



Marine Notice No. 82 of 2023

Notice to all Recognised Security Organisations, Recognised Organisations, Port Authorities, Port Facility Operators, Port Security Officers and Port Facility Security Officers

REQUEST FOR APPLICATIONS FOR AUTHORISATION TO ACT AS RECOGNISED SECURITY ORGANISATION (PORTS).

The Marine Survey Office (MSO) of the Department of Transport is seeking applications from interested parties who wish to act as Recognised Security Organisations - RSO (Ports) for the period from January 2024 to 31st December 2028.

The authorisation will cover work as an RSO in relation to both [Regulation EC 725/2004](#) on enhancing ship and port facility security and [Directive 2005/65/EC](#) on enhancing port security.

The closing date for receipt of completed applications is 15.00 hours on 16 January 2024.

Please find annexed to this Marine Notice the document "Request for Applications to act as Recognised Security Organisations (Ports)" which sets out the requirements and conditions for application.

Completed applications should be returned to the Marine Survey Office at the address below or emailed to mso@transport.gov.ie.

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

21/12/2023

Encl.: Annex

For any technical assistance in relation to this Marine Notice, please contact:
The Marine Survey Office, Leeson Lane, Dublin 2, 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 2, Ireland.
email: marinenotices@transport.gov.ie or visit us at: [https://www.gov.ie/en/organisation/department-of-](https://www.gov.ie/en/organisation/department-of-transport/)

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

To be authorised from January 2024.

Section 1 Overview of Applications Sought

1.1 Introduction:

Recognised Security Organisations (RSO) (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 the European Communities (Port Security) Regulations 2007 ([S.I. No. 284/2007](#)), which implements EU Directive 2005/65/EC in 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 from January 2024 to 31 December 2028.

1.2 Further Information

Any queries or requests for clarification should be addressed to the Marine Survey Office (MSO) of the Department of Transport at mso@transport.gov.ie.

Section 2 Statement of Requirements

2.1 General Requirements

The Department of Transport wishes to authorise 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. The Department of Transport will consider applications from individuals or from Companies who must be able to demonstrate the following:

- Have a good working knowledge of the International Ship and Port Facility Security Code (ISPS Code) and relevant EU legislation with detailed knowledge of the regulatory requirements for ports and port facilities.
- Technical competence in cyber security relating to the carrying out of cyber risk assessment activities. Have a good working knowledge of the measures adopted by the International Maritime Organisation (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,
 - 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 chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS) 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, and
 - knowledge of security and surveillance equipment and systems and their operational limitations.
- Undergo security vetting in accordance with Article 16(2) of Directive 2005/65/EC, which provides that 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) require a security vetting from the Member State of which the person concerned is a national.

Individual Applicants must be able to demonstrate the following:

- That a Quality Management System will be established to cover the RSO (Ports) before commencement of services and which, if not certified to ISO9001 standard, should follow that general format and be to the satisfaction of the MSO.
- Have appropriate relevant skills and competencies acceptable to the Department of Transport, which will be considered on a case-by-case basis at the sole discretion of

that Department. The Department of Transport 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 suitable 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 to the MSO before the closing date set out in paragraph 3.2 below.
- 3.2** The application procedure will be open until **16 January 2024** and may be opened again by the Department of Transport. It is anticipated that the interviews will commence as soon as possible after the closing date.
- 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 of Transport 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 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 without the prior agreement of the Marine Survey Office.

3.10 Freedom of Information.

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

3.10.2 The Department of Transport 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 is not disclosed, you should identify this sensitive information clearly and specify the reason for its sensitivity. The Department of Transport 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 of Transport.
- 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.
- Any registerable interest involving the applicant and the Minister for 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 of Transport 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 are maintained by the RSO. 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. Any lists of deficiencies or non-compliance, 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, or electronic access to relevant current EU and Irish Legislation including Statutory Instruments.
- A copy of, or electronic access to IMO circular MSC/Circ. 1074.

- Current copies, or electronic access to the SOLAS Convention and the ISPS Code in their up-to-date form.
- Copies of, or electronic access to Marine Notices and Marine Security Notices issued by the Department of Transport.

3.14 Department of Transport / Recognised Security Organisation (Ports) Oversight and Procedures

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

- Compliance with any restrictions imposed by the Department of Transport on the activities that may be carried out by the RSO (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 may 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 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 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 will 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 of Transport will not be held liable for any claims against applicants and the Department of Transport will not indemnify applicants in respect of any claims.

4.1.7 The Department of Transport'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 of Transport 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 of Transport and have no real or ostensible power/authority to bind the Department of Transport in any way or make representations on its behalf.
- 4.1.10** Applicants hereby agree to indemnify the Department of Transport in the event of proceedings or claims against it arising out of or in connection with applicant's work associated with the Department of Transport.

4.2 Award Criteria

- 4.2.1** Applicants will be authorised as RSO (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 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. 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 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 of Transport is under no obligation to appoint any RSOs (Ports).

- 4.2.4** 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 number of applicant. Name of person within the organisation dealing with the application.

- 5.2.3** Name, address, email address, telephone 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 listed in Article 57 of Directive 2014/24/EU of The European Parliament and of The Council (see Appendix A) apply.

- 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 of Transport'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 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.