STUDY ON CRUISE SHIP SECURITY

Contract notice: S 2013/S 115-195522

FAQ / Tender MOVE/A4/FV-2013-247-1

Latest update: 14/08/2013

Question 1:

I would like to have more information if is it possible about the following matter:

In Section III: Legal, economical, financial and technical information, in concrete section III.1.1) deposits and guarantees required, there is no specifications. Then this means that this tender does not need any guarantee or deposit?

Answer 1:

Indeed there is no guarantee or deposit required.

Question 2:

In the tender specification (page 6), it is said that:

- The tenderer must prove experience in the field of maritime security with at least 2 projects delivered in this field in the last three years with a minimum value for each project of € 100 000.

Whereas our consortium has a strong experience in the field of maritime security and we can demonstrate our experience in the field with some contracts, they are unfortunately of less value than € 100.000.

Does the non-compliance of this requirement automatically discard our chance to become awarded?

Answer 2:

Yes, this is a technical and professional capacity criterion that must be fulfilled.

Question 3:

Should the study focus on specific maritime security threats or on maritime security threats in general? Will a contractor be allowed to select specific geographical areas additional to what can be derived from REF?

Answer 3:

The information requested is included in point 5 on page 9 of the tender specifications.
**Question 4:**

Aim of work outlined in REF is to improve maritime security risk mitigation for: (1) cruise ship activities in European waters regardless of the vessels flag state, (2) European flagged and/or owned cruise ships when operating in international waters or when in non-European ports.

Could you please confirm this?

**Answer 4:**

Please read points 1. – 5. and the following paragraphs on page .9 of the tender specifications.

**Question 5:**

Maritime Security Risk mitigation requires that a coherent a set of measures and procedures for the cruising industries vessels and its supporting infrastructure and supply facilities is available and implemented.

Please advise if and to what extent the report should address these elements.

**Answer 5:**

Please read points 1. – 5. and the following paragraphs on page .9 of the tender specifications.

**Question 6:**

Tender Specifications, para 3, Technical specifications, mentions five bullets under “The study will...”).

As consultants we are used to find out the question behind the question. Unfortunately, the five questions mentioned in the tender specification are multi interpretable with regard to the thoroughness of the investigation. At best, a desk research could provide a simple indication of the current level of cruise ship and port security. However, due to the significant number of countries and actors involved, the amount of work following from bullets 1,2,3,4 could also be incongruent with the financial offer made in para 2.6 and the duration of the task set in para I.1.2. Consequently, much of the work will be on summarizing the maritime security arrangements currently in place within the EU and relevant non-EU countries rather than on a coherent maritime security threat advice for cruise liners and their specific maritime support facilities based on a sound assessment of maritime security risks/threats present in European home waters and areas that are significant for the cruise line industry. Finally, when it comes to the 20 significant ports it would be helpful to know what your focus and preferences are, as the list of ports is very long and there are various scopes of research possible.

**Answer 6:**

Please read points 1. – 5. and the following paragraphs on page .9 of the tender specifications.

**Question 7:**

Could you please elaborate on the scope and thoroughness of the analysis following steps 1-5 and/or whether a contractor would be allowed to interpret these bullets such that the methodology and approach of the report can be better tailored to meet the requirement that "the security of European Community shipping and of citizens using it and of the environment in the face of threats of intentional unlawful acts such as acts of terrorism, acts of piracy or similar, should be ensured at all times"? Or should the contractor provide its own view on the scope, content and method of the research based on the provided information and the financial offer?
Answer 7:
Please read points 1. – 5. and the following paragraphs on page 9 of the tender specifications.

Question 8:
Tender Specification Document No MOVE/A4/2013-247-1, P.6, section 2.3.1: Please specify what is understood by ‘appropriate statements from banks’.

Answer 8:
The whole paragraph should be read:

"In order to prove their economic and financial capacity, the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium) must comply with the following criteria:

- The overall annual turnover of the tenderer for the last 2 years for which the accounts have been closed shall not be less than 200,000 EUR.

- Copy of the profit & loss account for the last two years for which accounts have been closed,

- **Failing that**, appropriate statements from banks."

