

Invitation to Tender No. EMSA/NEG/1/2021

(Negotiated procedure with a minimum of five candidate(s))

Provision of legal services and advice EU Contract and Procurement Law, Litigation, and Portuguese Law (Lot 1) and on Maritime and Aviation Law (Lot 2)

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. Tenderers who wish to submit an offer are invited to send a bid to EMSA before 16:00 hrs (Lisbon time) on 28/01/2021. The offer shall be duly signed by the authorised representative, scanned and submitted by e-mail to the following address: NEG12021@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.
3. Tenders must be:
 - A. signed by the tenderer or their duly authorised representative; and
 - 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 tenderers may not modify the terms of their tenders in any respect shall be until 31/07/2021.
5. Submission of a bid implies full acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, 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 submissions of tenders are to be borne by the tenderers and will not be reimbursed.
7. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of legal, regulatory, economic, financial, technical and professional capacity, if applicable, and the draft contract are available under the Procurement Section relevant to the present call to tender on EMSA's website at the following address: www.emsa.europa.eu
8. Contact between the contracting authority and tenderers is prohibited throughout the procedure, save in exceptional circumstances and under the following conditions only:
 - A. Before the final date for submission of tenders:**
 - (i) At the request of the tenderer, EMSA may provide additional information solely for the purpose of clarifying the procurement documents.

Any requests for additional information must be made in writing and sent to the following e-mail address: NEG12021@emsa.europa.eu.

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

- (ii) EMSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the procurement documents.
- (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 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 a negotiated procedure, EMSA may negotiate with tenderers the offers they have submitted, in order to adapt them to the requirements set out in 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 tenderers will be ensured.
9. Public Procurement rules applying to calls for tender launched by EMSA are contained in the EMSA Financial Regulation under the Financial Regulation section on EMSA's website: (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 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.
 12. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
 13. Tenderers will be informed of the outcome of this procurement procedure by email. It is the tenderers' responsibility to provide a valid email address together with their contact details in their tender offer and to check this e-mail address regularly.
 14. 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 pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹. Unless indicated otherwise, replies to tenderers and any personal data requested, shall be used to evaluate the tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Head of Unit Legal, Finance and Facilities.
 15. 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>.
 16. 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 mentioned in Article 136 of Regulation (EU, Euratom) No 2018/1046

¹ 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.

of the European Parliament and of the Council². For more information, see the Privacy Statement available at http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf.

17. 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. .

Dominika Łempicka-Fichter

Head of Corporate Services - Department 4

² 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.