



## Marine Notice No. 78 of 2023

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

### Appointment to a Panel of Surveyors for Surveying Small Fishing Vessels

The Marine Survey Office (MSO) of the Department of Transport is seeking application for appointment to a panel of surveyors to conduct surveys of fishing vessels of less than 15m length overall (Loa), in accordance with the Code of Practice for the Design, Construction, Equipment and Operation of Small Fishing Vessels of Less than 15m in Length Overall, which can be found on the Department's website [here](#).

The Annex to this Marine Notice contains additional information regarding the application procedures.

Completed applications must be submitted to the MSO by 5pm **11 December 2023**.

Irish Maritime Administration,  
Department of Transport,  
Leeson Lane, Dublin 2, Ireland.

27/11/2023

Encl: Annex: Request for Applications for the Appointment to a Panel of Surveyors for Surveying Fishing Vessels, less than 15m Loa.

For any technical assistance in relation to this Marine Notice, please contact:  
The Marine Survey Office, email: [MSO@transport.gov.ie](mailto:MSO@transport.gov.ie).  
For general enquiries, please contact the Maritime Safety Policy Division, email:  
[MaritimeSafetyPolicyDivision@transport.gov.ie](mailto: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](mailto:MarineNotices@transport.gov.ie) or visit us at: [www.gov.ie/transport](http://www.gov.ie/transport).

Annex:

**Marine Survey Office, (MSO)  
Irish Maritime Administration  
Department of Transport.**

**Request for Applications for the  
Appointment to a Panel of Surveyors for  
Surveying Fishing Vessels, less than 15m  
Loa.**

**Panel to be Established from 23 December  
2023.**

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## Section 1 Overview of Applications Sought

### 1.1 Introduction

In 2004 the Department of Transport established a maritime safety regime for small fishing vessels with the publication of a Code of Practice. The current edition (Rev 3) is entitled Design, Construction, Equipment and Operations of Small Fishing Vessels less than 15 metres in Length overall (hereafter “the Code”). The surveying of small fishing vessels is delegated to a panel of surveyors established by the Department. Each panel is established for 3 years and may comprise individual surveyors or organisations.

The current panel will expire on **22 December 2023**. The Department of Transport (“the Department”) now wishes to appoint a new panel of surveyors to commence after **22 December 2023**. The Marine Survey Office (MSO) of the Department will select surveyors and organisations for entry onto the panel. The MSO will monitor the performance of the surveyors on the panel, and this will include audits of the panel’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 marine surveyors and organisations to a panel from which fishing vessel owners may select a surveyor or company to inspect their vessels for compliance with the Code. The person commissioning the survey will cover the surveyor’s fees and expenses. The role of the surveyor will include:

- inspecting fishing vessels for compliance with the Code and signing the Declaration of Compliance (DoC) signifying compliance with the Code requirements and completing a Record of Equipment. The DoC will remain valid for four years subject to the owner’s biennial declaration,
- producing a final report, without any riders or conditions, that documents full compliance with the Code, and
- sending the final report to the MSO.

### 1.2 Further Information

Completed applications should be sent electronically to the MSO’s e-mail address below. Other queries or requests for clarification should also be e-mailed or alternatively sent in writing, to: -

The Chief Surveyor,  
Marine Survey Office,  
Irish Maritime Administration,  
Department of Transport,  
Leeson Lane,  
Dublin 2, TR60D02

Email: [mso@transport.gov.ie](mailto:mso@transport.gov.ie)  
Tel: +353 (0)1 678 3400

## Section 2 Statement of Requirements

### 2.1 General Requirements

The Department will consider applications from individuals or from organisations as follows.

