

Lisbon, 19 DEC 2014

PUBLIC SALE: INVITATION TO BID and SALE SPECIFICATIONS No. EMSA/SALE/02/2014

(Public Sale of assets of the Agency)

Dear Sir/Madam,

1. Introduction

The European Maritime Safety Agency (EMSA) is launching an invitation to bid regarding the public sale of selected equipment that was operated on board the Response Vessels contracted for the provision of the pollution response oil recovery service in the European waters¹.

With the purpose of improving the efficiency of the oil pollution response activities EMSA periodically renovates the technology employed on board the fleet of Response Vessels or adapts it to its needs. The following equipment has been replaced and is offered for sale:

Table 1

Quantity	Type of equipment
1	SOFREBA rigid sweeping arm set (two arms)
1	HELIA crane
1	SEADARQ slick detection system

The public sale of assets of the Union is governed by: Articles 33 and 37 of the Commission Regulation (EC) N° 2909/2000 of 29 December 2000 on the accounting management of the European Communities' non-financial fixed assets laying down the rules for the sale of property belonging to the Union; Article 5 (Legal Status, Regional Centres) of the EMSA Founding Regulation (EC) N° 1406/2002 of the European Parliament and of the Council of 27 June 2002 as amended, granting EMSA the capability to "acquire or dispose of movable or immovable property"; and Articles 115-117 of the EMSA Implementing Rules.

2. Contract objective and technical requirements**2.1. Contract objective: Sale of equipment**

The scope of this public procedure is to sell one rigid sweeping arm set (two arms), one crane and one slick detection system that were purchased in 2006.

¹ More information about the Pollution Response Services provided by EMSA is published on the Agency's website: www.emsa.europa.eu.

Since 2008 the three systems (as listed in table 1) were managed, maintained and tested by the EMSA vessel contractor Remolcanosa to perform stand-by pollution response oil recovery service in the Bay of Biscay. This equipment is currently stored in Vigo (Spain) and it is expected to be moved to Bilbao (Spain) before the end of the sale procedure.

2.2 Technical specifications

The equipment identified for the sale (as per table 1) was regularly maintained and tested four times a year in accordance with the standards set in the Technical Manuals.

The three systems are proved to be fully functional and complete with all the necessary components, except for the hydraulic power to operate the sweeping arm set and the Helia crane.

For each category of equipment, a detailed description of all the components and their technical conditions is available in the Technical Report (Annex 1).

With regard to the sweeping arm set (two arms) and the crane, they were never used during at sea oil pollution response recovery activities.

2.3 Visit to the stockpile

Interested buyers are offered the possibility to visit the stockpile location in Vigo (Spain) between **26 January 2015 and 6 February 2015** in order to directly assess the technical condition of the equipment proposed for the sell.

Should you wish to attend, please send a request at the latest on **22 January 2015, 12h00 (Lisbon time)** indicating the name of the attending person and the bidder he/she represents to the following e-mail:

SALE022014@emsa.europa.eu.

Personnel attending, as identified in the email, will be provided with precise logistical details in due time.

2.4 Different Lots

The public sale is divided into five lots as described in the table below:

Table 2

Lot No.	No. of system(s)	Type of equipment
1	1	SOFREBA rigid sweeping arm set (two arms)
2	1	HELIA crane
3	1	SEADARQ slick detection system
4	2	Combined offer for SOFREBA rigid sweeping arm set (two arms) and HELIA crane
5	3	Combined offer for SOFREBA rigid sweeping arm set (two arms) , HELIA crane and SEADARQ slick detection system

Bids may be submitted for one or more lots: interested buyers may offer a price to purchase individual equipment under lot 1, lot 2 or lot 3, and/or they may submit a combined offer to purchase more than one system under lot 4 and/or lot 5.

3. Contract management responsible body

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

4. Timetable

The estimated date for signature of the Sale Contract is March 2015.

From the moment of the signature of the contract the major milestones are shown in the table below:

Table 3

Event	Comment	Indicative time
Debit Note	The Agency will officially request the buyer to execute the payment	Within 14 calendar days after the signature of the contract
Transfer of equipment's ownership to the buyer	The buyer will execute the payment on EMSA's bank account	7 calendar days after the receipt of the Debit Note issued by EMSA
Letter of Confirmation	EMSA will send the buyer a letter as proof of the payment	7 calendar days after the execution of the payment
Transport of the equipment	The buyer will collect the equipment and will transfer it to its own storage	Within 2 weeks from the execution of the payment on EMSA's bank account

5. Terms of payment and transfer of the equipment

After completion of the sale procedure, EMSA shall issue a *Debit note* to the successful bidder with the request for payment of the agreed price(s).

The property of the equipment shall be transferred to the successful bidder from the moment the amount of the price has been deposited on EMSA's bank account.

After the amount of the price has been deposited on EMSA's bank account, EMSA will send the buyer a Letter of Confirmation that will serve as proof of payment.

All the rights and obligations associated to the equipment will be transferred to the buyer from the moment the agreed price is deposited on EMSA's bank account. EMSA will continue to pay for the storage of the equipment for a maximum of 14 days following the transfer of the ownership of the equipment (as per Article 5). During this period of time the buyer shall complete all the necessary activities to transport the equipment to the new storage location.

In case after 14 days from the date on which the payment is executed on EMSA's bank account the equipment is still in the current storage location, the cost of the storage will be also borne by the buyer.

