



Marine Notice No. 63 of 2023

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

Establishment of Panel of Radio Surveyors

The Department of Transport wishes to advise that it is establishing a panel of radio surveyors from 21 October 2023. The request for applications document can be found in the Annex to this Marine Notice.

The application process requires the submission of an application along with submission of the following:

- Evidence of having a request for a radio survey from the owner / operator of an Irish registered vessel, within the scope of the panel's specified survey activities;
- Evidence of a current approval for provision of radio survey services by one of the Recognised Organisations approved by Ireland, or, hold a previous approval for the panel of radio surveyors expiring on 20th October 2023;
- Evidence of a Quality Management System established to cover the vessel surveyor activity before commencement of such surveys and which, if not certified to ISO9001 standard, must be to the satisfaction of the Marine Survey Office (MSO).

Applications from persons or companies wishing to be included in the panel of surveyors may be sent at any time, preferably by electronic means, to the MSO. The acceptance of the conditions for placement on the panel of radio surveyors and a signed undertaking thereof will be required before commencing survey activities. Panel radio Surveyors are not permitted to carry out installation of equipment or repairs or maintenance on a vessel where they will be engaged in the survey of the radio communication equipment of that vessel.

Note: 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,
Leeson Lane, Dublin 2, Ireland.

26/09/2023
Encl. Annex

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, email: MSO@transport.gov.ie.
For general enquiries, please contact the Maritime Safety Policy Division, email:
MaritimeSafetyPolicyDivision@transport.gov.ie.
Written enquiries concerning Marine Notices should be addressed to:
Dept. of Transport, Maritime Safety Policy Division, Leeson Lane, Dublin 2, D02 TR60, Ireland.
email: MarineNotices@transport.gov.ie or visit us at: www.gov.ie/transport.

Annex:

Department of Transport

Marine Survey Office (MSO)

Request for Applications for the Appointment to a Panel of Surveyors to Carry Out Radio Surveys.

**Panel to be Established from
21 October 2023.**

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Section 1: Overview of Applications Sought

1.1 Introduction

The Department of Transport (“the Department”) wishes to establish a panel of surveyors to carry out statutory radio surveys on Irish sea-going vessels including fishing vessels as per scope set out below. The Marine Survey Office (MSO) may select surveyors and organisations for entry onto the panel. The MSO will monitor the performance of the surveyors and organisations on the panel, and this may be by means of audits of the panel surveyor’s activities, monitoring of survey reports submitted to the MSO and follow up by the MSO in relation to complaints or the receipt of incident reports concerning surveyed vessels.

The Department is interested in appointing suitably qualified surveyors and organisations to a panel from which vessel owners may select a surveyor or company to survey their vessel for compliance with the relevant statutory provisions. The person commissioning the survey will cover the surveyor’s fees and expenses. The role of the surveyor will include:

- surveying Irish sea-going vessels, which are within scope (see below), for compliance with the relevant Irish statutory radio requirements – as listed in the appendix to this document and;
- signing a Declaration signifying compliance with the statutory radio requirements.
- the agreement of all fees and expenses between the Surveyor and the person commissioning the survey, generally the owner of the vessel concerned.

The Scope is as follows:

- Irish fishing vessels of 15m length overall, or more*;
- Irish domestic passenger ships*;

For “Initial Surveys” only - the panel surveyor must contact the MSO and receive approval to proceed, before undertaking such a survey.

1.2 Further Information

Applications and queries or requests for clarification should be addressed, preferably via e-mail, to mso@transport.gov.ie or otherwise to: -

The Chief Surveyor
Marine Survey Office,
Irish Maritime Administration,
Department of Transport,
Leeson Lane,
Dublin 2.
D02 TR60
Email: mso@transport.gov.ie
Tel: +353 (0)1 678 3400

Section 2: Statement of Requirements

2.1 General Requirements

The Department wishes to appoint a panel of surveyors and organisations to carry out radio surveys of certain Irish vessels in accordance with relevant Irish statutory requirements. The Department will consider applications from individuals or from companies.

