

Enclosure 1 - Application Specifications

Enclosed to the Invitation to Apply: procurement Procedure N° EMSA/NEG/8/2015 Service Contracts for Equipment Assistance Service (EAS)

1. Introduction

The European Maritime Safety Agency (EMSA) was tasked to:

- 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),
- 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).

EMSA's Action Plan for Oil Pollution Preparedness and Response (2004), as well as the Action Plan for Response to Marine Pollution from Oil and Gas Installations (2013), as updated by the annual Work Programmes of the Agency, identify how to implement these tasks. These documents are available on the Agency's website: www.emsa.europa.eu under "Publications".

2. Type of Procedure

Economic entities are invited to submit an application to this "Negotiated Procedure following publication of a Contract Notice in the Official Journal of the European Union" in accordance with the rules set out in the Invitation to Apply and its associated Enclosures.

A list of pre-selected candidates will be drawn up according to the criteria set out in the Contract Notice, in the Invitation to Apply and in these Application Specifications. Pre-selected candidates will be invited to submit a full tender in the Tender Phase (phase 2 of this procurement).

In this first (application) phase the following requirements will be assessed:

1. Legal form to be taken by the tenderers and Legal position (see points 7, 8, 9 and 10.1)
2. Exclusion criteria (see points 10.2 and 10.3)
3. Selection criteria – the tenderer must submit evidence of his capacity to perform the contract, both from the financial (see point 10.4) and technical and professional (see point 10.5) point of view.

An entity that does not fulfil the exclusion and selection criteria will not be admissible for further assessment.

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.

The pre-selected candidates may request to attend "clarification meetings" where different aspects of the services required will be reviewed.

Following the submission of the full tender (phase 2 of this procurement –Tender Phase), EMSA will provide feedback to the economic entities concerned, in accordance with the principles of equal treatment and non-

discrimination, to adapt, if required, the tenders to the procurement requirements. 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 of the work

3.1. Overall objective

The Agency is tasked to provide additional response capacity to the Member States of the European Union, 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 Union¹, in line with the EU Civil Protection Mechanism.

The overall objective of the EMSA's Equipment Assistance Service (EAS), and therefore of this procurement procedure, is the provision, upon demand and at short notice, of oil pollution response services, 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.

3.2. Specific objective

Through this procurement the Agency intends to establish for a period of 4 years, for certain defined areas of the EU coastline, additional response capacity to that of the pollution response mechanisms of Member States in case of a major oil spill.

For that purpose, the Agency intends to conclude 2 Framework Contracts with service providers (one per Lot) in order to establish EAS arrangements in certain defined areas of the coastlines of EU Member States. Through these arrangements, EMSA would like to offer 24/7 at-sea OSR equipment, including ancillary services such as storage, logistics, insurance and maintenance. The EAS service contracts can be concluded with public or private companies/consortia drawn from any relevant industry including spill response service providers, offshore and salvage services providers, equipment manufacturers, cargo transport brokers as well as any other relevant service providers.

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 specific equipment set added to the stockpile.

Following a request for assistance, EMSA will notify the contractor and will activate the EAS arrangement for OSR equipment services. Consequently, the equipment shall be maintained in a state of constant readiness for transport (sea, road or air freighting) and mobilisation.

¹ Albania, Algeria, Bosnia Herzegovina, Egypt, Georgia, Israel, Lebanon, Libya, Monaco, Montenegro, Morocco, Palestine, Russian Federation, Syria, Tunisia, Turkey and Ukraine.

3.3. Scope of the work

3.3.1. “Top-up” principle

In accordance with the Agency’s founding Regulation (EC) N°1406/2002 as amended the mandate of EMSA is not to replace but to “top up” the national pollution response resources. Consequently, the contract can not be awarded to a company offering resources for the performance of the EAS contract when these resources are already contracted for oil pollution response services by an EU Member State, Iceland, Norway or a third country sharing a regional sea basin with the EU. The resources offered by the tenderer(s) should be dedicated to the performance of the EAS agreement and should remain available via EMSA to the affected coastal State requesting assistance.

3.3.2. Geographical scope

The equipment stockpiles should be located within the respective Lot to serve primarily the North Sea and the Baltic Sea areas as defined in the table below.

Lot	Primary Stockpile Service Area
1. North Sea	Northern North Sea (with priority for the North Eastern Coast of the UK and the South Western Coast of Norway)
2. Baltic Sea	Baltic Proper (with priority for the Southern and Eastern Coasts of the Baltic Proper, including the Gulf of Gdansk and the Gulf of Riga)

The contractor shall ensure efficient and quick equipment delivery to equipment hand over sites located in the above areas.