6. Terms of sale contract

In drawing up a bid, the bidder should bear in mind the terms of the **draft Sale Contract**, attached to this document as Annex 2.

Please note that EMSA may, before the contract is signed, either abandon the sale procedure or cancel the award of the contract without the bidders being entitled to claim any compensation.

7. Requirements as to bid

Bids can be submitted in any of the official languages of the EU. The working language of the Agency is English.

The tender must be presented as follows and must include:

- Signed cover letter: indicating the name and position of the person authorised to sign the sale contract.
- Part A: all the information and documents required by EMSA for the appraisal of bids on the basis of **legal position** and the **Exclusion** criteria set out under **point 9.1 and 9.2** of this Invitation to Bid and Sale specifications respectively.
- Part B: Bid Form (Annex 3) with **price offer** in accordance with **point 8** of this Invitation to Bid.

8. Price

- Price must be quoted for the sale of the equipment operated on board EMSA Response Vessels (depending on the lot targeted). Any price associated to the transport of the equipment from the storage location (as indicated under point 2.1) to the bidder's storage facilities is to be borne by the bidder.
- Prices must be fixed amounts.
- Prices must be quoted in euro.
- According to Article 13 of the Council Directive 2006/112/EC on the common system of value added tax of 28 November 2006 the Agency is not regarded as a taxable person, meaning that the public sale of second-hand goods (and rights as a Call Option) is not a taxable transaction, and therefore not subject to VAT.

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

9.1 Legal position – means of proof required

When submitting their bid, tenderers are requested to complete and enclose the **Legal Entity Form** available on the Procurement Section on the EMSA Website at the following address:
<http://www.emsa.europa.eu/work/procurement/calls.html>

9.2 Grounds for exclusion

To be eligible to participate in this contract award procedure, 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's 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.

9.3 Evidence to be provided by the tenderers

For this purpose the **Declaration on Honour** available on the Procurement Section on the EMSA Website must be completed and signed by a duly authorised person (<http://www.emsa.europa.eu/work/procurement/calls.html>).

10. Criteria for the award of the contract

10.1 Award of the contract

For each specific lot (see Table 2) the contract will be awarded to the tenderer who submits the highest bid.

With regard to lot 4, the Sale Contract shall be concluded only where the highest offer received for the relevant combination of equipment is higher than, or equal to, the sum of the highest offers received for the individual lots 1 and 2.

As for lot 5, the Sale Contract shall be concluded only where the highest offer received for the relevant combination of equipment is higher than, or equal to:

- a) The sum of the highest offers received for lots 1, 2 and 3
- b) The sum of the highest offers received for lot 3 and 4.

This condition is as expressed here below:

Lot 4 will be awarded if:

$\text{€ [highest offer lot 4]} \geq \text{€ [(highest offer lot 1) + (highest offer lot 2)]}$

Lot 5 will be awarded if:

$\text{€ [highest offer lot 5]} \geq \text{€ [(highest offer lot 1) + (highest offer lot 2) + (highest offer lot 3)]}$

$\text{€ [highest offer lot 5]} \geq \text{€ [(highest offer lot 4) + (highest offer lot 3)]}$

10.2 Contracts will not be awarded to tenderers who during the sale procedure:

- (a) are subject to a conflict of interest;
- (b) 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.

11. False declarations

Without prejudice to the application of penalties laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in point 10 above or 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.

12. Data Protection

Processing your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Head of Pollution Response Services. Details concerning processing of your personal data are available on the privacy statement "[Information on personal data protection in procurement procedures](http://www.emsa.europa.eu/about/personal-data-protection.html)" at: <http://www.emsa.europa.eu/about/personal-data-protection.html>. Bidders will be informed by the Agency whether or not their bids have been accepted.

Your personal data may be registered in the Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in the Commission Regulation 2008/1302 of

17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_ced_en.pdf).

13. Submission of the bids

Bidders who wish to submit an offer are invited to conclude the **Bid Form**, attached to this document as Annex 3, and send it to the Agency before **16 February 2015, 12h00 (Lisbon time)**. The offer must be duly signed by the authorised representative, scanned and submitted by e-mail to the following address: SALE022014@emsa.europa.eu. Please note that an original hard copy of the offer including all accompanying documentation related to supporting the Declaration on Honour will be requested from the company to whom the contract is awarded.

Submission of a bid implies full acceptance of the draft sale contract attached to this invitation to bid.

The Agency will notify the Bidders of receipt of the bids. Bidders will be informed by the Agency whether or not their bids have been accepted. Period of validity of the bid(s) shall be until 31 December 2015.

During the procedure, any direct contact between the contracting authority and the tenderers is prohibited. However any additional information deemed necessary for preparing an adequate bid can be asked for by e-mail at the latest four calendar days before the deadline for submission of the bids, to the following e-mail address: SALE022014@emsa.europa.eu. The Agency will respond to such requests for additional information in strict compliance with the equal treatment principle. Any additional information including that referred to above will be published on EMSA website in the Procurement section. Company details and personal details will not be disclosed.

15. Intellectual Property Right (IPR)

Please consult the contract for IPR related clauses.

Yours Sincerely,



Markku Mylly
Executive Director

Annex 1: Technical Report
Annex 2: Draft Sale Contract
Annex 3: Bid Form