

## ENCLOSURE R.1 - REQUEST SPECIFICATIONS

### Enclosed to Procurement Procedure N° EMSA/CPNEG/2/2018 for Service Contract for Equipment Assistance Service (EAS) Northern Baltic Sea

#### Phase I – Invitation to submit a request to participate

##### 1. Introduction

The European Maritime Safety Agency (EMSA) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup> 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).

##### 2. Type of Procedure

This procedure consists of two phases: “Request to participate Phase” and “Tender Phase”.

In Phase I, referred to as the “Request to participate Phase”, economic entities are invited to submit Requests to participate to this Competitive Procedure with Negotiation in accordance with the rules set out in the Invitation to submit a Request to participate 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 submit a Request to participate and in these Request Specifications. Pre-selected candidates shall be invited to submit a full tender 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’ or ‘requests’ 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.

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<sup>1</sup> 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 – Request to participate Phase (current phase)**

The Invitation to submit a Request to participate constitutes the start of the first phase “Request to participate Phase”.

Requests must be submitted in accordance with the requirements set in the Invitation to submit a Request to participate and its associated Enclosures. Requests that are not received by the deadline and/or not submitted in a closed envelope as set in the Invitation to submit a Request will be rejected by EMSA from further evaluation.

In this Request to participate Phase, EMSA will assess the following:

1. Legal position of the candidate (please see under points 7, 8 and 10.1 below);
2. Exclusion criteria (please see under points 10.2 and 10.5 below);
3. Selection criteria: candidates must submit evidence of their capacity to perform the Contract, both from the financial (please see under point 10.3 below) and technical and professional (please see under point 10.4 below) points of view.

A candidate 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 the documentation that will be required in the Tender phase from the pre-selected candidates, and the 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 agreed between EMSA and the relevant pre-selected candidate.

Following the submission of the full tender, EMSA will provide feedback to the tenderers, in accordance with the principles of equal treatment and non-discrimination, to adapt, if required, the tenders to the procurement requirements. No negotiation will be possible on the maximum budget available, on the minimum requirements nor on any element that is considered as part of the exclusion or selection criteria.

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 Union<sup>2</sup>, 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 also request Equipment Assistance Service.

In 2018, the Agency intends to establish, for a period of 4 years, within the Northern Baltic Sea area, 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 arrangement in the selected area of the coastlines of EU Member States, 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 sets added to the stockpile.

The equipment that will be utilised in the context of the service is 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, freight forwarders as well as any other relevant service providers.

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

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;
- 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;
- Receive, check, store properly, label (labels and labelling instructions to be provided by EMSA) and inventorise equipment sets;
- OSR Equipment maintenance;
- OSR Equipment insurance at the storage location and during testing, handling and transportation;
- Performance of OSR equipment condition tests with deployment of equipment on water;
- Participate with all team members assigned to the EAS Contract to training sessions provided by the equipment manufacturers and supported by EMSA. These training sessions will involve equipment deployment and will be considered as an Equipment Condition Test;
- Co-operate with EMSA for the organisation of equipment familiarisation/training sessions for the benefit of stakeholders such as national pollution response authorities personnel;
- Participate in notification exercises;
- Upon EMSA's request, provide ad hoc equipment transportation services (including insurance cover for the equipment). These transportation services would usually be from or to other EMSA contracted storage facilities;
- 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, candidates 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 11 of these Request Specifications.

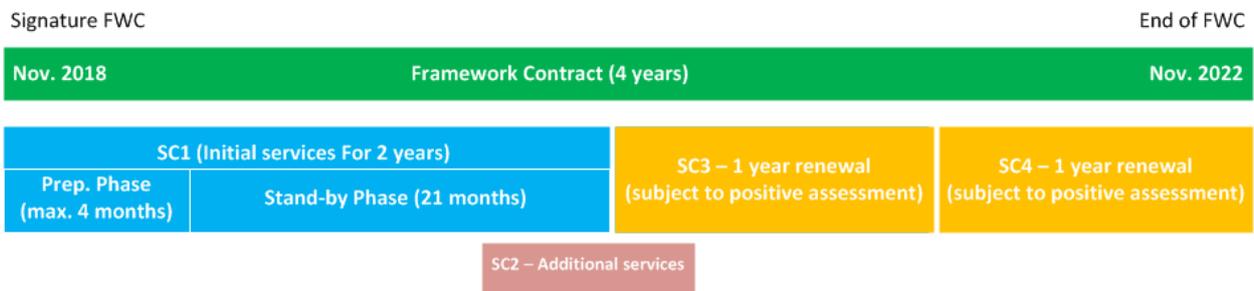
The minimum requirements which will be evaluated during Phase II (Tender phase) of this procurement procedure can be briefly summarised as follows:

- **“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 Baltic Sea area limited on the North by a straight line running from Gävle (Sweden) to Rauma (Finland) and on the South by a straight line joining Norrköpping (Sweden) to Liepāja (Latvia) (for more details please see point 2.2 of the Tender Specifications - Enclosure T.1 to the Invitation to Tender).