Applicants must be able to demonstrate the following:

- Provide evidence of a current approval, for the provision of radio survey services, issued by one of the following Recognised Organisations approved by Ireland:
 - American Bureau of Shipping
 - Bureau Veritas
 - DNV
 - Lloyds Register
 - Class NK
 - RINA

Or hold an approval for the panel of radio surveyors expiring on 20/10/2023;

- Provide evidence of a Quality Management System established to cover the vessel surveyor activity before commencement of such surveys and which, if not certified to ISO9001 standard, must be to the satisfaction of the MSO.

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Section 3: Conditions of Application

Applications are subject to the following:

- 3.1** Applications must be submitted to the MSO.
- 3.2** 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 application.
- 3.3** 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 for the duration of their appointment on the panel of radio surveyors, they will not survey a vessel for which they have an interest and that the applicant will avoid all such conflicts of interest including ownership and / or operation of any vessel that falls within the scope of the panel of radio surveyors.

3.6 Payment and Withholding Tax

Any payment made under this contract will be a matter between the surveyor and the client, generally the vessel owner or operator. All financial transactions must be in accordance with the taxing requirements of the Revenue Commissioners.

3.7 Tax Clearance Certificate

Before appointment is awarded, the successful applicant will be required to promptly produce a valid Tax Clearance Certificate from the Revenue Commissioners. Applicants' resident in Ireland should contact Tax Clearance Section, Collector-General's Division, Revenue Commissioners, Sarsfield House, Limerick, telephone +353 1 (0)61 310310. Non-resident applicants 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 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 MSO.

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, which came into effect and repealed the 1997 and 2003 Acts on 14 October 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 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.

- Any registerable interest involving the applicant and the Minister of Transport, members of the Government, members of the Oireachtas or employees of the Department of Transport or their relatives must be fully disclosed in the response to this Request for Applicants, or should be communicated to the Department 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*.
- Any necessary repairs or maintenance of a vessel’s radio installation or related safety equipment arising from a survey onboard shall not be carried out by the Panel Radio Surveyor or Company for which he/she acts. The Panel Radio Surveyor or Company for which he/she acts, shall not be the provider of “shore-based maintenance” or any other related services including the sale and/or supply of equipment for a vessel that may be surveyed by the panel surveyor or Company for which he/she acts.

3.12 Record Keeping

It will be a condition that full records of all surveys and correspondence relating to this work are maintained by the candidate. If electronic records are kept, 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 removal from the panel. Initial snag list, written notes, and final declaration are included in the records to be maintained. A copy of the survey declaration report without any riders or conditions documenting full compliance with the relevant statutory radio requirements must be sent to the MSO.

3.13 Reference Material

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

- Current copy of relevant Irish legislation. (see Appendix B)
- Copy of relevant Marine Notices issued by the Department.

3.14 Department of Transport / Panel Surveyors Agreement

It will be a condition of appointment that the successful applicant will sign an agreement with the Department, which will refer to the proper carrying out of surveys and to the Department’s oversight, auditing and monitoring activities, the scope of the agreement will include:

- any restrictions on the activities that may be carried out by the surveyor or company, e.g. limitation on the size or type or status of craft that may be surveyed and restriction on locations abroad where surveys may be carried out;

- audits and operational review by the MSO of the panel surveyor's activities;
- submission of Survey Declarations and Reports and other relevant material to the MSO;
- preparation and submission of an annual report of activities to the MSO including summary information regarding the fees being charged for surveys;
- attendance at any Committee or meeting established by the Department;
- maintaining (where applicable) the approval of at least one Recognised Organisation, approved by Ireland, for the provision of radio survey services;
- the imposition of restrictions on surveys or suspension from the panel, or permanent removal from the Panel of Surveyors where the MSO is not satisfied with the performance of a panel surveyor;
- rectification procedures necessary before removal of imposed restrictions or suspension;
- sharing of Panel Surveyor's contact details on the Department's website and via Marine Notice. If a surveyor or company becomes unavailable to carry out surveys for any reason, they must inform the MSO immediately; and
- avoidance of conflicts of interest.

Failure to comply with any condition will result in suspension from the panel. The Department shall determine the manner in which a surveyor or company is re-instated, if at all, to the panel.

