

ENCLOSURE A.1 - APPLICATION SPECIFICATIONS

Enclosed to Procurement Procedure No. EMSA/CPNEG/38/2016 – Service Contract for Equipment Assistance Service (EAS) – Southern Europe

Competitive procedure with negotiation

Phase I – Invitation to Apply

1. Introduction

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.

Among its tasks, the Agency 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 (Art. 2(3)(d) of Regulation (EC) No 1406/2002 as amended). The Agency 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 (Art. 2.5 of Regulation (EC) No 1406/2002 as amended). 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 under "Publications".

2. Type of Procedure

This procedure consists of two phases: "Application Phase" and "Tender Phase".

In Phase I, referred to as the "Application Phase", economic entities are invited to submit an application to this Competitive Procedure with Negotiation in accordance with the rules set out in the Invitation to Apply and its associated Enclosures. Following that, a list of pre-selected candidates shall be drawn up according to the criteria set out in the Contract Notice, in the Invitation to Apply and in these Application Specifications. Pre-selected candidates shall be invited to submit a full bid in Phase II, referred to as the "Tender Phase".

Inclusion on the list of pre-selected candidates does not entail any obligation on the part of the Agency concerning either the award of the contract or concerning invitations to submit a tender.

It should be noted that in this document any mention of the terms 'candidates', 'applicants' or 'applications' is in reference to Phase I of the procedure and any mention of the terms 'bid', 'tender' or 'tenderers' is in reference to Phase II.

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.).

2.1. Phase I - Application Phase (current phase)

The Invitation to Apply constitutes the start of the first phase “Application Phase”.

Applications should be submitted in accordance with the requirements set in the Invitation to Apply and its associated Enclosures. For further details regarding the application structure and documents to be included in the application, please see more particularly under point 8 below (“Requirements to as the application”).

In this Application Phase, EMSA will assess the following:

1. Legal position of the applicant (please see under points 6, 7 and 9.1 below);
2. Exclusion criteria (please see under points 9.2 and 9.3 below);
3. Selection criteria: applicants must submit evidence of their capacity to perform the contract, both from the financial (please see under point 9.4 below) and technical and professional (please see under point 9.5 below) points of view.

An applicant that is found in one of the exclusion criteria or that does not fulfil the selection criteria will not be pre-selected for the Tender Phase.

2.2. Phase II - Tender Phase

Following completion of Phase I, **pre-selected candidates only** will be invited to submit a full Tender in accordance with the rules set out in the Invitation to Tender, Tender Specifications and associated Appendices and Annexes.

The Tender Specifications (Enclosure T.1) and Draft Framework Contract for Services (Enclosure T.2) as well as associated Appendices and Annexes are herewith published for information purposes and contain documentation that will be required in the Tender phase from the pre-selected candidates and future procedure for evaluation in the course of Phase II.

During the Tender phase, the pre-selected candidates may request to attend “clarification meetings” where different aspects of the services required will be reviewed.

EMSA may visit the storage facilities offered by pre-selected candidates. The dates of these on-site visits would be decided between EMSA and the relevant pre-selected candidate.

Following the submission of the full tender, EMSA will provide feedback to the tenderers concerned, in accordance with the principles of equal treatment and non-discrimination, to adapt, if required, the tenders to the procurement requirements.

This will ultimately result in the identification of the tender offering the best value for money (based on quality and price) for the Agency.

3. Contract objective and scope

3.1. Overall objective

The Agency is tasked to provide additional response capacity to the Member States of the European Union (EU), Iceland and Norway. In addition, the Agency may also provide assistance in case of pollution to third

countries sharing a regional sea basin with the European Union², in line with the EU Civil Protection Mechanism.

The overall objective of the EMSA's Equipment Assistance Service (EAS) is the mobilisation and delivery on site, upon demand and at short notice, of oil pollution response equipment, more particularly the availability on-site of specialised Oil Spill Response (OSR) equipment in order to respond to oil spills in the European regional sea basins. This is in accordance with the Agency's founding Regulation (EC) N°1406/2002 as amended.

National authorities from an EU Member State, an EU Candidate Country, Iceland, Norway, the European Commission or a third country sharing a regional sea basin with the European Union can through the European Emergency Response Coordination Centre request Equipment Assistance Service. In addition, a third party not being a National authority but being involved in the marine incident such as the owner of the ship causing or threatening to cause a pollution by oil, the cargo owner or the oil and gas installation operator can request Equipment Assistance Service.