The Contractor shall ensure efficient and quick equipment delivery to hand over sites located in the 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);

#### 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 November 2018.

The following timetable summarises the tentative milestones and deadlines for the procurement procedure:

Activity	Tentative dates
Deadline for submission of requests	30 April 2018
Invitation to Tender for pre-selected candidates (Start of the procurement procedure Phase II (Tender phase))	June 2018
Clarification Meetings with pre-selected candidates (if requested)	July 2018
Deadline for submission of tenders	August 2018
Evaluation phase (including visits by EMSA to storage facilities offered (if considered appropriate by EMSA))	August/September 2018
Deadline for final improved tenders	28 September 2018
Award decision and signature of the Framework Contract	November 2018
Signature of the first Specific Contract	November 2018

#### 6. Maximum value of the Contract<sup>3</sup> (point 5 of the Tender Specifications-Enclosure T.1):

The maximum budget available for this 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 tender includes a financial offer (P1) for the initial services above this maximum budget ceiling of EUR 1.2 million, this will be a ground for rejection of the tender from the procurement procedure during the Tender Phase.**

<sup>3</sup> Please note that during the first phase of this procurement procedure (Request to participate Phase), no financial offer is to be presented as part of the request submitted.

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

## **7. Subcontracting**

If the tenderer/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 tender/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 tenderer/candidate relies on the capacities of subcontractors to fulfil selection criteria<sup>4</sup>. 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 tenderer/candidate and its subcontractors as a whole fulfil the criteria. However, the selection criteria may apply individually where it is relevant in view of their nature.

Changes in subcontractors between the Request to participate Phase and the Tender Phase will be acceptable but:

- a) The company/grouping which submitted the request and has been invited to tender shall not be changed;
- b) The Declaration of Honour shall be provided in the Tender Phase for the new subcontractor(s);
- c) In case the change involves a subcontractor on the capacities of which the candidate/tenderer relies to fulfil selection criteria (as detailed under points 10.3 and 10.4 below), the check on the evidence for the selection criteria performed in the Request to participate Phase will be performed again in the Tender Phase for the new subcontractor(s). Supporting documentation shall therefore be enclosed in the tender submitted.

## **8. Joint Offer**

Groupings, irrespective of their legal form, may submit joint requests and tenders. Candidates may, after forming a grouping, submit a joint request/tender 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 request/tender.

Each member of the consortium must provide the required evidence for 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. However, the selection criteria may apply individually where it is relevant in view of their nature.

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

If awarded, the Contract will be signed by the person authorised by all members of the consortium. Tenders/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.

## 9. Requirements as to the Request to participate

Requests can be submitted in any of the official languages of the EU. However, as the main working language of the Agency is English, requests should preferably be submitted in English and should in particular include an English version of the documents requested under points 10.4 and 11 of the present Request Specifications – General description of the proposed arrangement.

The Request to participate must be presented as follows and must include:

- **Candidate's checklist** (Enclosure R.3 to the Invitation to submit a request to participate) 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 **7, 8 and 10.1.** of these specifications (part of the Identification information):

1. **A Cover letter duly signed by the candidate representative** indicating:
  - The name of the company submitting the request, the name and the position of the person heading the project at the procurement procedure stage (Phase I – Request to participate Phase and Phase II – Tender Phase in case the candidate would be pre-selected);
  - The name and position of the person authorised to sign the Contract, in case of award.

In the case of joint offer/grouping, the cover letter shall be signed by the representative of each of the companies of the grouping and shall specify:

- The companies part of the grouping (including roles, qualifications and experience of each member);
  - The company and the person heading the project on behalf of the grouping at the procurement procedure stage;
  - The name and position of the person who is authorised to sign the Contract, in case of award.
2. **The “Statement of subcontracting/Joint offer”** completed dated and signed when applicable: 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 request by completing the form “Statement of subcontracting/Joint offer” (Enclosure R.2 to the Invitation to submit a Request to participate).
  3. **For the candidate and each of the companies involved in the grouping 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](http://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 candidate and, in case of joint offer, for the company heading the request 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 Identification Form) of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)).

Candidates are exempt from submitting the Legal Entity Form and Financial Identification 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 shall 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** (available on the Procurement Section of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu))). For more details see point 10.5 below;

**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 **10.3** 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 **10.4** of these Specifications;

**Part E: General description of the proposed arrangement (for information purposes only)** as set out under point **11** of these Specifications.

## **10. 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**

### **10.1. Legal position – means of proof required**

When submitting their request, 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](http://www.emsa.europa.eu)).

