

Lisbon, **03 MAR 2017**

## Invitation to Apply

### Procurement procedure No. EMSA/CPNEG/1/2017 concerning Service Contracts for Stand-by Oil Spill Recovery Vessels

(Competitive procedure with negotiations)

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is planning to award the public contracts referred to above.
2. Please note that this procurement procedure is divided into two phases, the Application phase followed by the Tender phase.
  - a) in the Application Phase:
    - (i) Any interested party is **invited to apply** to this Competitive procedure with negotiations following publication of a Contract Notice, in accordance with the rules set out in this document and its associated Enclosure.
    - (ii) Following the deadline for submission of applications, a list of pre-selected candidates will be drawn up according to the criteria set out in the Contract Notice and Application Specifications, as published on EMSA's website: [www.emsa.europa.eu](http://www.emsa.europa.eu), under the procurement section.
  - b) in the Tender Phase:
    - (i) All the candidates included on the list of pre-selected candidates will be invited to submit a full offer.
3. **THE DEADLINE FOR SUBMITTING APPLICATIONS IS 19 April 2017**

Interested parties who wish to participate must submit an application in paper to EMSA **duly signed** by their authorised representative. Applications can be submitted in three different ways:

**(a) by post**

The application should be posted no later than **19 April 2017**, with **the stamp** of the post office acting as proof. Please note, if the bid is submitted by post, it is recommended that it is sent by registered post.

**(b) by hand-delivery**

Hand delivery should be made no later than 17.00 (Lisbon time) on **19 April 2017**. A dated and signed receipt issued by an official of EMSA has to be requested by the person delivering the application as proof of delivery.

**(c) by private courier service**

The application should be "deposited" with a private courier service no later than **19 April 2017** with the slip issued by the private courier service acting as proof.

**In whichever form the application is submitted, the following address should be used:**

**European Maritime Safety Agency (EMSA)**  
Head of Unit Pollution Response Services  
Praça Europa 4  
1249-206 Lisbon  
Portugal

4. Paper originals of applications must be submitted in two envelopes, one inside the other and both envelopes must be sealed.  
Each submission needs to be treated as an individual/unique bid and, accordingly, a full set of all relevant supporting documentation as indicated in the Application specifications must be submitted with each bid. The inner envelope must be marked as follows:

**Invitation to Apply No. EMSA/CPNEG/1/2017**  
**Northern Baltic Sea**

**NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT**  
**To the attention of the Head of Unit Pollution Response Services**

The outer envelope must be marked as follows:

**Invitation to Apply No. EMSA/CPNEG/1/2017**  
**Northern Baltic Sea**

**NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT**  
**To the attention of the Head of Unit Pollution Response Services**

If self-sealed envelopes are used, they must be closed by adhesive tape with the sender's signature written across it.

5. In addition, an electronic copy of the application must also be submitted in PDF format. The electronic copy must be included in the envelope with the paper original of the application, either in CD, USB key or similar form. In case of inconsistency, the paper version will have precedence over the electronic one.

6. Applications must be:

- (a) signed by the tenderer or their duly authorised representative;
- (b) perfectly legible so that there can be no doubt as to the words and figures therein contained; and
- (c) drawn up using the model reply forms in the specification.

7. Information on the Application Specifications is enclosed to this Invitation to Apply as Enclosure A.1.

All documents required to apply are available on EMSA's website [www.emsa.europa.eu](http://www.emsa.europa.eu), under the link relevant to the procurement procedure No. EMSA/CPNEG/1/2017 located in the "Procurement" section. An acknowledgement of receipt of the Application will be issued to the candidates. This acknowledgment indicates only that the application has been received by EMSA.

Candidates will be duly informed whether or not their applications have been accepted for the Invitation to Tender phase of the procurement procedure.

8. All costs incurred during the preparation and application are to be borne by the applicants and will not be reimbursed.

9. Contacts between the contracting authority and candidates is prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

**(a) Before the final date for submission of applications:**

- (i) At the request of the candidate, EMSA may provide additional information deemed necessary for preparing an adequate application.

Any requests for additional information must be made in writing and sent to the following e-mail address: [CPNEG12017@emsa.europa.eu](mailto:CPNEG12017@emsa.europa.eu).

EMSA is not bound to reply to requests for additional information made less than six working days before the deadline for submission of tenders.

- (ii) EMSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for applications.
- (iii) Any additional information, including that referred to above, will be published on EMSA's website in the Procurement section.

**(b) After the opening of applications**

- (i) If clarification is required or if obvious clerical errors in the application need to be corrected, EMSA may contact the candidate provided the terms of the application are not modified as a result.

10. EMSA intends to organise an information meeting in March 2017, regarding this procurement procedure. The information meeting will be open for any interested party to attend. The exact details on location and date will be published on the EMSA website.

11. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation available under the Financial Regulations section on EMSA's Website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).
12. This invitation to apply is in no way binding on EMSA. EMSA's contractual obligation commences only upon signature of the contract with the successful tenderer.
13. Up to the point of signature, EMSA may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
14. Once EMSA has opened the application, the document shall become the property of EMSA and it shall be treated confidentially.
15. If processing a reply to the invitation to tender will involve the recording and processing of personal data (such as name, address and CV) the data will be processed pursuant to Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>1</sup>. Unless otherwise indicated, replies to tenderers and any personal data requested, shall be used to evaluate the tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Head of Unit Pollution Response Services.
16. Details concerning the processing of personal data are contained in the privacy statement "Information on personal data protection in procurement procedures" available at <http://www.emsa.europa.eu/about/personal-data-protection.html>
17. Personal data may be registered in the Early Detection and Exclusion System (EDES), if a tenderer is deemed to be in one of the situations detailed in Article 106 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>2</sup>. For more information, see the Privacy Statement available at [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm).

Yours faithfully,



Markku Mylly  
Executive Director

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<sup>1</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council 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 (OJ L 8, 12.1.2001, p. 1).  
<sup>2</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).