In 2017, the Agency intends to establish, for a period of 4 years on the EU Southern coastline, additional response capacity to that of the pollution response mechanisms of the Member States in case of a major oil spill, by offering 24/7 at-sea OSR stand-alone equipment suitable for use mainly on vessels of opportunity.

3.2. Specific objective

For the purpose of setting up the EAS Southern Europe, the Agency intends to conclude a Framework Contract with a service provider for the provision of equipment storage, maintenance, logistics, insurance, testing in water and 24/7 equipment mobilisation services including transport and technical support personnel during equipment handover.

The EAS will be implemented through the conclusion of specific contracts on the basis of the conditions set in the Framework Contract. The specific contracts will cover the requirements and relevant services for each of the specific equipment set added to the stockpile.

The equipment that will be utilised in the context of the service are provided to the EAS contractor by EMSA and its purchase is not part of the contract resulting from this procurement procedure. Equipment ownership will remain with EMSA while the possession will be transferred to the Contractor.

The contract can be concluded with public or private companies/consortia drawn from any relevant industry including but not limited to spill response service providers, offshore and salvage services providers, equipment manufacturers, cargo transport brokers as well as any other relevant service providers.

Following a request for assistance, EMSA will notify the contractor and will activate the EAS arrangement for OSR equipment mobilisation services. Consequently, the equipment shall be maintained in a state of constant readiness for transport by road and rapid mobilisation.

The performance of the Contract includes the provision of the following services:

- Readiness for mobilisation: 24/7 emergency contact point and associated personnel and logistics;

² Albania, Algeria, Bosnia Herzegovina, Egypt, Georgia, Israel, Lebanon, Libya, Monaco, Montenegro, Morocco, Palestine, Russian Federation, Syria, Tunisia, Turkey and Ukraine.

- Upon EMSA's request, supporting the import of the OSR equipment into the country where the storage facilities will be established. This may imply acting as EMSA direct representative for the purposes of customs clearance and providing support related to customs procedures;
- Storage of OSR equipment;
- OSR Equipment maintenance;
- OSR Equipment insurance at the storage location and during transportation;
- Performance of OSR equipment condition tests with deployment of equipment on water;
- Delivery of equipment for international/national pollution response exercises including technical support personnel for handover to and familiarisation of the entity organising the exercise;
- Signature of an Incident Response Contract-Equipment (IRC-E) with a Requesting Party as indicated by EMSA in the Notice of Mobilisation (the IRC-E is attached as annex III to Enclosure T.2 Draft Framework Contract for Services);
- OSR Equipment mobilisation and demobilisation services, transportation to the handover place and back from the place of redelivery and associated logistics under an IRC-E with a Requesting Party;
- Handover of the Equipment to a Requesting Party within the framework of the IRC-E;
- If technical support personnel is also requested by the Requesting Party, then the handover will also include a familiarisation with the equipment for the Requesting Party personnel.

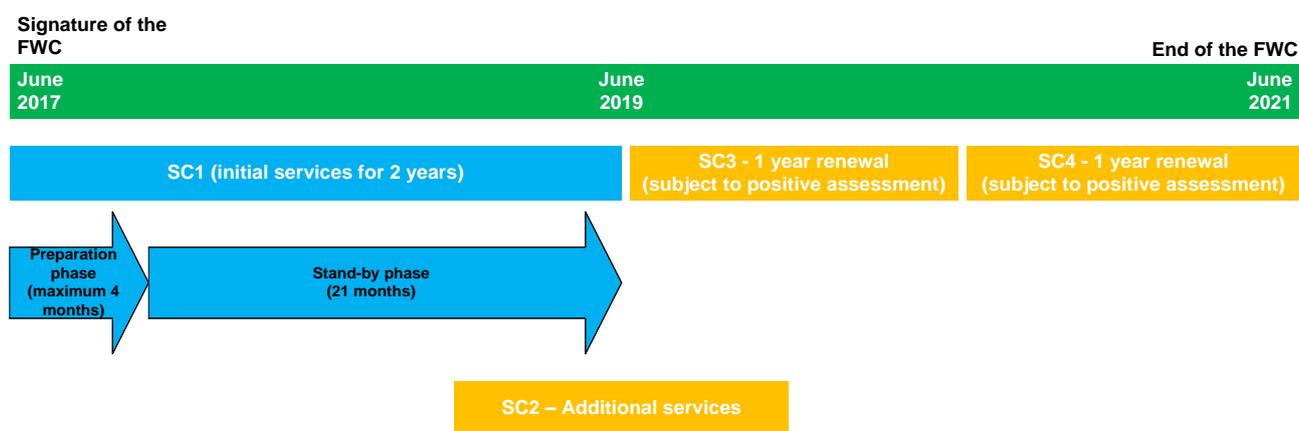
3.3. Scope of the work – minimum requirements

