



## Marine Notice No. 36 of 2018

*Notice to all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers,  
Yachtsmen and Seafarers*

### Request for Applications for authorisation to act as Recognised Security Organisation (Ports)

The Marine Survey Office (MSO) of the Department of Transport, Tourism and Sport wishes to authorise Recognised Security Organisations - RSO (Ports) for the period 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2023.

The authorisation will cover work as an RSO in relation to both Regulation 725/04/EC and Directive 2005/65/EC on Port Security.

Interested parties can access the tender notice information by visiting the eTenders Public Procurement website: <http://etenders.gov.ie/>.

The application process will be conducted on the eTenders website. It is necessary to register on the website in order to access the tender document and to make an application for authorisation to act as a Recognised Security Organisation for Ports. The closing date for completed applications is 15.00 hours on 26th October 2018.

Please find annexed, for information, to this Marine Notice the document "Request for Applications to act as Recognised Security Organisations", which is attached to the tender notice on the eTenders website.

Marine Notices are issued purely for maritime safety and navigation reasons and should not be construed as conferring rights or granting permissions.

Irish Maritime Administration,  
Department of Transport, Tourism and Sport,  
Leeson Lane, Dublin 2, D02TR60, Ireland.

28/09/2018

Encl.: Annex

For any technical assistance in relation to this Marine Notice, please contact:  
The Marine Survey Office, tel: +353-(0)1-678 3400.  
For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418.  
Written enquiries concerning Marine Notices should be addressed to:  
Maritime Safety Policy Division, Dept. of Transport, Tourism and Sport, Leeson Lane, Dublin, D02 TR60,  
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email: [marinenotices@dtas.gov.ie](mailto:marinenotices@dtas.gov.ie) or visit us at: [www.dttas.ie](http://www.dttas.ie)



**Request by the Marine Survey Office for  
Applications to act as Recognised Security Organisations  
(Ports).**

**To be authorised in January 2019.**

## Section 1 Overview of Applications Sought

### 1.1 Introduction:

Recognised Security Organisations (Ports) will be authorised to carry out security assessments in ports and facilities, produce security plans and provide training and advice to ports in accordance with EC Regulation 725/2004 and S.I.No. 284/2007 – European Communities (Port Security) Regulations 2007 which implements EU Directive 2005/65/EC into Irish Law.

Applications are invited from individuals, organisations or companies (including port authorities) who wish to be authorised as an RSO (Ports). The authorised panel will run for the period 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2023.

### 1.2 Further Information

Any queries or requests for clarification should be addressed through the messaging facility on [www.etenders.gov.ie](http://www.etenders.gov.ie).

## Section 2 Statement of Requirements

### 2.1 General Requirements

The Department of Transport, Tourism and Sport wishes to authorise Recognised Security Organisations – RSO (Ports) to carry out security assessments in ports, produce security plans and provide training and advice to ports in accordance with EC Regulation 725/2004 and S.I.No. 284/2007 – European Communities (Port Security) Regulations 2007 which implements EU Directive 2005/65 into Irish Law. The Department will consider applications from individuals or from Companies as follows.

All applicants must be able to demonstrate the following:

- Have a good working knowledge of the ISPS Code and EU legislation with detailed knowledge of the regulatory requirements for ports and port facilities.
- Have a good working knowledge of cyber security and the measures adopted by the IMO on maritime cyber risk management.

- Be able to demonstrate competence in the following areas in accordance with paragraph 4.5 of Part B of the ISPS Code and Annex IV of Directive 65/05/EC
  - expertise in relevant aspects of port security;
  - appropriate knowledge of port operations, including of port design and construction
  - capability to assess the likely security risks that could occur during port and port facility operations, including the ship/port interface and in the wider port area, and how to minimise such risks;
  - an appropriate knowledge of other security relevant operations potentially affecting port security;
  - ability to maintain and improve the expertise of their personnel;
  - ability to monitor the continuing trustworthiness of their personnel;
  - ability to maintain appropriate measures to avoid unauthorised disclosure of, or access to, security sensitive material;
  - knowledge of the requirements of SOLAS chapter XI-2 and part A of the ISPS Code and relevant Irish and international legislation and security requirements;
  - knowledge of current security threats and patterns;
  - knowledge of recognition and detection of weapons, dangerous substances and devices;
  - knowledge of recognition, on a non-discriminatory basis, of characteristics and behavioural patterns of persons who are likely to threaten security;
  - knowledge of techniques used to circumvent security measures;
  - knowledge of security and surveillance equipment and systems and their operational limitations.
  
