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| **Marine Casualty Investigation Board** **Call for****Applications for** **Appointment as an MCIB Investigator** |

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##### Section 1 Overview of Applications Sought

**1.1 Introduction**

The Marine Casualty Investigation Board, (“MCIB”, “the Board”) was established in June 2002 under the Merchant Shipping (Investigation of Marine Casualties) Act 2002. The purpose of the MCIB is to investigate marine casualties with a view to learning lessons to prevent them happening again. It is not the purpose of an investigation to attribute fault or blame.

To date the MCIB has published **approximately 243** accident investigation reports and now wishes to engage additional investigators to carry out accident investigations on its behalf and to develop reports for the MCIB.

Details about the MCIB, its annual reports and its investigation reports can be accessed here [www.mcib.ie](http://www.mcib.ie).

An investigator will be selected to carry out an investigation based on the competencies needed to carry out the investigation. The role of the investigator will include:

* Investigating under warrant marine casualties in accordance with the relevant legislation including the Merchant Shipping (Investigation of Marine Casualties) Act 2000, the IMO Code, EU Directive 2009/18/EC incorporated into Irish laws by S.I. 276 of 2011 – European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011 and the EU Common Methodology.
* Preparing and submitting draft reports to the MCIB in accordance with the requirements of Annex 1 of EC2009/18/EC, and the MCIB Style Guide.
* Addressing any matters raised by the MCIB.
* Addressing any matters resulting from the consultation procedure set out in Section 36 of The Merchant Shipping (Investigation of Marine Casualties) Act 2000, which the MCIB refers to the investigator.
* Working with the MCIB to conclude investigations and create reports that achieve the objectives of the MCIB.
* Carrying out other investigator type functions as may be determined by the MCIB from time to time including acting as a support or providing assistance to the investigator appointed under warrant, and/or co-operating on another investigation or report.
* Assisting the MCIB in carrying out preliminary assessments of serious casualties under the – European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011
* Populating the EMCIP Database.
* Taking part in activities arising from the MCIBs membership of the European Union's European Maritime Safety Agency (“EMSA”). This will include taking part in EMSA training, taking part in any audits or assessments carried out by the EU/EMSA or IMO as appropriate.
* Taking part in MCIB training and in general activities arising from the MCIBs own audit or governance activities.

**1.2 Further Information**

Any queries or requests for clarification should be addressed, in writing, to: -

Ms. Margaret Bell

Secretary,

Marine Casualty Investigation Board,

Leeson Lane,

Dublin 2.

Email: margaretbell@mcib.ie

### Section 2 Statement of Requirements

**2.1 General Requirements**

This role would suit persons with relevant technical expertise who are interested in exploring the causation of marine casualties or incidents and who can communicate findings and develop safety recommendations. Experience of marine casualty or related types of accident or health and safety type investigations (including maritime loss adjuster or insurer investigations / assessments), or who has worked in, or has experience of, maritime safety (including recreational water safety), in Ireland, the UK or elsewhere in the EU.

Investigations involve a wide range of types of incidents on inland waters and sea, in both commercial and recreational sectors. Investigations demand immediate attention to gather essential evidence and carry out first-hand interviews. Investigators must be able to extract, challenge and test evidence, and analyse causative factors. This can be demanding work and investigations and reports must be rigorous given their statutory standing and given the statutory powers of appointed investigators. Some investigations can require sensitivity in engaging with people who may have suffered personal loss or serious damage. Investigators also have to engage with other public entities such as the Irish Coast Guard, an Garda Síochána, local harbour and other authorities.

Persons interested in being appointed **must** have investigative **and** report writing experience or be able to demonstrate equivalent skills in both areas. In addition, it would be of benefit to hold a relevant technical for example, in one of the following areas:

* Vessel Operation and Navigation:
	+ - Possess a Certificate of Competency as Master STCW 78 as amended 1995, Reg. II/2, for vessels of 3000 Gross Tonnage or more in the unlimited trading area, valid for service or eligible to be validated for service, in the Irish Merchant Marine.
		- Have satisfactory watch keeping experience in a senior capacity, preferably on vessels of 3000 GT or more operating in the unlimited trading area.
		- Have satisfactory experience in ship operation, maintenance, and management.

Or:

* Marine Engineering:
	+ - Possess a Certificate of Competency as Chief Engineer (Steam and/or Motor) STCW III/2 for vessels of power in excess of 3,000 kW in the unlimited trading area, valid for service or eligible to be validated for service, in the Irish Merchant Marine.
		- Have satisfactory watch keeping experience in a senior capacity, preferably on vessels of power in excess of 3,000 kW operating in the unlimited trading area.
		- Have satisfactory experience in ship operation, repair, maintenance, and management.

Or:

* Naval Architecture:
* Possess a recognised university degree in Naval Architecture or an equivalent qualification.
* Have satisfactory experience in implementing the theory and practice of naval architecture.

Or:

* Have expertise in the field of health and safety ideally in sporting or recreational water activities.