The minimum service requirements to be evaluated during the Phase II (Tender Phase) are detailed in the Tender Specifications (Enclosure T.1) and its appendices. Although these requirements will be evaluated during Phase II (Tender Phase), **potential candidates are invited to consult the Tender documentation and more particularly the Tender Specifications (Enclosure T.1) and its appendices for a better understanding of the scope of the work covered by this public procurement procedure and the service minimum requirements.** More particularly, applicants are invited to consult the Tender Specifications (Enclosure T.1) and its appendices when developing the general description of the proposed EAS arrangement as detailed under point 10 of these Application Specifications.

The minimum requirements which will be evaluated during Phase II (Tender phase) of this procurement procedure can be briefly summarised as follows:

- **“Top-up” principle** (see point 2.1 of the Tender Specifications (Enclosure T.1 to the Invitation to Tender));
- **Geographical scope:** The equipment stockpile shall be located on the coastline of an EU Member State within the Adriatic Sea defined as from the Strait of Otranto until the Gulf of Venice.
The contractor shall ensure efficient and quick equipment delivery to hand over sites located in the above defined area. However, if so requested, the EAS contractor shall be capable of covering a broader geographical scope of operation including all European regional seas. Given logistical and technical considerations these other areas would probably be adjacent.
To enable the efficient and quick equipment mobilisation, the storage space should be located in an area with easy access to different means of transportation. The storage space offered should have easy access to port infrastructures, railway transportation and air transport.

- **Contractual framework of the EAS** (point 2.3 of the Tender Specifications-Enclosure T.1): the service is structured and specified in the three following types of Contracts:
 - Draft Framework Contract for Services (Enclosure T.2 to the Invitation to Tender);
 - Draft Specific Contract (Annex IV to the draft Framework Contract for Services);
 - Incident Response Contract-Equipment (IRC-E) (Annex III to the draft Framework Contract for Services).
- **Project planning, timetable and reporting** (point 2.4 of the Tender Specifications-Enclosure T.1). The indicative timeline for the Framework Contract and Specific Contracts is as follows:



- **Potential equipment to be stored, maintained and operated within the EAS** (point 2.5 of the Tender Specifications-Enclosure T.1);
- **Initial and additional EAS arrangement** (point 2.6 of the Tender Specifications-Enclosure T.1);
- **Maximum value of the Contract³** (point 5 of the Tender Specifications-Enclosure T.1):

The maximum value of the Framework Contract is EUR 1.5 million excluding VAT. This maximum budget for the resulting Framework Contract will cover the whole maximum period of 4 years and will include all costs related to the initial arrangement and potential additional services but excludes the reimbursement of costs related to exercises and actual pollution response operations.

Out of this EUR 1.5 million, the maximum budget ceiling for the initial arrangement for a maximum of 4 years (covering the Specific Contract No.1 and potential renewal(s)) is EUR 1.2 million excluding VAT. EMSA is tasked to provide response capacity within a specific budgetary framework. Accordingly, **EMSA has assigned a maximum budget ceiling for the initial services for a maximum period of 4 years of EUR 1.2 million. Consequently, if any bid includes a financial offer (P1) for the initial services above this maximum budget ceiling of EUR 1.2 million, this may be rejected during the Tender Phase.**

Would additional services be ordered by EMSA over the maximum period of 4 years, a maximum budget of EUR 300,000 is available.

³ Please note that during the first phase of this procurement procedure (Application Phase), no financial offer is to be presented as part of the application submitted.

4. Contract management responsible body

EMSA– Unit C.1, in charge of Pollution Response Services, will be responsible for managing the contract.

5. Procurement planning

The estimated date for signature of the Framework Contract is June 2017.

