

Lisbon, 13 APR 2018

Invitation to Tender No. EMSA/OP/10/2018

(Open Procedure)

Contracts for RPAS VTOL Services for Emissions Monitoring and Maritime Surveillance (Lot 1: VTOL RPAS for Emissions Monitoring and Lot 2: VTOL RPAS for Maritime Surveillance.)

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 Invitation, the Tender specifications with its appendix(s), and the draft contract.
2. Tenderers who wish to submit an offer are requested to submit it electronically via the e-Submission application, in one of the official languages of the European Union, preferable in English (the working language of EMSA), no later than 18/06/2018, at 23.59 hrs CET/CEST time.

In order to access the e-Submission application, please refer to the instructions under point 11 of the Tender specifications and Appendix 7 – *E-Submission Guidelines* attached to the Tender Specifications.

3. Once all information and documents have been encoded and uploaded in the e-Submission application a Tender Preparation Report (the Tender Report) shall be generated by the application.

The Tender Report shall be hand signed before uploading into the e-Submission application together with your tender for final submission. For more details refer Appendix 7 – *E-Submission Guidelines* attached to the Tender specifications.

4. Tenders must be signed by a duly authorised representative of the tenderer (Tender Report must be hand signed and a scanned copy sent to the dedicated email address) and perfectly legible so that there can be no doubt as to the words and figures therein contained.
5. 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 January 2019.
6. The tenders received electronically will be opened at 11h (CET/CEST time), which is at 10h (Lisbon time) on 20/06/2018, in the offices of the European Maritime Safety Agency, Praça Europa 4, 1249-206 LISBOA, Portugal.

This opening session will be public and a representative of each tenderer may attend the opening of the tenders. At the end of the opening session, the Chairman of the Opening Committee will indicate

the name of the tenderers and the decision concerning the admissibility of each offer received. The prices indicated in each received tender will not be communicated. Should you wish to attend, please send a request (at least five calendar days before the date of the opening) to the following e-mail address: OPEN102018@emsa.europa.eu indicating the name of the attending person and the tenderer they represent.

7. 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.
8. All costs incurred during the preparation and submissions of tenders are to be borne by the tenderers and will not be reimbursed.
9. The Tender Specifications, 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 available under the dedicated section of the procurement procedure on the e-Tendering platform at <http://simap.ted.europa.eu/>.
10. Contact between EMSA and the 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 through the e-Tendering platform at <http://simap.ted.europa.eu/>, dedicated section of the respective procurement procedure.

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 the dedicated section of the procurement procedure on the e-Tendering platform at <http://simap.ted.europa.eu/>. The respective section on the website will be updated regularly and it is the tenderers' responsibility to check for updates and modifications during the tendering period.

(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.
11. 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)
12. 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.
13. Up to the point of signature, EMSA may either abandon the procurement or 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.
14. Once EMSA has opened the tender, the document shall become the property of EMSA and it shall be treated confidentially.
15. Tenderers will be informed of the outcome of this procurement procedure by email. It is the tenderers' responsibility to provide a valid e-mail address together with their contact details in their tender offer and to check this e-mail address regularly.
16. 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 of the European Parliament and of the Council¹. Unless indicated otherwise, the 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 Helena Ramón Jarraud, Head of Unit C.3 Maritime Surveillance, acting as data controller.
17. 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>
18. 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 106 of Regulation (EU, Euratom) No 966/2012 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.

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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 (OJ L 8, 12.1.2001, p. 1).

² Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

19. 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, FYROM, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Bosnia and Herzegovina. In the case of economic operators from other non-EU member states, EMSA may, only in exceptional circumstances, accept their participation in a particular procurement procedure without creating a precedent or obligation for future participation.
20. For British tenderers - please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force candidates or tenderers from the UK could be rejected from the procurement procedure.

Yours faithfully,



MYLLY Markku (EMSA)
Executive Director