- According to Article 16(2) of Directive 2005/65/EC, the personnel carrying out security inspections or handling confidential information (including the personnel of recognised security organisations, see Article 11 of Directive 2005/65/EC) requires a security vetting of the Member State of which the person concerned is a national. Therefore, this may affect the position of a UK citizen following the withdrawal of the United Kingdom from the EU on 30 March 2019. See: [Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of aviation security and maritime security.](#)

**Individual Applicants** must be able to demonstrate the following:

- That a Quality Management System will be established to cover the Recognised Security Organisation (RSO) (Ports) before commencement of services and which, if not certified to ISO9001 standard, is to be to the satisfaction of the Marine Survey Office.

- Have appropriate relevant qualifications acceptable to the Department. Qualifications will be considered on a case by case basis at the sole discretion of the Department. The Department may also consider restricting the RSO (Ports) activities of individuals, as appropriate to their capacity.
- All candidates are to demonstrate continuing professional development such as membership of a relevant recognised professional organisation.

**Organisations** must be able to demonstrate the following:

- That they have and will maintain a complement of suitably qualified staff (in line with the above individual requirements) to carry out the RSO(Ports) function and that there is in place a third party certified quality management system in accordance with the ISO9001 or equivalent standard covering as a minimum the operational parts of its RSO (Ports) functions. A copy of the current certificate is to be submitted with the application.

### **Section 3 Conditions of Application**

**Applications are subject to the following:**

- 3.1** Applications must be submitted on the eTenders website eTenders.gov.ie before the closing date set out in paragraph 3.2 below.
- 3.2** The application procedure will be open until 15:00 on Friday 26 October 2018 and may be opened again by the Department. It is anticipated that the interviews will commence in mid-November in the Marine Survey Office (MSO) in Co. Cork.
- 3.3** Information supplied by applicants will be treated as contractually binding and subject to the conditions and requirements laid down in this document. The Department reserves the right to seek clarification or verification of any information contained in the applications.
- 3.4** Applications must be completed in accordance with the format specified in Section 5. Applications, which do not comply with this requirement or are incomplete, may be rejected.

**3.5** It will be a condition of appointment that the successful applicant will give a binding undertaking that they will not carry out services for a port in which they have an interest and that the applicant will avoid all such conflicts of interest.

**3.6 Payment and Withholding Tax**

Any payment made for Consultancy under this contract will be a matter between the RSO (Ports) and the client, generally the port. All financial transactions must be in accordance with the taxing requirements of the Revenue Commissioners.

**3.7 Tax Clearance Certificate**

Before authorisation, the successful applicant will be required to promptly produce a valid Tax Clearance Certificate from the Revenue Commissioners. Tenderers resident in Ireland should contact Tax Clearance Section, Collector-General's Division, Revenue Commissioners, Sarsfield House, Limerick, phone +353 1 (0)61 310310. Non-residents should seek a Statement of Suitability from Residence Branch, Revenue Commissioners, Nenagh, Co. Tipperary.

In responding to this document, applicants should state that their tax affairs are in order and that obtaining a Tax Clearance Certificate from the Revenue Commissioners will not pose a problem for them.

**3.8** The Department of Transport, Tourism and Sport will not be liable in respect of any costs incurred by suppliers in the preparation of the application or any associated work effort.

**3.9** No work may be subcontracted without the prior agreement of the Marine Survey Office.

**3.10 Freedom of Information.**

**3.10.1** The Department undertakes to use its best endeavours to hold confidential any information provided by applicants subject to the Department's obligations under law, including the Freedom of Information Act, 2014.

**3.10.2** The Department requires that all information provided pursuant to this Request for application will be treated in strict confidence.

**3.10.3** Should you wish that any of the information supplied in this application would not be disclosed; you should identify this sensitive information clearly, and specify the reason for its sensitivity. The Department will consult you about any such sensitive information before making a decision on its disclosure on foot of any relevant Freedom of Information Request, which may be received.

### **3.11 Conflicts of Interest**

Detailed contractual arrangements are not within the scope of this document. However, the following conditions should be noted:

- Any conflicts of interest must be fully disclosed to the Department
- Any conflicts of interest involving a contractor (or contractors in the event of a group or consortium) must be fully disclosed to the Department of Transport, Tourism and Sport.
- Any registerable interest involving the applicant and the Minister of Transport Tourism and Sport, members of the Government, members of the Oireachtas or employees of the Department of Transport, Tourism and Sport or their relatives must be fully disclosed in the response to this Request for Applicants, or should be communicated to the Department of Transport, Tourism and Sport immediately upon this information becoming known to the applicant in the event of this information only coming to their notice after the submission of a bid and prior to being placed on the panel. The terms “registerable” and “relative” shall be interpreted as per section 2 of the *Ethics in Public Office Act, 1994*.