The following table summarises the tentative milestones and deadlines for the procurement:

Activity	Tentative dates
Deadline for submission of Applications	19 January 2017
Invitation to Tender for pre-selected candidates (Start of the procurement procedure Phase II (Tender phase))	Beginning March 2017
Clarification Meetings with pre-selected candidates (if requested)	during week 11 in 2017
Deadline for submission of tenders	10 April 2017
Negotiations phase Visits by EMSA to storage facilities offered (if considered appropriate by EMSA)	April – May 2017
Deadline for final improved tenders	Mid-May 2017
Award decision and signature of the Framework Contract	June 2017
Signature of the first Specific Contract	June 2017

6. Subcontracting

If the candidate intends to either subcontract part of the work or realise the work in co-operation with other partners he shall indicate in his offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. It should be noted that the overall responsibility for the work remains with the candidate.

The candidate must provide the required evidence under the “exclusion” and “selection” criteria on its own behalf and, when applicable, on behalf of its subcontractors. The evidence for the selection criteria on behalf of subcontractors must be provided where the candidate relies on the capacities of subcontractors to fulfil selection criteria⁴. 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.

⁴ To rely on the capacities of a subcontractor means that the subcontractor will perform the works or services for which these capacities are required.

Changes in subcontractors between the Application Phase and the Tender Phase will be acceptable but:

- a) The company which submitted the application and has been invited to tender should not be changed;
- b) In case of change of subcontractors between the two phases, the check on the evidence for the exclusion and selection criteria performed in the Application phase will be performed again in the Tender Phase for the new subcontractor(s). Supporting documentation shall therefore be enclosed in the tender submitted.

7. Joint Offer

Groupings, irrespective of their legal form, may submit joint applications and tenders. Candidate may, after forming a grouping, submit a joint application on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit the application.

Each member of the consortium must provide the required evidence under 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.

8. Requirements as to the application

Applications can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, applications should preferably be submitted in English and should in particular include an English version of the documents requested under points 9.5 and 10 of the present Application Specifications.

The candidate must comply with the minimum requirements provided for in these Application Specifications. This includes compliance with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council.⁵

The candidate shall complete the Candidate’s Checklist (Enclosure A.4).

If the candidate intends to either subcontract part of the work or realise the work in co-operation with other partners (Joint Offers) he/she shall indicate it in his/her application by completing the form “Information regarding joint offers and subcontracting” (Enclosure A.2).

The application must be presented as follows and must include:

⁵ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

- **Applicant's checklist** (Enclosure A.4 to the Invitation to Apply) completed, dated and signed;

Part A: All the information and documents required by EMSA for the shortlisting of candidates on the basis of the points **6, 7, 9.1, 9.2 and 9.3** of these specifications (part of the Identification information and Exclusion criteria):

1. **A Cover letter duly signed by the applicant representative** indicating:
 - the name of the company submitting the application, name and position of the person heading the project at the procurement procedure stage (Phase I – Application Phase and Phase II – Tender Phase) in case the applicant is pre-selected;
 - the name and position of the person authorised to sign the contract, if awarded;
 - In the case of groupings, the letter shall specify the companies that are part of the grouping (including roles, qualifications and experience of each member), indicate the company heading the project and person heading the project on behalf of the grouping and the person who is authorised to sign the contract, if awarded.
2. **“Statement of subcontracting/Joint offer”** completed dated and signed when applicable: 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 A.2 to the Invitation to Apply).
3. **For the applicant and each of the companies involved in the consortium in case of joint offer: Legal Entity Form** completed, signed and stamped. This document is available on the Procurement Section (Legal Entity Form) of EMSA's website (www.emsa.europa.eu). The Legal Entity Form shall be accompanied by the following documents:
 - 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 Company, the address of the Head Office and the Registration Number given to it by the relevant National Authorities.
4. **For the applicant and, in case of joint offer, for the company heading the application only: Financial Identification Form** completed, signed and stamped by the account holder and the bank (or accompanied by a recent bank statement). This document is available on the Procurement Section (Financial Form) of EMSA's website (www.emsa.europa.eu).

Candidates are exempt from submitting the Legal Entity Form and Financial Form requested if such a form has already previously been completed and sent either to EMSA or any EU Institution. In this case the candidate should simply indicate on the cover letter the bank account number to be used for any payment in case of award.

Part B: Declaration of Honour (Enclosure A.3 to Invitation to Apply) completed, dated and signed;

Part C: All the information and documents required by EMSA for the shortlisting of candidates on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point **9.4** of these specifications;

Part D: All the information and documents required by EMSA for the shortlisting of candidates on the basis of the **Technical and professional capacity** (part of the Selection Criteria) set out under point **9.5**;

Part E: General description of the proposed arrangement (for information purposes only) as set out under point **10** of these specifications.

