragraph 2.4, Article 2 of the Tender Specifications, “when necessary to complete the Study, the contractor and the relevant beneficiary country may agree to organise up to two meetings, including technical visits of the relevant port/port areas”. This means that two meetings may be agreed by the contractor and the relevant beneficiary when they agree that for the benefice of the study that these meetings have to take place.

In principle, Tender Specifications foresee a possibility of two meetings per each Task even if the same port is involved in several of the Tasks to be completed. But if several Tasks are ordered at the same time for the same port, it appears quite reasonable that contractor and the relevant beneficiary country may agree for two visits only for the completion of all the Tasks ordered at the same time when and if this is appropriate (for example, when the same persons in charge of the delivery of all the Tasks will be involved in these visits, etc.).

In addition, as the Multiple Framework Contract is to be concluded for a period of 48 months, it may happen that one Task is ordered for port X during the first year and then Task two is ordered for the same port X during the next year. In this case, if agreed by the parties as explained above, the contractor may need travel to the relevant beneficiary country for the conclusion of the first Task and for the second Task.

As specified in Tender Specifications, as it may happen that the contractor will need to travel for each of the Tasks (twice) even if they relate to the same port. Therefore all related to the meetings costs (accommodation, travel, etc.) should be included into the price specified for each of the Task(s) in the bid.

Published on 23/09/2015

Requests for additional information regarding this tender should be sent by e-mail to the following address **OPEN272015@emsa.europa.eu**. Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.

The deadline for submission of the bids of this tender is 19.10.2015.

Responsibility for monitoring the Agency’s website for replies to queries and/or further information remains with potential applicants.

Question 03 (dated 24/09/2015, 15:09):

How many potential ports are there in total in the study area?

Will the EMSA provide details of ongoing work, findings from relevant projects etc in the EU?

Will the EMSA provide details of the local rules currently in place in the SAFEMED and TRACECA countries?

Will the EMSA provide details of existing risk acceptance for ENP countries?

Will the EMSA provide all site specific data?

Answer to question 03:

- a) How many potential ports are there in total in the study area?

The area of the study potentially covers all the ports of the countries beneficiaries of the SAFEMED and TRACECA projects, i.e. currently Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria (is currently suspended from the project), Tunisia for SAFEMED and Armenia, Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine and Turkmenistan for TRACECA. However, it does not mean that Task(s) under this tender will be ordered for all beneficiary countries. The decision for which port and country Task(s) are to be ordered will be taken by EMSA on individual basis depending on the needs expressed by SAFEMED and TRACECA beneficiary countries.

- b) Will the EMSA provide details of ongoing work, findings from relevant projects etc. in the EU?

The relevant findings from the following EU research projects will be provided to the contractor: the EU LNG Study 2014/2015 "Study on the completion of an EU framework on LNG-fuelled ships and its relevant fuel infrastructure" and EMSA 2012 "Study on Standards and Rules for bunkering of gas-fuelled Ships" (as per Task 1 of Tender Specifications).

- c) Will the EMSA provide details of the local rules currently in place in the SAFEMED and TRACECA countries?

Local rules currently in place in SAFEMED and TRACECA countries will be provided to the contractor by the relevant beneficiary country for whom Task(s) will be ordered.

- d) Will the EMSA provide details of existing risk acceptance for ENP countries?

EMSA will not provide details of existing risk acceptance for ENP countries. In this respect Task 3 "Definition of Risk Acceptance Criteria Study" specifies the following:

"Task 3 is only necessary if Risk Acceptance Criteria needs to be defined by the specific ENP partner country. This would only be the case if the ENP partner country has no such criteria available within its legislative frame.

Risk Acceptance criteria is important to validate the results from the Risk Assessment. Without this a Risk Assessment exercise would have no effect whatsoever. Acceptable risk limits, for individual and societal risks need to be defined, should they not be in place already in the subject port national regulatory/legislative framework.