#### **Individuals:**

Individual applicants must be able to fulfil the following requirements:

- Have relevant recent experience in marine surveying or extensive experience and knowledge of ship building or repair practices.
- Have a good working knowledge of the Code, including the reference material referred to in the Code.
- Draw up a Quality Management System to cover the fishing vessel survey activity before commencement of such surveys and which, if not certified to ISO9001 standard, is to be certified to the satisfaction of the MSO.
- Have appropriate qualifications acceptable to the Department as follows:
  - Degree in Naval Architecture, or
  - IMO STCW Chapter II Regulation II/2 Master Unlimited, or
  - IMO STCW Chapter III Regulation III/2 Chief Engineer Officer Unlimited, and
  - Hold a full Irish SCR Radio Certificate or superior qualification. (This may be obtained after appointment to the panel but before any surveys are carried out).

Other qualifications may be considered on a case-by-case basis at the sole discretion of the Department.

- Demonstrate continuing professional development such as membership of a relevant recognised professional organisation.
- Have an understanding of the Irish fishing industry.

Additionally, applicants should be able to demonstrate experience in small craft surveying of timber, fibre reinforced plastic (FRP), steel and aluminium vessels.

**The Department may restrict the scope of the activities of a surveyor placed on the panel. For the survey of fishing vessels under construction, the Department will assess the qualifications and relevant experience of applicants in relation to verifying that surveyors approved for this activity have the necessary proficiency. Surveyors may also be restricted in relation to the survey of fishing vessels constructed of a particular hull material or fishing vessels of particular lengths.**

- 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.

### 2.2 Organisations:

The Department will also consider applications from organisations that wish to be placed on the panel. Organisations applying must be able to demonstrate that they have, and will maintain, a complement of suitably qualified staff, complying with the requirements for individuals to carry out the surveying function and that there is in place a third party certified quality management system in accordance with the ISO9001 standard, covering as a minimum the operational parts of its surveying functions. A copy of the current certificate is to be submitted with the application.

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

- 3.1** Applications must be submitted to the MSO before the closing date set out in paragraph 3.2 below.
- 3.2** The application procedure will be open until 5pm on **11 December 2023**. It is anticipated that the selection process, which may include interviews, will commence in early December. If an applicant is selected, they will also be required to attend the Committee for the Overview of the Panel of Surveyors (COPOS) meeting with the MSO before being placed on the panel.
- 3.3** Information supplied by applicants will be treated as 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 survey a vessel for which they have an interest and that the applicant will avoid all such conflicts of interest. (See also Section 3.11)
- 3.6 Payment**
- Any payment made in respect of surveys conducted by members of the panel will be a matter between the surveyor and the client. All financial transactions must be in accordance with the taxing requirements of the Revenue Commissioners.
- 3.7 Tax Clearance Certificate**
- Before being placed on the panel, the successful applicant will be required to promptly produce a valid Tax Clearance Certificate (TCC) from the Revenue Commissioners and must hold a valid TCC throughout the applicant's tenure on the panel. Tenderers resident in Ireland should contact Tax Clearance Section, Collector-General's Division, Revenue Commissioners, Sarsfield House, Francis Street, Limerick, phone +353 1 (0)61 310310. Non-resident tenderers 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** Work may not be subcontracted.

### **3.10 Freedom of Information.**

**3.10.1** The Department will treat all information provided in the application as confidential, subject to the Department's obligations under law, including the legislation governing Freedom of Information matters.

**3.10.2** Should an applicant wish that any of the information supplied in their application is not disclosed; they should identify this sensitive information clearly and specify the reason for its sensitivity. The Department will consult the applicant about any sensitive information before making a decision on its disclosure as a result 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 necessary repairs or maintenance of a vessel arising from a survey onboard shall not be carried out by the COP Panel Surveyor or Company for which they act. The COP Panel Surveyor or Company for which they act, shall not be the provider of 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 they act.

### **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 surveyor or organisation. 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 removal from the panel. Any lists of deficiencies or non-compliance, written notes, calculations for stability and the final declaration are included in the records to be maintained. Up-to-date photographs of every boat are to be included in the report to the MSO.