However if so requested, the contractor shall be capable of covering a broader geographical scope of operation including all European regional seas (i.e. the whole: Baltic Sea, Black Sea, Mediterranean Sea and North Sea and) and the North East Atlantic.

To enable the efficient and quick equipment mobilisation the storage space should be located nearby communication centres with easy access to different means of transportation. The most preferred location would be in port areas with access to the port infrastructure and railway transportation. An airport within the range of 150 km would be an advantage.

3.4. Contractual framework of the EAS

The service will be structured and specified in the three types of contracts as follows:

- A Framework Contract signed between the company/consortia and the Agency for the provision of the EAS framework. The Framework Contract sets out general performance framework;
- Specific Contracts signed between the company/consortia and the Agency for the provision of the particular services - elements of EAS (logistics, storage, equipment maintenance, mobilisation arrangements, personnel, insurance, technical support personnel, equipment testing, exercises etc.);
- An Incident Response Contract - Equipment (IRC-E) signed between the company/consortia and the Party requesting the provision of pollution response services (equipment with or without technical

support personnel) during an incident. In order to improve equipment mobilisation time, the IRC-E will include pre-agreed terms, conditions and tariffs for the provision of assistance. The use of the IRC-E will be mandatory for the company awarded the Framework Contract.

The draft contracts will be submitted to the tenderers during the Tender Phase (phase 2 of the procurement).

3.5. Project phases and related tasks

The Framework Contract will cover two different phases:

- Preparation Phase during which the contractor will have to:
 - Adapt the storage area for the equipment (and dispersants if required);
 - Arrange the logistics, insurance, equipment maintenance procedures and staff, 24/7 emergency procedures and technical support personnel training;
 - Sub-contract (if appropriate) necessary services;
 - Prepare and submit to EMSA the Preparation Phase Completion Report.
- Stand-by Phase during which the contractor will have to:
 - Store the equipment (and dispersants if required) and ensure the equipment maintenance;
 - Maintain 24/7 readiness to mobilise the equipment (and dispersants if required) with or without the technical support personnel to the requesting party indicated by EMSA;
 - Transport the equipment (and dispersants if required) to and from the place of handover indicated in the IRC-E (if requested by the requesting party);
 - Check the operational condition of the equipment on a regular basis through actual deployment of the equipment;
 - Upon request of EMSA, participate with the equipment (and technical support personnel, if requested) in international/national pollution response exercises organised by coastal States;
 - In the event of an oil spill and following a request for assistance, the contractor will mobilise the equipment (and dispersants if required) and, if requested, the technical support personnel to provide oil pollution response services directly to the requesting party under the terms of an IRC-E.

3.6. Equipment

For each Lot, the scope of the EAS initially foresees the management of a range of different equipment systems, fully containerised in 10" and/or 20" ISO containers or flat racks. Example of an EAS arrangement could include the following equipment sets:

- Fire-booms (inflatable with cooling system and/or hard-curtain type);
- High speed containment, decanting and recovery systems;
- Low speed integrated containment and recovery systems;
- Oil trawl nets;
- Portable dispersant spraying systems;
- Dispersants.

However, it should be noted that above list is only indicative and that different or additional equipment sets to those indicated above could be integrated to the EAS stockpiles at any time, e.g. equipment sets already available as part of the Network of Stand-by Oil Spill Response Vessels.

The content of the initial package of equipment will be decided during the preparation phase of the contract.

For more details about EMSA's Network of Stand-by Oil Spill Response Vessels including all oil pollution response equipment items, please see the "Network of Stand-by Oil Spill Response Vessels – Handbook 2014" available on the EMSA website (www.emsa.europa.eu) under the following link:

<http://www.emsa.europa.eu/oil-recovery-vessels/opr-documents/opr-inventories.html> or, go to the EMSA website → Operational Tasks pages → Pollution Response Services → Inventories.

3.7. Specific requirements regarding EAS

3.7.1. Storage space

The minimum storage space required is 600 m² of which at least 300 m² must be of indoor space for the storage of the sensitive OSR equipment items (e.g. power packs, skimmer heads, spare parts etc.) and 300 m² of outdoor space for the storage of the containerised equipment.