It is however always possible, for the specific port subject of the study, to consider reference to existing risk acceptance criteria, such as the UK HSE Risk Acceptance Criteria”.

e) Will the EMSA provide all site specific data?

Site specific data will be provided to the contractor by the relevant SAFEMED and TRACECA beneficiary country for which Task(s) will be ordered.

In this respect, Task 4 “Site Specific Data Description and Analysis Study” states the following:

“The present Task will likely require the following documentation, when available, to be submitted to the contractor:

- Process Flow Diagrams (PFDs)
- General operating philosophy (operating parameters and process conditions)
- Safety concept
- Material Safety Datasheet (MSDS)
- Plot Plans;
- Layout of the proposed LNG bunkering installation
- Layout of surroundings (location specific)
- Meteorological data (average ambient temperature, average humidity, average wind speed and distribution of wind direction) (location specific)
- Local population both onshore and offshore if relevant (cruise ship population)”.

Published on 29/09/2015

Requests for additional information regarding this tender should be sent by e-mail to the following address **OPEN272015@emsa.europa.eu**. Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.

The deadline for submission of the bids of this tender is 19.10.2015.

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Question 04 (dated 28/09/2015, 15:59):

It’s difficult for us to fill the European format relevant to Part A and Part B at page 7 of your doc.

We’ll try to reply to all economical questions following the format and we’ll do our best.

This letter was sent to ask about your opinion.

Answer to question 04:

The requirements stated in Tender Specifications are applicable to every tenderer who wishes to submit a bid under this procedure. Those are the criteria (part of Exclusion and Selection criteria) which will be used to evaluate the offers received in order to ensure transparency and equal treatment of all tenderers. Therefore EMSA is not in a position to waive or to amend the requirements already published, thus the company willing to submit a bid shall make their best efforts to comply with all the published requirements for the call for tender EMSA/OP/27/2015.

Question 05 (dated 07/10/2015, 11:28):

How many ports need to be covered in the tender bid

Answer to question 05:

The area of the study potentially covers all the ports of the countries beneficiaries of the SAFEMED and TRACECA projects, i.e. currently Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria (is currently suspended from the project), Tunisia for SAFEMED and Armenia, Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine and Turkmenistan for TRACECA. However, it does not mean that Task(s) under this tender will be ordered for all beneficiary countries. The decision for which port and country Task(s) are to be ordered will be taken by EMSA on individual basis depending on the needs expressed by SAFEMED and TRACECA beneficiary countries.

Question 06 (dated 07/10/2015, 11:28):

How many ports need to be covered in each country?

Answer to question 06:

The area of the study potentially covers all the ports of the countries beneficiaries of the SAFEMED and TRACECA projects, i.e. currently Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria (is currently suspended from the project), Tunisia for SAFEMED and Armenia, Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine and Turkmenistan for TRACECA. However, it does not mean that Task(s) under this tender will be ordered for all beneficiary countries. The decision for which port and country Task(s) are to be ordered will be taken by EMSA on individual basis depending on the needs expressed by SAFEMED and TRACECA beneficiary countries.

Question 07 (dated 07/10/2015, 11:28):

Ref-para-6, page-5 : We assume the price for each Task pertains to one port only – kindly clarify/confirm

Answer to question 07:

The prices in para 6, page 5 refers to each task in one port

Question 08 (dated 07/10/2015, 11:28):

Ref-para-6,page-5: The total estimated value of the Contract is indicated as 450,000 Euros, whereas the total price of all tasks added together comes to only 145,000/- Euros – kindly clarify.

Answer to question 08:

Since the decision for which port and country Task(s) are to be ordered will be taken by EMSA on individual basis depending on the needs expressed by SAFEMED and TRACECA beneficiary countries, the maximum budget available for the contract 450,000 Euros has been defined in order to have the possibility of ordering a full study (including all tasks) for three ports. However, within the limit of the maximum budget available, some of the tasks may be contracted for several ports/port areas and others may not be assigned at all to the contractor.

