

NOTICE OF CALL FOR PROPOSALS WITH A VIEW TO OBTAINING A GRANT FOR PREPARING A HANDBOOK OF MARITIME SECURITY EXERCISES AND DRILLS

Call for proposals DGTREN/G2/SUB-233-2009

1. CONTEXT

Regulation 725/2004 requests under ISPS Code Part B Par. 18.5 and 18.6 that exercises and drills have to be conducted regularly. Exercises should be carried out at least once each calendar year and test communication, coordination, resource availability and response of several services involved in security. They may be full-scale or live, tabletop simulations and seminars or combined with other exercises held, such as emergency response or other State authority exercises. Drills have to be conducted at least every three months, testing individual elements of the security plan.

In case of a crisis, all persons with security related functions have immediately to know what to do without having to rely on the security plans. Generally, port facility security services do perform exercises and drills, however the Regulation gives a wide scope of interpretation and exercises and drills - while fulfilling formally the obligations from the Regulation - are not always efficient and apt to enhance maritime security.

Therefore, a handbook should be developed for Member states' competent authorities, addressing both the procedural aspects and various scenarios. As regards procedural steps, this will include preparation, execution, evaluation and feedback with respect to exercises and drills. As regards the content, it will address various scenarios (such as intrusion of unknown persons into a port facility, bomb threats etc.). The conduct of a model exercise based on the handbook (as it is already done for maritime safety) with participants from various Member States should lead to a more comprehensive and efficient approach in exercises and drills.

Information on this Call for proposals is available on the DG TREN website at the following address:

[http://ec.europa.eu/transport/grants/index_en.htm]

2. SOURCES OF FUNDING

The actions selected will be co-financed from the budget line " 06.0701 – transport security"

3. ESTIMATED TOTAL AMOUNT FOR THIS CALL

The estimated total amount for the action(s) is EUR 150.000.

4. PERCENTAGE OF COMMUNITY CO-FINANCING

The grants are intended as incentives for carrying out action(s) which could not be executed without Community financial support, and they reflect the principle of co-financing.

The Commission therefore plans to grant only funds which are complementary and subsidiary to contributions made by the beneficiary, the national, regional or local authorities and other bodies. Accordingly, the maximum amount granted will be up to

80%. Contributions in kind are not regarded as eligible costs.

5. OBJECTIVES AND EXPECTED RESULTS

Objectives:

The objective of this call is to develop a handbook for Member states' competent authorities, addressing both the procedural aspects and various scenarios of exercises and drills. As regards procedural steps, this will include preparation, execution, evaluation and feedback with respect to exercises and drills. As regards the content, it will address various scenarios (such as intrusion of unknown persons into a port facility, bomb threats etc.). The conduct of a model exercise based on the handbook (as it is already done for maritime safety) with participants from various Member States should lead to a more comprehensive and efficient approach in exercises and drills.

General condition and expected results

The action should lead to the creation of a handbook of exercises and drills including a model exercise involving various Member states.

Formal conditions:

The reports according to Article I.5 of the Grant Agreement shall be submitted in English language, in any case in paper and electronic formats. The final technical implementation report will include a complete description of the work and the results achieved.

Three copies of the reports shall be supplied on paper form and one copy in electronic form, either in MS Word or in HTML format.

The Commission may publish the results of the action and necessary data. For this purpose, the applicant must ensure that there are no restrictions based on intellectual property rights.

6. ELIGIBILITY OF COSTS:

The Commission is ready to support operations of a maximum duration of 12 months. Eligible costs can be incurred only after signature of the grant agreement by all the parties.

Purchase costs of equipment (new or second-hand) are eligible costs, provided that it is written off in accordance with the tax and accounting rules applicable to the beneficiary and to its partners and generally accepted for items of the same type. Only the portion of the equipment's depreciation corresponding to the duration of the action and the actual rate of use for the operation may be taken into account by the Commission.

Certain tasks can be subcontracted if the beneficiaries do not intend to carry them out themselves. If so, rules provided by Article II.9 of the Grant Agreement apply. Contracts awarded to subcontractors should only cover the execution of a limited part of the action. Reasons must be given for contracting out implementation work. The tasks concerned and the estimated costs must be set out clearly in the application.

7. ELIGIBILITY CRITERIA

7.1. Legal status of applicants:

Eligible are proposals submitted in writing by one of the following types of applicants:

- A public authority applying also on behalf of several public authorities in other Member States
- Several public authorities applying jointly as co-beneficiaries
- Private undertakings and public authorities applying jointly, if at least one co-beneficiary is a public authority

Project proposals submitted by natural persons are not eligible. Applicants (other than public authorities) must show that they exist as a legal person, by providing a certified true copy of their articles of association or equivalent.