If there is a need for any equipment/dispersants transfer (to or from the storage place) or check by EMSA or any designated third party, the contractor will ensure availability on short notice of personnel, handling equipment and transportation capacity at the stockpile.

Tenderers shall have capacity to offer, upon EMSA request, additional storage capacity of minimum 600 m² (300 m² indoor and 300 m² outdoor) for:

- Storage of additional OSR equipment; and/or
- Storage of dispersants.

It is not required that the additional space is located at the same place as the initial storage area, however, it shall be located as close as possible (preferably not further than 30 km) from the initial storage area to limit the audit, transportation and management costs.

The storage facilities must comply with the requirements listed under paragraphs (a) and (b) below. The storage facilities for dispersants must comply with the requirements listed under paragraph (c).

Requirement regarding displaying EMSA logo is described under paragraph (d).

a) Indoor storage space (warehouse)

The warehouse must be:

- With a gate entrance allowing movement of the 40 feet container on a trailer;
- Fenced, secured;
- Covered by a roof;
- Provided with electricity and fresh water, and
- With adequate lighting.

The equipment must be stored in such a way that there is sufficient space to handle it safely and with adequate access for means of transportation.

b) Outdoor storage space

The outdoor storage space must be:

- Fenced;
- Secured (24/7 security service);
- With adequate lighting;
- With hard ground allowing movement of trucks and heavy cargo.

c) Storage of dispersants

The dispersants will be stored in Intermediate Bulk Containers (IBCs) of 1 m³ capacity each (weighing approximately one tonne). The additional storage capacity offered must meet the recommendations from the manufacturers of the dispersants with regard to the storage, as follows:

- Well ventilated closed space with no direct sunlight exposure;
- Flat levelled surface;
- Secure premises with restricted access;
- Internal ambient temperature between -5°C and +50°C;
- Proper access ways and easy access;
- Cargo handling equipment;
- In addition, the facility needs to have in place fire-detection systems, fixed fire-fighting systems and water supply for fire-fighting. Access to fire fighting vehicles and personnel should be unrestricted.

d) EMSA logo

EMSA logo must be displayed in the visible place at the front wall of the warehouse and on each side of the fence surrounding the storage area. EMSA will provide the logo template.

3.7.2. Maintenance

The tenderer will ensure the equipment/dispersants maintenance in accordance with the relevant manufacturers' specifications and requirements. Following delivery of the equipment and relevant documentation the contractor will develop a specific oil pollution response equipment Maintenance Plan. This Plan shall be implemented by the relevant personnel designated by the contractor for maintenance duties. EMSA will monitor the execution of the Maintenance Plan.

3.7.3. Insurance

The company awarded with the Framework Contract will have to take out an insurance policy against risks and damage relating to the performance of the contract, if required by the relevant applicable legislation. Deductibles will be for the account of the contractor.

3.7.4. Mobilisation service

The following requirements regarding emergency mobilisation service apply to the equipment and technical support personnel (if so requested). In case, storage of dispersants has been requested by EMSA, the same requirements shall be applicable to the mobilisation of dispersants stored by the company awarded the Contract subject of this procurement procedure.

a) Emergency Mobilisation Contact Point

The contractor shall maintain 24 hours, 7 days a week emergency contact point in order to ensure the equipment mobilisation at short notice. Upon request of EMSA the contractor will enter into an IRC-E with the requesting party indicated by EMSA.

Personnel operating the Emergency Mobilisation Contact Point must have a very good command of English.

The Emergency Contact point shall be equipped with access to internet, mobile phone, fixed phone line and fax.

Expected EAS maximum mobilisation time is 8 hours from EMSA notification:

- 1) for the equipment to be loaded on transport means and ready for departure at the stockpile; and
- 2) for the technical support personnel (if so requested) ready for departure.

After mobilisation, the equipment and technical support personnel must be delivered to the handover place indicated in the IRC-E in most efficient and fast way.

b) Logistics and transportation

The equipment and/or dispersants shall be mobilised within 8 hours from the notification by the Agency. Within that time the equipment must be loaded on trailers (or other appropriate means of transportation) and ready to be transported to the place of handover.

The equipment and/or dispersants may be transported to the place of handover by land, sea or air. The company awarded the Framework Contract will be responsible for arrangement of the appropriate means of transportation (either subcontracted (e.g. through pre-established dedicated broker) or through a company part of the consortium).

Accordingly, the contractor should develop a mobilisation plan including the procedures for mobilisation, loading/offloading arrangements, and availability of personnel, means of transport, primary and alternative routes for transporting the cargo, mobilisation time for each of the operation sequences. As requested under point 10.6 below, tenderers shall provide a first draft mobilisation plan in the application submitted.