### **3.13 Reference Material**

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

- Current hardcopy of the Code in its up-to-date form.
- Copies of, or electronic access to, relevant Marine Notices issued by the Department. \*
- Copies of, or electronic access to, relevant IMO Resolutions relating to fishing vessels. \*
- Copy of, or electronic access to, the IMO Codes on Fishing Vessels. \*
- Copies of, or electronic access to, ISO/EN and other standards as referred to in the Code of Practice. \*

*\*Electronic format is acceptable*

### **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 also 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 organisation, for example a limitation on the type of surveys to be undertaken or the size / type of craft that may be surveyed.
- Audits and operational review by the MSO of the panel surveyor's activities.
- The submission of survey reports and other relevant material to the MSO.
- The preparation and submission of an annual report of activities to the MSO including summary information regarding the fees being charged for CoP surveys.
- Attendance at the Committee for the Overview of the Panel of Surveyors Approved by the Department to Carry out Surveys on Fishing Vessels of Less than 15 metres length (COPOS).
- The imposition of restrictions on surveys or suspension from the panel, or permanent removal from the Panel of Surveyors where it is established that a panel surveyor or organisation is not ensuring strict compliance with the Code before signing the Declaration of Compliance.
- Notification procedures if a surveyor is unavailable to carry out surveys for any reason.
- The standards of ethics and support for maritime safety and supporting the Department in its role.

Failure to comply with any condition may 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** Fishing vessel builders, suppliers of marine equipment and boat repairers are excluded from applying for entry onto this panel.

Members of the Investigation Panel of the Marine Casualty Investigation Board (MCIB) are excluded from applying for entry onto this panel.

**4.1.2** 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 placed on the panel.
- The stated ability to fully meet all of the requirements set out in Section 2.



- A statement to the effect that the applicant has no current conflict of interest and will avoid all conflicts of interest in accordance with the Department's requirements.
- A statement that the candidate will be bound by the requirements of this document.
- A statement that the candidate will uphold standards of ethics and support for maritime safety and supporting the Department in its role. In particular 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.

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

**4.1.4** Should an applicant be placed on the panel there is no guarantee that their services will be procured.

**4.1.5** For the entire duration of their appointment to the panel, surveyors 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.

**4.1.6** The use of the Department's logo or the use of the harp symbol may not be exercised save with express permission in writing.

**4.1.7** Applicants shall not be an employee of the Department and nomination and entry on a panel is not a contract of employment.

**4.1.8** Surveyors are established as an independent provider 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.

**4.1.9** The panel will only be established, subject to annual review until 22 December 2026, at which time it will be disbanded.

**4.1.10** The Department may terminate nominations and remove surveyors' 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 the surveyors' work associated with the Department.

## **4.2 Award Criteria**

**4.2.1** Applicants will be placed on the panel of surveyors based on their submission and an interview may be carried out by the Irish Maritime Administration. The following award criterion will be used:

- Demonstrated capability, including qualifications and experience, to effectively survey small fishing vessels in compliance with the Code and the requirements of this document.
- 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 may require applicants and key personnel proposed to carry out the work to be interviewed at short notice following the closing date for receipt of applications. Respondents will be required to bear their own costs in relation to any such interviews. The Department 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 surveyors to the panel.

## **Section 5: Required Format 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 may not be considered.

### **5.2 Format**

**5.2.1** General Information.

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

**5.2.3** Identification of party in the organisation who will carry overall responsibility for the work.

**5.2.4** Confirmation of acceptance by the applicant and any third parties of the conditions of application described in Section 3 above, including the tax clearance provisions.

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

**5.2.6** The applicant will be required to document that they hold adequate professional indemnity insurance, public liability insurance and employee liability insurance. (If not provided at application stage, this will be required to be provided before any approval to survey fishing vessels < 15m is granted).

### **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 marine surveying of fishing vessels.
- Details of the Quality Management System (and accreditation if applicable) to be established to ensure survey activities are carried out in accordance with requirements.

**For Companies-**

- Professional profile (CVs for the individuals who will carry out the work) of the grade of personnel to be assigned the surveying work.
- Relevant details of the Quality Management System to ensure survey 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 surveying costs will be a matter between the surveyor / organisation 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.