In no case, projects proposals submitted by third countries or legal or natural persons established outside EU countries can be beneficiaries of the funds.

7.2. Grounds for exclusion

Applications will not be considered for a grant if the applicants are, at the time of the grant award procedure, in any of the following situations:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the authorising officer or those of the country where the grant agreement is to be performed;
- e) they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) they are currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation¹ for being guilty of misrepresentation in supplying the

¹Council Regulation (EC, Euratom) n° 1605/2002 of 25 June 2002 on the Financial regulation applicable to the general budget of the European Communities, OJ L 248 of 16 September 2002, p. 1, amended by Council Regulation (EC, Euratom) n° 1995/2006 of 13 December 2006, OJ L 390 of 30 December 2006, p. 1.

information required by the contracting authority as a condition of participation in the contract procurement procedure or by the authorising officer as a condition of participation in the grant award procedure, for failing to supply this information or for having been declared to be in serious breach of their obligations under contracts or grants covered by the budget;

g) they are subject to a conflict of interest;

h) they have been guilty of misrepresentation in supplying the information required or have failed to supply this information;

i) they have been excluded from the contracts and grants financed by the Community budget, in accordance with Article 96(2) lit. a of the Financial Regulation.

2. The cases referred to in point 7.2. e) cover:

a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests established by the Council Act of 26 July 1995²;

b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, established by the Council Act of 26 May 1997³;

c) cases of participation in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council⁴

d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC⁵.

Applicants must certify that they are not in one of the situations listed in point 7.2.

Grant applicants and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125), or

- the Commission Regulation of 17.12.2008 on the Central Exclusion Database – CED (OJ L 344, 20.12.2008, p. 12),

their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned Decision and

² OJ L 316, 27.11.1995, p. 48.

³ OJ C 195, 25.6.1997, p. 1.

⁴ OJ L 351, 29.12.1998, p. 1. Joint action of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union.

⁵ OJ L 309, 25.11.2005, p. 15-36. Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (Text with EEA relevance).

Regulation, in relation to the award or the execution of a procurement contract or a grant agreement or decision.

7.3. Administrative and financial penalties

Without prejudice to the application of penalties laid down in the Grant agreement, applicants and beneficiaries who are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procurement procedure or by the authorising officer as a condition of participation in the grant award procedure, who have failed to supply this information or who have been declared to be in serious breach of their obligations under contracts or grants covered by the Community budget may be subject to administrative or financial penalties, in accordance with Article 96(1) of the Financial Regulation.

7.4. Eligible projects

No Community financial aid shall be awarded for parts of projects receiving funds from other sources of Community financing.

8. SELECTION CRITERIA

The applicants must have access to solid and adequate funding sources, so as to be able to maintain activities for the period of the action funded and to help finance the action.

The applicants must have the professional skills and qualifications required to complete the proposed action.

8.1. Financial capacity of applicants

Applicants must show that they have the financial capacity to carry out the action for which the grant is sought and must provide their balance sheet for the last financial year for which the accounts have been closed. The last of these provisions does not apply to public bodies.

Applicants must provide evidence for availability of the financing resources needed, apart from the co-financing of the EU required, in particular as far as own resources of the applicants and his partners, public funding and bank loans are concerned.

Applicants must fill in the form relative to legal entities, available on the following website: http://ec.europa.eu/budget/execution/legal_entities_en.htm .

8.2. Technical capacity of applicants

Technical and professional capacity – means of proof required

Applicants must have the technical capacity and the operational capability to carry out the action to be supported. They must provide evidence of their knowledge and experience in maritime security legislation and its application. Applicants must provide detailed curriculum vitae in English language of the team and demonstrate the managerial capabilities of the

project director and manager, including his or her educational background, degrees and diplomas, professional experience, research work and publications. Descriptions of projects and activities undertaken in the last three years and more particularly of projects related to the relevant issue have to be submitted.

9. CRITERIA FOR THE AWARD OF THE GRANT

The operation supported must be designed to further the objective referred to in point 5 above. The Commission will base the choice of one or more actions, (this is not a tender) and the rate of Community co-financing on the basis of the following criteria:

1) Quality of the action:

- *European dimension*: the Commission will assess the extent to which the proposed action will contribute and create genuine added value to maritime security (20%)
- *Multiplier effect*: the Commission will assess the extent to which the proposed action will allow the application, dissemination and exploitation of results (35%)
- *Cost-effectiveness ratio*: the budget, broken down by category of expenditure; must demonstrate a good cost-effectiveness ratio for the action (balanced between the expected results and the amount of grant) (15%)
- *Visibility*: the description of the action must include the means which the Community action will be made visible (publications; organization of events, websites, CD-ROMS etc) (10%)

2) Presentation of the application

– *Work plan and methodology*: The organisation of the action must be described in detail the work plan (clarity and coherence of the objectives, adequacy of the expected results) and schedule as well as proposed methodology for achieving the objectives set out in point 5 above. The implication of relevant national authorities and stakeholders will be assessed. (20%)

Only proposals that have reached a total score of a minimum of 75 % and a minimum score of 60% for each criterion will be taken into consideration for awarding the grant. The evaluation of eligible proposals which fulfil the selection criteria is carried out using a single-stage submission (that is the full proposal is submitted), where the full proposal will be evaluated by an Evaluation Committee, composed of officials of the European Commission. This Committee draws up a list of projects for which a support is proposed.