### **3.12 Record Keeping**

It will be a condition that full records of all RSO (Ports) activities and correspondence relating to this work out are maintained by the candidate. If electronic records are kept then they should be adequately backed-up to ensure security of documentation. Such records are to be maintained for a period of seven years. Failure to comply with this requirement will lead to termination of appointment. Initial snag list, written notes, and final reports are included in the records to be maintained.

### **3.13 Reference Material**

Reference material is to be maintained by the appointed candidates. All such reference material is to be kept up to date. The minimum reference material is to include:

- Copies of relevant current EU and Irish Legislation including Statutory Instruments.
- Copy of IMO circular MSC/Circ. 1074.
- Current copy of the SOLAS Convention and the ISPS Code in its up to date form.
- Copy of Marine Notices and Marine Security Notices issued by the Department of Transport, Tourism and Sport.

### **3.14 Department of Transport, Tourism and Sport / Recognised Security Organisation (Ports) Oversight and Procedures**

It will be a condition of appointment that the successful applicant will co-operate with the Department's oversight, auditing and monitoring activities; the scope of which will include:-

- Compliance with any restrictions imposed by the Department on the activities that may be carried out by the Recognised Security Organisation (Ports). E.g. limitation on the number of concurrent port security related activities undertaken by individual applicants.
- Audits and operational review by the MSO of the RSO (Ports) activities. Where the MSO is not satisfied with the performance of an RSO (Ports), it may impose restrictions on services to be provided, or suspension, or permanent removal of authorisation.
- Rectification procedures necessary before removal of imposed restrictions or suspension.
- Attendance at the Committee for the Overview of the Recognised Security Organisations Ports (CORSOP).

Failure to comply with any condition will result in suspension of the authorisation. The Department shall determine the manner in which a RSO (Ports) may be re-instated, if at all. If an RSO (Ports) becomes unavailable to carry out services for any reason they must inform the MSO immediately.



## **Section 4 Evaluation of Applications and Award Criteria**

### **4.1 General**

**4.1.1** Responses to this document should be in English.

**4.1.2** Applicants to whom any of the circumstances listed in Paragraph 1, items (a) to (g) of Article 29 of Council Directive 92/50/EEC (co-ordinating procedures for the award of public service contracts – see Appendix A) apply will be excluded from authorisation as an RSO (Ports).

**4.1.3** Applicants not so excluded will be initially evaluated by reference to the following qualification criteria:

- Completeness of the proposal. The proposal should address all of the requirements set out in Section 2 and comply fully with the format for responses set out in Section 5;
- Documentation in the form of certificates of competency, degree certificates and other certificates are to be submitted to demonstrate compliance with the requirements. Copies may be sent with the application and the originals will need to be presented prior to being authorised as RSO (Ports);
- The stated ability to fully meet all of the requirements set out in Section 2;
- A statement to the effect that the applicant will avoid all conflicts of interest;
- A statement that the candidate will be bound by the requirements of this document.

**4.1.4** Applications that fail to meet these qualifying criteria will be excluded from further consideration.

**4.1.5** Should an applicant be authorised as an RSO (Ports) there is no guarantee that their services may be procured.

**4.1.6** For the entire duration of their authorisation, applicants are to hold adequate insurance cover for employer's liability, public liability and professional indemnity as appropriate. (This may be obtained after successful authorisation but before port security related functions

are carried out). The Department will not be held liable for any claims against applicants and the Department will not indemnify applicants in respect of any claims.

**4.1.7** The Department's logo and harp may not be used save with its express permission in writing.

**4.1.8** Applicants are not an employee of the Department and nomination and authorisation as RSO (Ports) is not a contract of employment.

**4.1.9** Applicants are established as an independent contractor only and are not a servant, agent or employee of the Department and have no real or ostensible power/authority to bind the Department in any way or make representations on its behalf.

**4.1.10** Applicants hereby agree to indemnify the Department in the event of proceedings or claims against it arising out of or in connection with applicant's work associated with the Department.

## **4.2 Award Criteria**

**4.2.1** Applicants will be authorised as Recognised Security Organisations (Ports) based on their submission and an interview carried out by the MSO. The following award criteria (in order of priority) will be used:

- Demonstrated capability, including qualifications and experience, to effectively carry out security assessments in ports and facilities, produce security plans and provide training and advice to ports in accordance with EU and national legislation.