Question 09 (dated 08/10/2015, 16:35):

- a) Are TRACECA and SAFEMED countries only the ones mentioned in 2nd paragraph of article 1 of tender specifications?
- b) Can the contractor bid for as many ports as he wish provided the total amount is below the budget ceiling of €450,000.?
- c) Can the contractor bid for only certain tasks in specific port?

Answer to question 09:

- a) Currently, beneficiary countries of the SAFEMED project are: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria (temporary suspended from the project), and Tunisia, and of TRACECA project the current beneficiaries are: Armenia, Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine and Turkmenistan.
- b) The contractor can bid for the ports subject to the study under this tender, which potentially covers all the ports of the countries, beneficiaries of the SAFEMED and TRACECA projects. However, it does not mean that Task(s) under this tender will be ordered for all beneficiary countries. The decision for which port and country Task(s) are to be ordered will be taken by EMSA on individual basis depending on the needs expressed by SAFEMED and TRACECA beneficiary countries.
- c) No, the contractor cannot bid for only certain tasks. The contractor shall bid for all tasks as they are listed in the Tender specification. However, EMSA may assign to the successful bidder to complete one of the Tasks or several Tasks at the same time. The Task(s) to be assigned to the contractor will depend on the actual needs of the relevant SAFEMED or TRACECA beneficiary country, target port(s) and the relevant LNG facilities. The decision of the Task(s) to be assigned to the contractor will be based on the Case/Site/Country Specific Information (Appendix II) and considerations/objectives to be taken into account for each relevant Task as defined in the Appendix III. The contractor shall keep in mind the objectives of each assigned Task as specified in the Appendix III when conducting the study.

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Question 10 (dated 12 October 2015, 13:41)

a) While referring to paragraph 2.4 “Meetings with relevant administrations in SAFEMED or TRACECA countries” as well as referring to the draft contract on “Payment in balance”, please clarify what is “relevant stakeholders”?

Will the “relevant stakeholders” be defined by EMSA?

Who will finally accept the delivery of a study; the “relevant stakeholders” or EMSA?

b) While referring to the contract paragraph 1.4.2 “Payment of the balance” saying that “EMSA shall make the payment within 60 days from receipt of an invoice. The contractor shall have 30 days in which to submit additional information or corrections, a new final deliverable or other documents if it is required by EMSA”. Please advise us if this means that EMSA must react and comment on the deliverable within this 60 days period?

Answer to question 10:

- a) The “relevant stakeholders” are various entities in the SAFEMED or TRACECA countries where the Study is assigned. EMSA will be responsible to accept the delivery of the study.
- b) No, the 60 days period starts to count as of the date of EMSA’s receipt of an eligible invoice from the contractor, accompanied by additional information or corrections, a new final deliverable or other documents submitted by the contractor. The invoice is considered eligible when it is ‘payable’ meaning that when all the potential issues between EMSA and the contractor concerning the deliverable have been cleared. This implies that by the time the 60-day period starts to run the 30-day period has expired i.e. EMSA has sent the observation to the contractor, the contractor has reacted and addressed the outstanding issues within the 30-day period allocated for that purpose.

Question 11 (dated 13 October 2015 15:46)

a) We note and understand the objectives and scope identified by the Tasks 1 to 8 in the request for Tender document.

With reference to Section 2.2 Page 3 “It is also noted that” the Tasks to be assigned to the contractor will depend on the actual needs of the relevant SAFEMED or TRACEDA beneficiary country, target ports and the relevant LNG facilities”. With reference to Section 6 page 5 we note the expected price allocation for each Task within the maximum budget available for the contract.

