

Procurement procedure: EMSA/NEG/16/2024

Questions and Answers

Number	Question	Date and time	Reply	Date of publication
1	Is it possible to postpone the deadline for submission of the tender by at least 6 weeks (i.e. 23 September 2024) in order to have enough time to collect needed information within our organization and provide EMSA with a comprehensive Offer as needed?	01/08/2024 14:31 GMT	Unfortunately, due to project timelines, the deadline cannot be postponed.	
2	With reference to lot number 1 can you please clarify if all 22 titles will have to be provided? Asking as overall budget allocated by EMSA for LOT 1 and list of titles included in „Appendices I & II“ document is the same of former Tender procedure EMSA/NEG/4/2024 where anyhow Tenderers were asked to submit their offer for the provision of only a selection of 15 out of 22 listed titles as minimum requirements. Could you please clarify?	01/08/2024 14:31 GMT	According to TS document EMSA welcomes tenders from economic operators capable of providing as a minimum the training courses listed in Appendices I and II for each lot. Note that these lists are non-exhaustive, and during contract implementation the contractor may be asked to deliver existing training courses in related fields at short notice, for example three weeks' notice and on other related topics, which may not be envisaged in the below referenced lists at the time of this procedure. For such purposes, during contract implementation EMSA may request the contractor to provide quotations for any other type of training and associated services related to the main fields covered by the scope of each lot.	

3	<p>In the Tender Specification Document or in the „Appendices I & II “there is no indication of respective (min. or recommended) course duration. Assume tenderers are then free to propose each course duration as far as min. programme \content (as highlighted in „Appendices I & II“ for each title is duly covered). Thanks for your confirmation by return in this respect.</p>	01/08/2024 14:31 GMT	<p>A standard training day will start at 09.00 am and finish at 17.00pm, unless there is a different agreement between the contractor and contracting authority. Course duration will depend on proposed course contents and agreed upon by the contracting authority.</p>	
4	<p>With regard to article II.13 of enclosed Framework Service Contract (Intellectual Property Rights) assume there will be the chance to adapt\adjust such clause before the signature of same document in order to align it as far as possible with Tenderer usual Business Terms and Conditions. Thanks to please confirm by return if same reply provided in this respect for Tender Procedure EMSA/NEG/4/2024 (and as quoted here-below) would still apply for subject procedure +++ In Article II.13.1 (“Ownership of the rights in the results”) of the draft contract a new phrase 3 will be included: “The contracting authority does not acquire any intellectual property rights on the training materials provided by the contractor.” In Article II.13.3 of the draft contract a new paragraph 3 will be included: “Letters b), c) and d) of paragraph 1 above do not apply for the training materials provided by the contractor.” +++</p>	01/08/2024 14:31 GMT	<p>As for the IPR please see the respective chapter at the end of section 2.4 of the tender specifications:</p> <p><i>“All learning material developed by the contractor in relation to the contract (e.g. handbooks, trainers’ guides, exercises, slides) is the intellectual property of the CA, with the exception of any material that was developed prior to the entry into force of the contract and is protected by intellectual property rights. The contractor must declare any such rights clearly and in writing to the CA before using the material in question (see Article I.10.3 of the FWC). (...)”</i></p> <p>The idea behind this is that in case of the present contract the main focus is on the delivery of the training as such and not on the development of the</p>	

			training materials. However, if any training materials are particularly developed or adapted for the implementation of the contract, the contracting authority shall acquire the IPR on these materials in accordance with Articles I.10 and II.13 of the framework contract.	
5	<p>Could you please clarify whether below course (subject: VTS training Main topics :</p> <ul style="list-style-type: none"> • standard VTS Operator Training • a visit to VTS <p>as included in the list of titles in the „Appendices I & II“ document) is referring to a general familiarisation of participants with the topic or on the contrary is referring to the C0103-1 VTS operator training as per relevant IMO Model Course? Asking as in this 2nd case it would mean to deliver a course whose length is over several days\weeks and most important would need to be approved by a Flag State Administration which would be something impossible to achieve\offer at least for our organization (especially with such short deadline):</p>	01/08/2024 16:22 GMT	The course is referring to a general familiarisation of participants with the topic.	

Requests for additional information regarding this procurement procedure shall be sent by e-mail to the following address **NEG162024@emsa.europa.eu**.

Requests for additional information received less than six working days before the closing date for submission of tenders may not be processed.

The deadline for submission of the tenders is 13/08/2024.

The responsibility for monitoring the Agency's website for replies to queries and/or further information remains with potential tenderers.