### **10.2. 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 EU or national laws or regulations;
- b) it is subject to a final judgement or a final administrative decision establishing that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law ;

- c) it is subject to a final judgement or a final administrative decision establishing that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity 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 or entities with the aim of distorting competition;
  - iii. violating intellectual property rights;
  - iv. attempting to influence the decision-making process of the authorising officer responsible 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 or entity 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 or entity has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget;
- f) it is subject to a final judgement or a final administrative decision establishing that the person or entity 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 candidate is subject to:
  - i. facts established in the context of audits or investigations carried out by the Court of Auditors, European Anti-Fraud Office or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer;
  - 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 entities and persons implementing Union funds pursuant to point (c) of Article 61(1) of the Financial Regulation or of entities implementing the budget pursuant to Article 62 of the Financial Regulation;
  - 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.

### **10.3. Economic and financial capacity – Selection criteria**

#### 10.3.1. Requirement:

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

#### 10.3.2. Evidence:

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

- a) Financial statements or their extracts for the last three years for which accounts have been closed;
- b) Statements of the overall turnover and, where appropriate, turnover relating to the relevant services for the last three financial years available.

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

In case the Request to participate 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.

### **10.4. Technical and professional capacity – Selection criteria**

#### 10.4.1. Requirement:

The candidate must have experience in at least two 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.

#### 10.4.2. Evidence:

As evidence of its technical and professional capacity, the candidate must provide with its request a list identifying works carried out in at least two of the above listed fields during the last five years.

### **10.5. Declaration of Honour (DoH)**

For this purpose the Declaration of Honour available on the Procurement Section of EMSA's website ([www.emsa.europa.eu](http://www.emsa.europa.eu)) shall be completed and signed by the candidate.

This requirement applies to each member of the group in case of joint tender and to subcontractors in case the subcontractors help fulfil the selection criteria.

Please note that **upon request** and within the time limit set by EMSA the candidate shall provide the following evidence concerning the candidate or the natural or legal persons which assume unlimited liability for the debt of the candidate:

For exclusion situations described in (a), (c), (d) or (f) of point 10.2 above, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the tenderer showing that those requirements are satisfied.

For the exclusion situation described in (a) or (b) of point 10.2 above, production of recent certificates issued by the competent authorities of the State concerned is required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The successful tenderer must provide the documents mentioned as supporting evidence before signature of the Contract and within the deadline given by EMSA. This requirement applies to each member of the group in case of joint tender and to subcontractors as above.

If the candidate/tenderer already submitted such evidence for the purpose of another procedure, provided its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

## **11. General description of the proposed arrangement for information purposes only**

Candidates 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. It is expected that the description includes the following points:

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

## **12. Rejection from the procedure**

Candidates 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 used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition that cannot be remedied otherwise.

### 13. Additional Information

#### Documents for the Phase II - Tender Phase (published together with the Request to participate)

- Enclosure T.1 – Tender Specifications:
  - Appendix 1 – EAS Mobilisations procedures;
  - Appendix 2 – Guidelines for equipment condition tests and exercises;
  - Appendix 3 – Guidelines on equipment maintenance.
- Enclosure T.2 – Draft Framework Service Contract:
  - Annex III – Incident Response Contract-Equipment (IRC-E);
  - Annex IV – Draft Specific Contract;
  - Annex V – Expenses reimbursement for Contractor.
- Enclosure T.3 – Bid template:
  - Appendix – Price Bid template;
- Enclosure T.4 – International\_National EAS Exercise Participation Agreement.

#### Other relevant EMSA documents regarding in particular the existing Equipment Assistance Service (EAS) arrangements:

EMSA website: [www.emsa.europa.eu](http://www.emsa.europa.eu) → “Operational Tasks” → “Pollution Response Services” → “Oil Spill Response” section with access to a range of “hyperlinks” and “documents” including:

- Pollution response services brochure;
- EAS Info-sheets;
- EMSA Pollution Response – FAQs;
- EMSA Action Plan for Oil Pollution Preparedness and Response (2004);
- EMSA Action Plan for Response to Marine Pollution from Oil and Gas Installations (2013).

#### Oil Spill Response Information Resources

Companies/consortia can consult the websites and documents listed below for further information on oil spill response operations and technical aspects to be considered. The list is not exhaustive.

- European Commission (DG Humanitarian Aid and Civil Protection)
  - <http://ec.europa.eu/echo/en>
- Bonn Agreement Counter Pollution Manual
  - <http://www.bonnagreement.org/eng/html/welcome.html>
- HelCom Response Manual
  - <http://www.helcom.fi/action-areas/response-to-spills/manuals-and-guidelines/>

- REMPEC (Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea)  
<http://www.rempec.org/>
- IMO Combat Manual  
<http://www.imo.org/> → Publications section