Therefore, the aim of the bank statements is to serve as an alternative in order to prove the conformity of the tenderer with the requirements of the economic and financial capacity.

Question 9:
Service Contract No MOVE/A4/2013-247-1, P.19, Section II.15.5: ‘Pre-financing guarantees shall remain in force until the pre-financing is cleared against interim payments or payment of the balance and, in case the latter takes the form of a debit note, three months after the debit note is notified to the contractor. The contracting authority shall release the guarantee within the following month’.

Please advise whether a pre-financing guarantee is needed and if so the amount.

Answer 9:
This relates to the General Conditions of the draft contract. The pre-financing guarantee is only requested in case a pre-financing actually takes place according to the Special Conditions of the contract. This is not the case here: therefore no pre-financing guarantee is needed.

Question 10:
Service Contract No MOVE/A4/2013-247-1, P.21, Section II.16.3: Please clarify whether travel by air shall be reimbursed up to the maximum cost of a Business Class ticket at the time of the reservation, to and from Abu Dhabi, United Arab Emirates as the journey is over 4 hours.

Answer 10:
According to point 2.6 of the tender specification, the "quoted price (meaning – the financial offer of the tenderer) must be a fixed amount which includes all charges (including travel and subsistence costs). Travel and subsistence expenses are not refundable separately"

Question 11:

I refer to the call for tender for the ‘Study on cruise ship security (N° MOVE/A4/2013-247-1)’ and would like to address the issue of confidentiality of the reference projects, in particular “The tenderer must prove experience in the field of maritime security with at least 2 projects delivered in this field in the last three years with a minimum value for each project of € 100 000.”

Our consortium has carried out the required reference projects, but our clients are reluctant to see their names used in a public tender document because of the sensitivity of the nature of the projects (security!). They are willing to confirm to you that we have carried out the aforementioned projects in good order, but only orally, i.e. by telephone, not in writing. **Is it possible that we only mention the coordinates on how to contact the recipients and not the titles and exact sums and dates of the projects?**

Answer 11:

The evidence on the conformity of the tenderer with the selection criteria, or any part of it, cannot be submitted verbally as in that case, the objectivity, transparency and equal treatment of the tenderers would be put in danger.

On the other hand, the documents provided by a tenderer to prove the conformity with the selection criteria, are not the documents to be revealed in the evaluation report, or made public otherwise.

The members of the evaluation committee are EU officials who are bound by a specific declaration of confidentiality signed when they are appointed for the Committee in charge of the evaluation of the tenders. In addition they have an obligation to respect confidentiality pursuant to Article 17 Staff Regulations of Officials of the European Union, who are bound by a general obligation of confidentiality: "1. An official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public. 2. An official shall continue to be bound by this obligation after leaving the service."


The members of the evaluation committee will deal with the information on the selection criteria in a confidential manner. However, you can indicate in the documents "Please treat this information as confidential"

**Question 12:**

Can you please confirm if all partners need to complete Annex 2 or if it is just the lead partner?

**Answer 12:**

In the case of joint tender by a consortium, the declaration of honour has to be filled in by all consortium members and by the sub-contractors whose share of contract is equal to or exceeds 20%.
Question 13:

Our legal department would like to rephrase/change some of the conditions written in the service contract model, therefore I would like to know if we need to include our considerations in the proposal or once the contract will be awarded do you give the opportunity during a period of time to make comments on the service contract model before signing it.

Answer 13:

In this respect, the section 7 of the Invitation to Tender applies. By submitting a tender, the tenderer accepts all terms and conditions of tender documents, including the terms and conditions of the draft service contract.

Question 14:

While we are aware that certain documentation on maritime security can be accessed publicly, we would wish to receive clarification as to whether not-publicly available information such as security plans, monitoring reports and/or inspection reports will be made available to the contractor by the Commission following the entry into force of the contract?

Answer 14:

The documents you refer to are classified by the Member States' authorities / the Commission. The Commission cannot give access to its own classified documents and generally regarding the Member States national legislation in force also prohibits the disclosure of such information by authorities and companies.

Question 15:

Are you intending to extend the deadline for the Study on Cruise Ship Security, or does the original deadline of 16 Aug 13 still stand?

Answer 15:

The deadline of 16/08/13 still stands.