The company awarded the Framework Contract will be responsible, apart from providing the transport of the equipment, to obtain in due time all the relevant clearances and permits.

c) Technical support personnel

The requesting party may be in need of skilled technical staff able to support deployment of the particular equipment items. The contractor may therefore be requested to provide such expertise during the pollution response activities. The company awarded the Framework Contract will be responsible for ensuring availability of properly trained and certified technical personnel.

d) Testing functionality and operational readiness of the equipment (Equipment drills)

Within the scope of the overall service the contractor shall perform equipment deployment drills in order to check periodically its functionality and operational readiness. Equipment drill will be compulsory once per year per unit of equipment from a floating platform, barge, vessel or in port waters from the pier. Suitable testing facilities ashore for equipment deployment could also be acceptable for this purpose.

For that purpose the tenderer will offer the possibility to perform “equipment deployment in water services”. The offer shall include equipment deployment and enable the testing of all the mechanical and hydraulic elements inbuilt in the equipment in normal operational conditions.

e) Participation in international or national oil pollution response exercises with the equipment

EMSA may request the contractor to provide the equipment (with or without technical support personnel) to a coastal State for the purpose of participation in at-sea exercises. For the participation in exercises the contractor will apply the same or similar equipment mobilisation procedure as for actual emergencies except the IRC-E. The cost of the participation in the exercises will be reimbursed by EMSA as per Framework and relevant Specific contracts.

f) Notification Exercises

Within the scope of the overall service the contractor will be requested to participate periodically in Notification Exercises arranged by EMSA and/or the coastal States. The Notification Exercise is a “desk top” exercise and its purpose is to test the EAS mobilisation procedures without actual mobilisation of the equipment. Such exercise includes notification, signature of the IRC-E and internal alert procedure of the contractor.

4. Procurement planning

The following table summarises the tentative milestones and deadlines for the procurement and service thereafter:

Activity	Tentative dates
Deadline for submission of Applications	15 June 2015
Invitation to tender for selected candidates : Start of tender period	14 August 2015
Clarification Meetings with tenderers in Lisbon (if requested)	Week 35 (24 – 28 August 2015)
Deadline for submission of tenders	24 September 2015
Negotiation phase and visit to stockpiles offered	2 – 26 October 2015
Deadline for final improved tenders	16 November 2015

Award decision	17 December 2015
Signature of the contract for lot 1	January 2016²
Signature of the contract for lot 2	January 2016

5. Contract management responsible body

The European Maritime Safety Agency - Pollution Response Services Unit - will be responsible for managing the contract.

6. Maximum value of the Contract

A maximum budget ceiling will apply for each Lot, as indicated in the table below³.

Lot	Maximum budget for the duration of 4 years of services listed under the point 3.7
1. North Sea	Euro 1.5 million
2. Baltic Sea	Euro 1.5 million

7. Sub-contracting

If the candidates intend to either sub contract part of the work or realise the work in co-operation with other partners they shall indicate in their offer which part will be subcontracted, as well as the name and qualifications of the subcontractor or partner. (NB: overall responsibility for the work remains with the candidate).

If the candidate relies on the capacities of subcontractors to fulfil selection criteria as specified in point 10.5 (Technical and professional capacity), then each subcontractor must provide the required evidence for the exclusion and selection criteria. To rely on the capacities of a subcontractor does not mean that the contractor has to use deliveries or services of another company but that this company and its special capacity is central to the capacity of the contractor to fulfil the contract and that it cannot be easily changed or replaced. 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 candidate and its subcontractors as a whole fulfil the criteria.

8. Joint Offer

Groupings, irrespective of their legal form, may submit applications and bids (in the second phase). Candidates may, after forming a grouping, submit a joint application and bid (in the second phase) on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the company or person

² Note: Depending on EMSA's budget availability the signature of the contract for Lot 1 could be anticipated to December 2015.

³ Please note that for this first phase of the procurement procedure (Applications) no financial offer must be presented.

heading the project and must also submit a copy of the document authorising this company or person to submit an application and bid (in the second phase).

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.