9. Information concerning the personal situation of the candidate and information and formalities necessary for the evaluation of the minimum economic, financial and technical capacity required

9.1. 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 in the Procurement Section (Legal Entity Form) 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 candidate must not be in any of the following exclusion situations:

- a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that it is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
- c) it is subject to a final judgement or a final administrative decision establishing that it is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - i. fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii. entering into agreement with other persons with the aim of distorting competition;
 - iii. violating intellectual property rights;
 - iv. attempting to influence the decision-making process of the contracting authority during the award procedure;
 - v. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure ;
- d) it is subject to a final judgement establishing that the person is guilty of any of the following:
 - i. fraud
 - ii. corruption
 - iii. participation in a criminal organisation
 - iv. money laundering or terrorist financing
 - v. terrorist-related offences or offences linked to terrorist activities

- vi. child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council
- e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;
- f) it is subject to a final judgement or a final administrative decision establishing that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95
- g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
 - i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
 - ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
 - iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
 - iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
 - v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

9.3. Evidence on exclusion grounds to be provided by the candidates

In this **Application phase**, each candidate, each subcontractor essential to fulfil the selection criteria, and each company part of the Consortium should provide the **Declaration of Honour** (Enclosure A.3 to the Invitation to Apply) completed and signed.

Please note that additional proof evidencing eligibility will be requested as part of the tender (Phase II – Invitation to Tender) as detailed under point 11 of the Tender Specifications – Enclosure T.1.

9.4. Economic and financial capacity – Selection criteria

9.4.1 Requirement:

The candidate must be in a stable financial position and must have the economic and financial capacity to perform the contract

9.4.2. Evidence:

To prove their economic and financial capacity, candidates must provide with their application:

- a) The balance sheets or extracts from balance sheets for the last three financial years for which accounts have been closed;

- b) Statement of overall turnover and profit & loss account during the last three financial years, and, where appropriate, turnover relating to the relevant services for the last three financial years available;
- c) For semi-public or non-profit organisations, the annual budget of the last year.

EMSA reserves the right to request at any moment during the procedure any other document enabling it to verify the candidate's economic and financial capacity.

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.

In the case the bid is submitted by a consortium, then each member of the consortium must submit the above mentioned documents. The documentation may be evaluated according to international rating practice.

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 its 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 application.

9.5. Technical and professional capacity – Selection criteria

To prove their technical capacity regarding the arrangement, candidates should provide with their application proof of the following:

9.5.1. Requirement:

Experience in at least one of the following fields:

- a) Storage and handling of Oil Spill Response equipment or heavy machinery;
- b) Maintenance of Oil Spill Response equipment or heavy machinery;
- c) Transport and logistics of Oil Spill Response equipment or heavy machinery.

9.5.2. Evidence:

List identifying works carried out in at least one of the above listed fields during the last five years.

10. General description of the proposed arrangement for information purposes only

Applicants are invited to submit a first proposal indicating the arrangement envisaged to fulfil the objectives of the project. This description is for information purposes only and should be confirmed in case the candidate is invited to tender. It is expected that the description would include the following points:

- General description of the proposed EAS arrangement including at least stockpile location, main dimensions, pictures and warehouse drawings and outdoor storage layout if available ;

- Draft mobilisation plan: a brief description of the logistics proposed for equipment handling and transportation and the procedure by which the equipment would be made available for pollution response when requested at short notice.

11. Rejection from the procedure

Candidates/tenderers that, during the procurement procedure, are in one of the following situations will be rejected from the procedure:

- a) are in an exclusion situation;
- b) have misrepresented the information required as a condition for participating in the procedure or have failed to supply that information;
- c) were previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.

12. Intellectual Property Right (IPR)

Please consult the Draft Framework Contract for IPR related clauses.

If the results are not fully created for the purpose of the contract this should be clearly pointed out by the tenderer in the tender. Information should be provided about the scope of pre-existing rights, their source and when and how the rights to these rights have been or will be acquired.

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.

13. Special negotiated procedure under Article 134(1)(e) RAP

EMSA may at a later stage exercise the option to increase the estimated value of the contract via negotiated procedure with the successful tenderer in accordance with Article 134(1)(e) of the Rules of Application to the Financial Regulation, if applicable.