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 Article 57 of Directive 2014/24/EU of the European Parliament and of the Council (see Appendix A), apply will be excluded from this competition.
- 4.1.3** Applicants not so excluded will be 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 with the format for responses set out in Section 5;
 - 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 placed on the panel there is no guarantee that their services will be procured.
- 4.1.6** For the entire duration of their engagement on the panel of surveyors, applicants are to hold adequate insurance cover for employer's liability, public liability and professional indemnity as appropriate. (This may be obtained after successful appointment to the panel but before any surveys 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 entry on a panel is not a contract of employment.
- 4.1.9** Applicants are established as an independent contractor only and are not servants, agents or employees 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** The Department may terminate nominations and remove applicants' names from the panel(s) at any time as the Department determines.
- 4.1.11** 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.
- 4.1.12** Applicants will not be considered if they are listed on any panel established by the Department for surveying or by the Marine Casualty Investigation Board or other maritime casualty investigation entity which may from time to time be established by the Government of Ireland.
- 4.1.13** Applicants may not engage in any activities which may bring the Department or the MSO into disrepute.
- 4.1.14** Applicants may not engage in public comment on policy or procedures of the Department or the MSO.
- 4.1.15** Applicants must forward all media queries to the MSO.
- 4.1.16** Applicants must support and comply with all maritime legislation.

4.2 Award Criteria

- 4.2.1** Applicants may be placed on the panel based on their submission following its evaluation / review by the MSO for compliance with the requirements.
- 4.2.2** During the evaluation, 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 an evaluation period.
- 4.2.3** The Department is under no obligation to appoint any surveyors to the panel.

Section 5: Required Formats for Responses to this Document

- 5.1** Applicants must present their proposals in the format shown in this 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, 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 and all conditions in this document, including the tax clearance provisions, of the request for applications.
- 5.2.7** A statement from the applicant that none of the excluding circumstances listed in Article 57 of Directive 2014/24/EU of the European Parliament and of the Council (see Appendix A) applies.
- 5.2.8** The applicant will be required to document that they satisfy the requirements 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 the applicable requirements in Section 2.

5.3.3 Relevant details of the Quality Management System to ensure survey activities are carried out in accordance with requirements and details of certification of the QMS.

5.4 Costs

Note that all costs will be a matter between the surveyor / 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 57 OF DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Extract from Article 57 of Directive 2014/24/EU of 26 February 2014; criteria for qualitative selection for the award of public service contracts.

Article 57

Exclusion grounds

1. Contracting authorities shall exclude an economic operator from participation in a procurement procedure where they have established, by verifying in accordance with Articles 59, 60 and 61, or are otherwise aware that that economic operator has been the subject of a conviction by final judgment for one of the following reasons:

- a) participation in a criminal organisation, as defined in Article 2 of [Council Framework Decision 2008/841/JHA](#);
- b) corruption, as defined 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](#) and Article 2(1) of [Council Framework Decision 2003/568/JHA](#) as well as corruption as defined in the national law of the contracting authority or the economic operator;
- c) fraud within the meaning of Article 1 of the [Convention on the protection of the European Communities' financial interests](#);
- d) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of [Council Framework Decision 2002/475/JHA](#) respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision;
- e) money laundering or terrorist financing, as defined in Article 1 of [Directive 2005/60/EC of the European Parliament and of the Council](#);
- f) child labour and other forms of trafficking in human beings as defined in Article 2 [Directive 2011/36/EU of the European Parliament and of the Council](#).

The obligation to exclude an economic operator shall also apply where the person convicted by final judgment is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control therein.

2. An economic operator shall be excluded from participation in a procurement procedure where the contracting authority is aware that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions and where this has been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of the Member State of the contracting authority.

Furthermore, contracting authorities may exclude or may be required by Member States to exclude from participation in a procurement procedure an economic operator where the

contracting authority can demonstrate by any appropriate means that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions. This paragraph shall no longer apply when the economic operator has fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines.

3. Member States may provide for a derogation from the mandatory exclusion provided for in paragraphs 1 and 2, on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment. Member States may also provide for a derogation from the mandatory exclusion provided in paragraph 2, where an exclusion would be clearly disproportionate, in particular where only minor amounts of taxes or social security contributions are unpaid or where the economic operator was informed of the exact amount due following its breach of its obligations relating to the payment of taxes or social security contributions at such time that it did not have the possibility of taking measures as provided for in the third subparagraph of paragraph 2 before expiration of the deadline for requesting participation or, in open procedures, the deadline for submitting its tender.