**4.2.2** During the evaluation period clarification may be sought in writing from applicants. Responses to requests for clarification may not materially change any of the elements of the applications submitted. No unsolicited communications from applicants, concerning the selection process will be entertained during the evaluation period.

**4.2.3** The Department of Transport, Tourism and Sport may require to interview applicants and key personnel proposed to carry out the work at short notice following the closing date for

receipt of applications. Applicants must confirm their agreement to this requirement. Respondents will be required to bear their own costs in relation to any such interviews. The Department of Transport, Tourism and Sport reserves the right to invite some or no applicants to an interview. Short listing for interviews will be carried out on the basis of information contained in the proposals submitted. The Department is under no obligation to appoint any RSOs (Ports).

Authorised RSOs (Ports) will be appointed on the signing of a formal written agreement. The terms of the agreement will be as set out in this document with reference to the IMO circular MSC/Circ 1074.

## **Section 5 Required Format for Responses to this Document**

**5.1** Applicants must present their proposals in the format shown in the following section. This is a mandatory requirement. Applications not in this format will not be considered.

### **5.2 Format**

#### **5.2.1** General Information

**5.2.2** Name, address, e-mail, telephone and fax number of applicant. Name of person within organisation dealing with the application.

**5.2.3** Name, address, email address, telephone and fax number of any third party dealing with the matter.

**5.2.4** Confirmation that no third-party will be involved with the work.

**5.2.5** Identification of party who will carry overall responsibility for the work.

**5.2.6** Confirmation of acceptance by the applicant and any third parties of the conditions of application described in Section 3, including the tax clearance provisions, of the request for applications.

**5.2.7** A statement from the applicant that none of the excluding circumstances (a), (b), (c), (d), (e), (f) and (g) listed in Paragraph 1 of Article 29 of EU Council Directive 92/50/EEC (co-ordinating procedures for the award of public service contracts - see Appendix A), applies.

**5.2.8** The applicant will be required to document that they hold the required qualifications as set out in this document.

**5.2.9** The applicant will be required to document that they hold adequate professional indemnity insurance, public liability insurance and employee liability insurance.

### **5.3 Requirements**

**5.3.1** A description of the applicant's understanding of the Department's requirements.

**5.3.2** A proposal document which addresses point by point all of the applicable requirements in Section 2.

**5.3.3 For individual applicants** - A comprehensive C.V. containing specific reference to their relevant expertise and experience in the area of port security. Details of the Quality Management System (and accreditation if applicable) to be established to ensure RSO (Ports) activities are carried out in accordance with requirements.

**For Companies** – Professional profile of the grade of personnel to be assigned the RSO (Ports) work. Relevant details of the Quality Management System to ensure RSO (Ports) activities are carried out in accordance with requirements and details of accreditation of the QMS.

**5.3.4** Relevant references for other similar work.

### **5.4 Costs**

Note that all costs will be a matter between the RSO (Ports) / company and the client.

### **5.5 Any Other Information**

The applicant should include in this section any other relevant information which they consider appropriate but which is not included elsewhere.

## APPENDIX A - ARTICLE 29 OF EC DIRECTIVE 92/50/EEC

Extract from Article 29, Paragraph 1 of EU Council Directive 92/50/EEC of 18<sup>th</sup> June 1992, co-ordinating procedures for the award of public service contracts.

Any service provider may be excluded from participation in a contract who:

(a) is bankrupt or is being wound up, whose affairs are being administered by the court, who has entered into an arrangement with creditors, who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;

(b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or for an arrangement with creditors or of any other similar proceedings under national laws and regulations;

(c) has been convicted of an offence concerning his professional conduct by a judgement which has the force of *res judicata*;

(d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;

(e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;

(f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country of the contracting authority;

(g) is guilty of serious misrepresentation in supplying or failing to supply the information that may be required under this Chapter.

Where the contracting authority requires of the service provider proof that none of the cases quotes in (a), (b), (c), (e) or (f) applies to him, it shall accept as sufficient evidence:

- for (a), (b) or (c), the production of an extract from the 'judicial record' or, failing this, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or in the country whence that person comes showing that these requirements have been met,
- for (e) or (f), a certificate issued by the competent authority in the Member State concerned.

Where the country concerned does not issue such documents or certificates, they may be replaced by a declaration on oath made by the person concerned before a judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that person comes. Member states shall, within the time limit referred to in Article 44, designate the authorities and bodies competent to issue such documents and certificates and shall forthwith inform the other Member States and the Commission thereof.