If awarded, the contract will be signed by the person authorised by all members of the consortium and all member of the consortium will be jointly and severally liable vis-à-vis EMSA for the performance of this contract. 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 application

The applicant should note the following important points:

- Failure to submit relevant information by the applicant could be a ground for rejection of their application from the procurement process.
- The responsibility lies with the applicant to verify that all documentation requested in this Invitation to Apply is provided.
- An applicant might decide to submit an application for each of the Lots. In that case, each application needs to be treated as individual/unique and, accordingly, a full set of all relevant supporting documentation must be submitted with each application.
- Applications can be submitted in any of the official languages of the EU even if the working language of the Agency is English. Nevertheless, applications must include a copy in English of the documents/information requested under point 10.6 - General description of the proposed arrangement. The copies of official certificates or documents, e.g. VAT Registration Documents, do not need to be translated to English and can be submitted in the original language.
- Applicants are requested to arrange their application documents in the format identified below. If the applicant does not include one of the requested documents, a clear and thorough justification must be provided.

The Application file should include, respecting the order, the following documents as a minimum:

- A completed **Candidate's Checklist** (Enclosure 2 to the Invitation to Apply).
- **Part A:** all the information and documents required by the contracting authority for the shortlisting candidates on the basis of the points 8, 9, 10.1, 10.2 and 10.3 of these specifications (part of the Identification information and Exclusion criteria):
 1. Signed Cover Letter, indicating the name of the company and the person heading the project, and in the case of groupings, specifying the companies that are part of the consortium (including role, qualifications and experience of each member or group) and indicating the company and person heading the project.
 2. the "Statement of subcontracting/Joint offer" – Information regarding joint offers and subcontracting, if the candidate intends to either sub contract part of the work or realise the work in co-operation with other partners (Joint Offer) he shall indicate in his offer by completion of the template (Enclosure 6 to Invitation to Apply).

3. Original of the document authorising the person heading the project to represent the company/grouping or consortium for the purpose of this procurement procedure and sign the contract on behalf of the company.
 4. Legal Entity Form (Enclosure 3 to Invitation to Apply; also available on EMSA website (www.emsa.europa.eu)) completed, dated and signed by the authorised representative and accompanied by:
 - A copy of the VAT Registration Document, if applicable, and if the VAT number does not appear on the Official Document referred to in 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.
 5. Financial Identification Form (Enclosure 4 to Invitation to Apply; also available on EMSA website (www.emsa.europa.eu)) filled and signed by the account holder and the bank (or accompanied by a recent bank statement). for a current bank account denominated in Euro.
- **Part B:**
 6. Declaration of Honour (Enclosure 5 to Invitation to Apply; also available on EMSA website (www.emsa.europa.eu)) completed and signed, or alternatively, the additional proof listed under point 10.3.
 - **Part C:** all the information and documents required by the contracting authority for the shortlisting candidates on the basis of the **Economic and Financial capacity** (part of the Selection criteria) set out under point 10.4 of these specifications:
 7. Balance Sheets for the last 3 financial years;
 8. Turnover and Profit and Loss account for the last 3 financial years;
 or for semi-public or non-profit organisations:
The annual budget of the last year.
 - **Part D:** all the information and documents required by the contracting authority for the shortlisting candidates based on the **Technical and professional capacity criteria** (part of the Selection Criteria) set out under point 10.5 of these specifications.
 9. List identifying work carried out during the last five years that is of relevance and/or analogous to the services to be provided.
 - **Part E: Documentation relating to Point 10.6 (for information)**
 10. General description of proposed service arrangement;
 11. Draft mobilisation plan.

10. Information concerning the personal situation of the service provider 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 an application, company/consortia are requested to **complete, sign and enclose to their application the Legal Entity Form** and requested accompanying documentation, available on the Procurement Section (Legal Entity Form) on the EMSA Website at the following address: www.emsa.europa.eu

Note that in the case the bid is submitted by a consortium, each member is requested to complete and enclose the Legal Entity Form.

10.2. Grounds for exclusion (Exclusion Criteria)

To be eligible for participating in this contract award procedure, applicants 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 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 Union budget.

10.3. Evidence to be provided by the candidates and tenderers

For this purpose the Declaration on Honour available on the Procurement Section on the EMSA Website (www.emsa.europa.eu) completed and signed shall be considered sufficient at the stage of the application or alternatively the candidates can provide additional proof evidencing eligibility, as follows:

1. For situations described in (a), (b) and (e), production of a recent extract from the judicial record will be required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.
2. For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned will be 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.
3. For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a

solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

4. If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

Please note that, in any case, the candidates will be requested to provide the documents listed in points 10.3.1 - 10.3.3 above during the tender phase.

