

## Invitation to submit a Request to participate No. EMSA/CPNEG/1/2020

Competitive procedure with negotiations

### Service contracts for oil spill recovery vessels

#### Lot 1 – Central Mediterranean Sea

#### Lot 2 – Southern Atlantic coast

#### Lot 3 – West Mediterranean Sea

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is planning to award the public contract referred to above.
2. Please note that this procurement procedure is divided into two phases, the Request to participate Phase followed by the Tender Phase.

#### A. The Request to participate Phase

- (i) Any interested party is invited to submit a request to participate 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 requests, a list of pre-selected candidates will be drawn up according to the criteria set out in the Contract Notice and Tender Specifications, as published on EMSA's website: [www.emsa.europa.eu](http://www.emsa.europa.eu).

#### B. The Tender Phase

- (i) All the candidates included on the list of pre-selected candidates will be invited to submit a full offer in the Tender Phase.

**The deadline for submitting requests is 22/04/2020.**

3. Interested parties who wish to participate are invited to send an encrypted request to participate to EMSA **before 16:00 hrs (Lisbon time) on 22/04/2020**. The offer shall be duly signed by the authorised representative, scanned and submitted by e-mail to the following address: **CPNEG12020@emsa.europa.eu**. The size of the e-mail may not exceed 12 Mb per one email. Please note that an original hard copy of the offer including all accompanying documentation may be requested from the company to which the contract is awarded. In order to participate please follow the instructions in Appendix I Submission of Encrypted Tenders by E-Mail.
4. Requests must be:
  - A. signed by the candidate 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. (if necessary) drawn up using the model reply forms in the specifications.

5. Information on the Tender Specifications is attached to this invitation to submit a request to participate.

All these documents 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/1/2020 located in the "Procurement" section. An acknowledgement of receipt of the request may be issued to the candidates. This acknowledgment indicates only that the request has been received by EMSA.

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

6. All costs incurred during the preparation and submission are to be borne by the candidates and will not be reimbursed.

7. Contact 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 requests to participate:**

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

Any requests for additional information must be made in writing and sent to the following e-mail address CPNEG12020@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 requests.

- (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 requests.
- (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 requests:**

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

8. 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)).

9. This invitation to submit a request to participate is in no way binding on EMSA. EMSA's contractual obligation commences only upon signature of the contract with the successful tenderer.

10. Up to the point of signature, EMSA may 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.

11. Once EMSA has opened the request, the document shall become the property of EMSA and it shall be treated confidentially.
12. Candidates will be informed of the outcome of this procurement procedure by email. It is the candidates' responsibility to provide a valid email address together with their contact details in their request/tender offer and to check this e-mail address regularly.
13. If processing a reply to the invitation to submit a request to participate/tender will involve the recording and processing of personal data (such as name, address and CV) the data will be processed pursuant to Regulation (EU) 2018/1725 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 Head of Unit Sustainability.
14. 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>
15. 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 136 of Regulation (EU, Euratom) No 2018/1046 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/library/explained/management/protecting/privacy\\_statement\\_edes\\_en.pdf](http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf).
16. In addition to economic operators established in the Member States of the Union, only economic operators from the following countries are eligible to participate in the present procurement procedure: Albania, Republic of North Macedonia, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Bosnia and Herzegovina.
17. For UK candidates and tenderers - Please be aware that following the entry into force of the EU-UK Withdrawal Agreement<sup>3</sup> on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. UK residents and entities are therefore eligible to participate under this call.

Maja Markovčić Kostelac

Executive Director

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<sup>1</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

<sup>2</sup> Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1269/2013, (EU) 1301/2013, (EU) 1303/2013, (EU) 1304/2013, (EU) 1309/2013, (EU) 1316/2013, (EU) 223/2014, (EU) 283/2014 and Decision No 541/2014/EU and repealing Regulation No 966/2012.

<sup>3</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community