

Invitation to Tender No. EMSA/OP/32/2020

(Open Procedure)

The procurement of supplementary SAT-AIS data 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 Invitation, the Tender Specifications with its appendix(es), and the draft contract.
2. Tenderers who wish to submit an offer are requested to submit it electronically via the e-Submission application available from the TED e-Tendering website, in one of the official languages of the European Union, preferable in English (the working language of EMSA), no later than 10/09/2020, before 16:00 hrs (Lisbon time). Tenders submitted in any other way (e.g. e-mail or by letter) will be disregarded.
3. In order to access e-Submission, please refer to the instructions under point 12 of the Tender Specifications and Appendix I – *E-Submission Guidelines* attached to the Tender Specifications.
4. Tenders must be signed by a duly authorised representative of the tenderer 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 31/12/2020.
6. The tenders received electronically will be opened at 10:00 hrs (Lisbon time) on 14/09/2020, in the offices of the European Maritime Safety Agency, Praça Europa 4, 1249-206 LISBOA, Portugal.
7. 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 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 dedicated e-mail address: OPEN322020@emsa.europa.eu indicating the name of the attending person and the tenderer they represent. In order to be allowed to the opening session, the attendees will be required to present their submission receipt generated by e-Submission at the time of submission and to sign an attendance sheet. This serves as proof that the tenderers submitted a tender. EMSA reserves the right to refuse access to its premises if the above information or the submission receipt are not provided as required. Outcome of the opening may also be requested via e-mail after the opening session.
8. 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.
9. All costs incurred during the preparation and submissions of tenders are to be borne by the tenderers and will not be reimbursed.

10. The Tender Specifications, 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 dedicated section of the procurement procedure on the TED e-Tendering website at <http://simap.ted.europa.eu/>.

11. 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 only through the TED e-Tendering website in the "Questions & answers" tab of the respective call for tenders, by clicking "Create a question" (registration on TED e-Tendering is required to be able to create and submit a question).

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 TED e-Tendering website 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.

12. 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).

13. 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.

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

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

16. Tenderers will be informed of the outcome of this procurement procedure by email. The notification will be sent to the e-mail address provided in the eSubmission application for the tenderer (group leader in case of a joint tender) under the section *Contact Info*. The same e-mail address will be used by the contracting authority for all other communications with the tenderer. 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.

17. 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 (EU) 2018/1725 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 the Head of Surveillance - Unit 2.2 in EMSA.
18. 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>
19. 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 Council². For more information, see the Privacy Statement available at http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf.
20. 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. 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.
21. For UK tenderers - Please be aware that following the entry into force of the EU-UK Withdrawal Agreement³ 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

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

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.

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