When the applicant has already submitted relevant evidence to EMSA, it remains valid for 1 year from its date of submission. In such a case, the reference of the relevant project(s) should be mentioned and the applicant is required to submit a statement of confirmation that their situation has not changed.

10.4. Economic and financial capacity – means of proof required (Selection Criteria)

Requirements:

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

To prove their economic and financial capacity, applicants must provide with their application:

- Financial statements for the last three years for which accounts have been closed.
- Statement of overall turnover and turnover relating to the relevant services for the last three financial years.
- For semi-public or non-profit organisations, the annual budget of the last year.
- Applicants are exempt from submitting the documentary evidence if such evidence has already been completed and sent to EMSA for the purpose of another procurement procedure and still complies with the requirements. In this case the applicant should simply indicate on the cover letter the procurement procedure where the evidence has been provided.
- In the case the application is submitted by a consortium, then each member of the consortium must submit the above mentioned documents.
- If, for some exceptional reason which EMSA considers justified, an applicant is unable to provide one or other of the above documents, he may prove his 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 any other document enabling it to verify the tenderer's economic and financial capacity.

The documentation may be evaluated according to international rating practice.

10.5. Technical and professional capacity applicable to the Company and/or Consortia (Selection Criteria)

Requirements:

- Experience in the field of storage and handling of heavy machinery or storage and maintenance of heavy machinery.

Evidence:

- List identifying work carried out during the last five years that is of relevance and/or analogous to the services to be provided.

10.6. General description of the proposed arrangement

Applicants must submit a first proposal indicating the arrangement envisaged to fulfil the objectives of the project. This description is for information purposes only but should include, at least, the following points:

- General description of the proposed EAS arrangement including at least stockpile location and main dimensions;
- 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.

11. Contracts will not be awarded to applicants who, during the procurement procedure:

- are subject to a conflict of interest;
- 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.

12. False Declarations by Applicants

Without prejudice to the application of penalties laid down in the contract, applicants and contractors who have been guilty of making false declarations concerning situations referred to in points 10.1, 10.2, 10.3, 10.4, 10.5 or have been found to have seriously failed to meet their contractual obligations in an earlier procurement procedure 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.

13. Relevant requirements regarding the Tender Phase only (Not Application Phase)

Applicants should note that more precise requirements will be described in the Tender Phase of this procurement procedure. Such requirements will primarily address the scope of the required services and their specifications and will include additional Selection Criteria as well. These additional criteria are not relevant with respect to the Application phase of this procurement procedure.

14. Information concerning the Tender Phase

The different documents that the pre-selected candidates will have to present when invited to submit a full tender in the Invitation to Tender phase will address the following points in detail:

- Technical criteria will be identified in the second phase related to stockpile characteristics, equipment maintenance, insurance cover, training and availability of equipment operators
- Equipment transportation: more details regarding the capacity of the tenderer for equipment handling and transportation will be addressed in the second phase.
- Mobilisation Plan: it will have to address in details how the tenderer will mobilise the equipment in case of emergency.
- Performance of the operational conditions of the equipment through actual deployment and exercises: more details regarding the capacity of the tenderer for the performance of exercises involving actual at-sea equipment deployment will be addressed in the tender phase.
- Financial Offer: different financial aspects will have to be addressed in the bid as part of the tender.

The specific elements and weighting will be specified in the second phase.

15. Additional Information

- Guidelines for Tenderers

The information which can be found in the link below provide general guidance to help companies in submitting a tender in the framework of a procurement procedure organised by the European Maritime Safety Agency. It must be noted that this information is not binding and may change:

EMSA website: www.emsa.europa.eu → Working with us → Calls for Tender → Important information for tenderers → Guidelines for Tenderers

(or through the following link: <http://www.emsa.europa.eu/work/procurement/84/183.html>)

Other relevant EMSA documents:

- Other relevant EMSA documents:

EMSA website: www.emsa.europa.eu → Operational Tasks → Stand-by Oil Spill Response Vessels section

Through the “Pollution Preparedness and Response” section there is access to a range of “hyperlinks” and “documents” including:

- Network of Stand-by Oil Spill Response Vessels & Equipment (Handbook 2014);
- EMSA leaflet: Effective at sea Pollution Response;
- EMSA Marine Pollution Response Assistance – 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 Manual on Oil Pollution
<http://www.imo.org/> → Publications section
- World Catalogue of Oil Spill Response Products
<http://www.oilspillequipment.com/>