4. Contracting authorities may exclude or may be required by Member States to exclude from participation in a procurement procedure any economic operator in any of the following situations:

- a) where the contracting authority can demonstrate by any appropriate means a violation of applicable obligations referred to in Article 18(2);
- b) where the economic operator is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended, or it is in any analogous situation arising from a similar procedure under national laws and regulations;
- c) where the contracting authority can demonstrate by appropriate means that the economic operator is guilty of grave professional misconduct, which renders its integrity questionable;
- d) where the contracting authority has sufficiently plausible indications to conclude that the economic operator has entered into agreements with other economic operators aimed at distorting competition;
- e) where a conflict of interest within the meaning of Article 24 cannot be effectively remedied by other less intrusive measures;
- f) where a distortion of competition from the prior involvement of the economic operators in the preparation of the procurement procedure, as referred to in Article 41, cannot be remedied by other, less intrusive measures;
- g) where the economic operator has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract which led to early termination of that prior contract, damages or other comparable sanctions;
- h) where the economic operator has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria, has withheld such information or is not able to submit the supporting documents required pursuant to Article 59; or

- i) where the economic operator has undertaken to unduly influence the decision-making process of the contracting authority, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.

Notwithstanding point (b) of the first subparagraph, Member States may require or may provide for the possibility that the contracting authority does not exclude an economic operator which is in one of the situations referred to in that point, where the contracting authority has established that the economic operator in question will be able to perform the contract, taking into account the applicable national rules and measures on the continuation of business in the case of the situations referred to in point (b).

5. Contracting authorities shall at any time during the procedure exclude an economic operator where it turns out that the economic operator is, in view of acts committed or omitted either before or during the procedure, in one of the situations referred to in paragraphs 1 and 2. At any time during the procedure, contracting authorities may exclude or may be required by Member States to exclude an economic operator where it turns out that the economic operator is, in view of acts committed or omitted either before or during the procedure, in one of the situations referred to in paragraph 4.

6. Any economic operator that is in one of the situations referred to in paragraphs 1 and 4 may provide evidence to the effect that measures taken by the economic operator are sufficient to demonstrate its reliability despite the existence of a relevant ground for exclusion. If such evidence is considered as sufficient, the economic operator concerned shall not be excluded from the procurement procedure.

For this purpose, the economic operator shall prove that it has paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct, clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities and taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the economic operators shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered to be insufficient, the economic operator shall receive a statement of the reasons for that decision. An economic operator which has been excluded by final judgment from participating in procurement or concession award procedures shall not be entitled to make use of the possibility provided for under this paragraph during the period of exclusion resulting from that judgment in the Member States where the judgment is effective.

7. By law, regulation or administrative provision and having regard to Union law, Member States shall specify the implementing conditions for this Article. They shall, in particular, determine the maximum period of exclusion if no measures as specified in paragraph 6 are taken by the economic operator to demonstrate its reliability. Where the period of exclusion has not been set by final judgment, that period shall not exceed five years from the date of the conviction by final judgment in the cases referred to in paragraph 1 and three years from the date of the relevant event in the cases referred to in paragraph 4.

APPENDIX B – Relevant Irish Legislation – Radio Installations

Merchant Shipping Acts:

[Merchant Shipping Act 1992 - No. 2 of 1992](#) – As amended

Merchant Shipping Rules and Regulations:

Merchant Shipping (Radio) Rules 2018 [SI 452/2018](#)

Merchant Shipping (Radio Installations Survey) Rules 2022 – [SI 222/2022](#)

European Union (Passenger Ships) Regulations 2019 – [SI 676/2019](#) – As amended

Merchant Shipping (Passenger Ships) Rules 2020 – [SI 640/2020](#) – As amended

Fishing Vessel Regulations:

Fishing Vessel (Radio Installations) (Amendment) Regulations, 2002 – [SI 472/2002](#)

Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 - [SI 640/2007](#)

Fishing Vessels (Safety Provisions) Regulations 2002, [SI 418/2002](#)