10. GENERAL CONDITIONS FOR AWARDED GRANTS

The general conditions for awarding grants, particularly the definition of the eligible costs and the methods of payment, are set out in the draft grant agreement available at the Internet address mentioned in point 1⁶. Applicants must compulsorily take notice of this document and must take into account the conditions for awarding grants when drawing up their proposal.

⁶ The draft agreements available at the Internet address mentioned in point 1 are drafts which can be subject to changes. Please check regularly the Internet address for updates.

For all applications for pre-financing of over €100 000, a financial guarantee equivalent to the amount pre-financed will be required. In addition, the Commission reserves the right to require a financial guarantee for pre-financing amounts of under €100 000.

The budget for the action attached to the application must have revenue and expenditure in balance and show clearly the costs which are eligible for financing from the Community budget. Therefore, applicants must provide a detailed breakdown of all expenditure related to their proposal.

The Commission will only recognise the cost of entities having signed the grant agreement, whether as beneficiary or as co-beneficiary. It will no longer accept the cofinanced participation of third parties to the grant agreement, when they are neither beneficiaries, nor co-beneficiaries, unless they are subcontractors, the costs of which are taken into account when considering the beneficiaries or co-beneficiaries. The Commission services would welcome applications in English and in any case a summary and an overview table in English.

11. SUBMISSION OF APPLICATIONS FOR A GRANT

Applications must be made only using the **model application form available at the Internet address mentioned in point 1**. For each application, **one signed original and five copies as well as an electronic version** must be supplied by the organisation coordinating the action. Partners must fill in the sections B (information about each applicant) and C (declaration by each applicant) of the application form.

The form relative to legal entities, available from the website mentioned in point 8.1, must also be filled in.

Any unsigned applications will be rejected when the applications are opened.

12. CLOSING DATE FOR SUBMISSION OF APPLICATIONS FOR A GRANT

12.1. Grant applications can be sent in two ways:

(a) either sent by registered mail or by private courier

The proposal must be sent by registered mail or by private courier, dispatched not later than 1 February 2010 (the postmark or the receipt issued by the courier service serving as proof of the dispatch) to the following address:

By registered mail

European Commission
Directorate-General Energy and Transport
DM 28 - 0/110 - Archives
B-1049 Brussels
Belgium
With the mention "call for proposal Unit G.2"

By private courier

European Commission
Directorate-General Energy and Transport - DM 28 - 0/110
Avenue du Bourget 1
B-1140 Brussels (Evere)

Belgium

With the mention "call for proposal Unit G.2"

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(b) or delivered by hand

Proposals delivered by hand must be submitted at the **Central Mail of the European Commission** with the mention "Call for proposal DG TREN Unit G.2" by 1 February 2010 **not later than 3 p.m.** (Brussels time), at the following address:

European Commission

Directorate-General Energy and Transport – DM 28 0/110

Avenue du Bourget 1

B-1140 Brussels (Evere)

Belgium

In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the Commission's central mail department who took delivery. The department is open from 08.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays and Commission holidays.

It is the responsibility of applicants to ensure that applications are sent to the address indicated in the call for proposals and that they allow enough time for them to arrive before the deadline. The Commission cannot be held responsible for wrongly addressed applications or for applications sent in several parts but not clearly marked so that they can be put back together. If necessary, applicants must be able to present proof of postage.

12.2. Practical arrangements:

Applications must be placed inside two sealed envelopes, one inside the other. The inner envelope should be marked as follows:

Call for proposals TREN/G2/SUB-233-2009

Not to be opened by the postal service

DM 28 0/110 – Archives

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across that tape.

12.3. Contact point for further information

Applicants may submit questions of substance in writing up to 10 days before the deadline for the submission of applications to the following contact point:

TREN-G2-SECRETARIAT@ec.europa.eu

Please mention "Call for proposals TREN/G2/SUB-233-2009" in the subject.

In the interests of transparency and fair treatment, all relevant information given to one applicant will be published on the internet along with this Call for proposal.

13. INDICATIVE SCHEDULE

Reception of proposals: refer to point 12.1 above

Evaluation: February 2010

Award decision: March 2010