

Lisbon,

05 FEB 2016

## Invitation to Tender N° EMSA/NEG/31/2015

(Negotiated Procedure for the provision of Radarsat satellite program licences for EMSA Earth Observation services)

Dear Sir/Madam,

1. The European Maritime Safety Agency (EMSA) is planning to award the public contract referred to above. The procurement documents consist of this letter, the tender specifications with its appendixes and the draft contract.
2. Tenderer(s) who wish to submit an offer is/ are invited to send a bid to the Agency before the 5<sup>TH</sup> March 2016 16h00 (Lisbon time). The offer should be **duly signed** by the authorised representative, scanned and submitted by e-mail to the following address: [NEG312015@emsa.europa.eu](mailto:NEG312015@emsa.europa.eu). The size of the mail may not exceed 12 Mb per one email. Please note that an original hard copy of the offer including all accompanying documentation will be requested from the company to which the contract is awarded.
3. Tender must be:
  - (a) signed by the tenderer or his duly authorised representative;
  - (b) perfectly legible so that there can be no doubt as to the words and figures therein contained.
4. The period of validity of the tender, during which tenderer may not modify the terms of their tenders in any respect shall be until 31 October 2016.
5. Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, the waiver of the tenderer's own general or specific terms and conditions. These requirements are binding on the tenderer to whom the contract is awarded for the duration of the contract.
6. All costs incurred during the preparation and submission of tenders are to be borne by the tenders and will not be reimbursed.
7. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial, technical and professional capacity and the draft contract are provided to the tenderer together with this invitation.
8. Contact between the contracting authority and tenderer is prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

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

- (i) At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing and sent to the following e-mail address [NEG312015@emsa.europa.eu](mailto:NEG312015@emsa.europa.eu).

Requests for additional information received less than six working days before the closing date for submission of tenders will not be processed.

- (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 tenders.

- (iii) Any additional information, including that referred to above, will be sent to candidate invited to tender.

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

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

- (ii) In the case of negotiated procedure, EMSA may negotiate with tenderer the offers they have submitted, in order to adapt them to the requirements set out in the contract notice, tender specifications or any additional document and in order to find the tender offering best value for money. During negotiations, the equal treatment of all tenderer will be ensured.

9. 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)).

10. This invitation to tender is in no way binding on EMSA. EMSA's contractual obligation commences only upon signature of the contract with the successful tenderer.

11. Up to the point of signature, EMSA may either abandon the procurement or cancel the award procedure, without the candidates or tenderer being entitled to claim any compensation. This decision must be substantiated and the tenderer notified.

12. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.

13. Tenderer will be informed by EMSA whether or not their bid has been accepted.

14. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.

15. If processing a reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV), the data will be processed in accordance with Regulation (EC) No 45/2001

on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by Lazaros Aichmalotidis, Head of Unit C.2 Information Services-User Management.

16. Details concerning processing of your personal data are available on the privacy statement Information on personal data protection in procurement procedures" at: <http://www.emsa.europa.eu/about/personal-data-protection.html>
17. Your personal data may be registered in the Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on [http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm))

Yours faithfully,



Markku Mylly

The Authorising Officer