Based on the above we would like to identify that Tasks 1, 2,3, 5 and 8 have a more general content which can be made applicable to similar ports and maritime operations, however tasks 4, 6 and 7 are location specific with siting evaluation and QRA study relating to specific lay-out, bunkering operations, environmental and traffic conditions. We would like clarification as to whether the number of HAZID and QRAs required to be executed by the contractor will be limited to a certain representative port (base case study) or what other limitations could be applied in order to maintain these tasks within the price estimate of the contract.

b) It is also noted on page 7 of the “Tender Specifications” that tenderers are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already been completed and sent wither to EMSA OR any EU institution previously. In this case the tenderer should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

On page 10 of the “Tender Specifications” document it is also stated that as evidence of the Economic and Financial capacity the tenderer should submit Financial statements for the last three years for which accounts have been closed.

Our Organisation has successfully submitted a Proposal to INEA (Innovation & Networks Executive Agency) as a member of Consortium for the deployment of LNG as marine fuel in Eastern Mediterranean

For the scope of the above project we have already submitted to the EC the Legal Entity and Financial Capacity Form, with the associated Financial Statements of the last two (2) years.

For this reason and noting that EMSA requires the Financial Statements of the last three (3) years to be submitted, we will see to it that the Forms are included in the Tender package.

Answer to question 11:

a) We agree with the more generic context and scope of Tasks 1, 2, 3 and 8. With regards to Task 5 (Nautical Analysis and Collision Risk Analysis Study) please note that it is a task with site-specific content, especially in the considerations for marine traffic intensity, potential collision data for the specific area or other waterfront characteristics that may condition the navigation in restricted waters. This may be especially relevant for the risk calculations in the possible QRA.

On top of Task 5, also tasks 4, 6 and 7 are site specific, as rightly pointed in the question. Nonetheless, Task 6 has a particular Note (p. 21 of the Tender specifications) in the end:

“The HAZID may have to be performed for generic installations, in the context of site-specific particulars. In practice, where no effective LNG bunkering infrastructure is in place, the HAZID exercise will take the shape of a study following all the steps described above, but for a generic LNG bunkering site. All the LNG bunkering modes shall be covered (ship-to-ship, truck-to-ship, port/pipeline-to-ship and LNG ISO-container embarkation.”

The QRA (Task 7) is, by definition, a site-specific study and, for each targeted port one specific QRA would be required.

As a summary example it would be possible to have: 1 Country, 2 Ports, where 1 Generic HAZID and 2 QRA's would be considered. The Generic HAZID would cover Hazards and provide a Risk Matrix that could come from a generic approach consideration, whereas the site-specific QRA's would focus on the quantification, and assessment, of the risk considering specific elements from the infrastructure, surroundings, operations, existing probabilities and consequence estimation based on site particulars.

It is important to note the relation that Task 6 may have with Task 7, as stated in a Note (p. 21 of the Tender specifications) in this later task description:

“All the phases are described in the present Task with each of them containing specific indications with regards to technical details. Phase “A” is somewhat related to the HAZID study (Task 6) however here the modelling of the failure, following the HAZID, is also important. It will set the initial assumptions and physical circumstances for the Consequence calculation.”

b) With regard to the Legal Entity and Bank Account form, please note that the tenderer should not resubmit the forms if they were sent to EMSA or another EU institution for another tender. Please note that depending on the structure of the contract, if the tenderer was a consortium member, this exemption may not apply. If the tenderer has previously sent the Legal Entity and Bank Account form to EMSA under another call for

tender, the tenderer needs to clearly identify the call for tender number so EMSA can retrieve the information.

The tender specifications do offer the possibility for the exemption of the provision of the documents necessary for the appraisal for the economic and financial capacity but only if they were previously submitted to EMSA and under the assumption that they remain valid for 1 year from their date of submission. In such a case, the tenderer is required to submit a statement of confirmation that their situation has not changed.

Published on 16/10/2015

Requests for additional information regarding this tender should be sent by e-mail to the following address **OPEN272015@emsa.europa.eu**. Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.

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