In addition, other qualifications considered by the MCIB, at its sole discretion, to be equivalent to those above, or to provide relevant expertise and experience to marine accident investigation and reporting will be considered by the MCIB.

**Types of Investigations**

Due to the wide variety of incidents, there are primarily two types of work that involves investigators:

* An Investigation under warrant from the Board of the MCIB
* Assisting the MCIB in carrying out preliminary assessments of serious casualties under the European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011
* Preliminary work or where assisting in a more complex statutory Investigation

**Fees**

The fees payable by the MCIB will be paid net of Professional Services Withholding Tax, currently at 20%, and are as follows:

* Statutory Investigations– (Leading to and including the production of an investigation report):

 €6,000 for investigation and completed report.

* Preliminary Assessment: €2,250
* On occasions an investigation may involve more complex aspects and fee will be determined by the Board, dependant on level of complexity on a case-by-case basis, and dependent on the work required of the appointed investigator or of any assisting person.

Fees are exclusive of VAT. Persons appointed must comply with application vat requirements that apply to them, and issue vat invoices as required.

The Investigator is responsible for accounting to the relevant fiscal and/or revenue authorities for all taxes, insurance contributions and other liabilities, charges and dues for which the Investigator is liable.

The fees quoted are inclusive of all costs associated with the investigation and preparation of a report and no additional monies will be payable. The MCIB pays for weather and similar type reports.

Travel & Subsistence in the conduct of investigations is payable in accordance with the MCIB’s Travel Policy and in line with Civil Service rates.

Fees for training are determined by the MCIB depending on the details of same.

The fees payable for an investigation are in respect of:

* Preparing and submitting draft reports to the MCIB in accordance with the requirements of Annex 1 of EC2009/18/EC, and the MCIB Style Guide.
* Addressing any matters raised by the MCIB.
* Addressing any matters resulting from the consultation procedure set out in Section 36 of The Merchant Shipping (Investigation of Marine Casualties) Act 2000, which the MCIB refers to the investigator.
* Working with the MCIB to conclude investigations and create reports that achieve the objectives of the MCIB.

The MCIB will decide the type of investigation to be carried out. Should the MCIB decide to change an assessment to a statutory investigation then only one fee, being the highest fee will be payable, i.e., there will be no accumulation of fees.

The timeframes within which reports have to be completed and submitted to the Board are as follows, unless otherwise agreed:

* Preliminary Assessment Reports 1 month
* Reports 3 months

Any investigator appointed will be required to comply with conditions set out by the MCIB from time to time including in relation to confidentiality, avoidance of conflicts of interest, compliance with data protection regulations.

Investigation reports remain the property of the MCIB and are published solely by the MCIB.

# Section 3 Conditions of Application

**Applications are subject to the following:**

**3.1** Applications entitled "Application for Appointment as an MCIB Investigator” should be emailed to margaretbell@mcib.ie. While not required, applicants may also submit their application in hard copy to the MCIB at the following address:

 Ms. Margaret Bell

 Secretary,

 Marine Casualty Investigation Board,

 Leeson Lane,

 Dublin 2.

**3.2** The latest date for receipt of applications is**4 p.m. on 30 November 2021.**

* 1. The MCIB reserves the right to seek clarification or verification of any information contained in the applications.
	2. 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 Tax Clearance Certificate**

Before a contract is awarded, 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-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.

 **3.6 Freedom of Information.**

**3.6.1** The MCIB agrees to hold confidential any information provided by applicants subject to the MCIB’s obligations under law, including the Freedom of Information Act, 2004 and the Data Protection Act 2018. The MCIB will comply with any obligation to consult with you before making any decisions on any Freedom of Information request involving information you may have supplied.

**3.6.2** Should an applicant wish that any of the information supplied in this application not be disclosed in any Freedom of Information request, the applicant should identify this sensitive information clearly, and specify the reason for its sensitivity. The MCIB will comply with any obligation to consult applicants about any such sensitive information before making a decision on its disclosure on foot of any relevant Freedom of Information Request or Data Subject Access Request which may be received.

**3.7** **Conflicts of Interest /Registrable Interests**

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

- Any conflicts of interest, or potential conflicts of interest, involving an investigator must be fully disclosed to the MCIB. Disclosure is required at the following stages; application, interview, on being considered for appointment to the panel, on being considered for appointment to a particular investigation, during the course of an investigation, at any other time that a potential conflict of interest becomes apparent.

- Any registerable interest involving the applicant and the MCIB, members of the MCIB, members of the Government, members of the Oireachtas (Parliament) or employees of the MCIB or their relatives must be fully disclosed in the response to this Request for Applicants, or should be communicated to the MCIB, immediately upon this information becoming known to the applicant, in the event of this information only coming to their notice after the submission of an application 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, 1995 and 2001*.

* 1. Should the applicant be appointed there is no guarantee that the applicant’s services will be procured. The MCIB will at its sole discretion decide which investigator, if any, to appoint to an investigation or for any other work.
	2. Under the Merchant Shipping (Investigation of Marine Casualties) Act 2000 the Minister, the Board, any investigator investigating a marine casualty and any other person involved in an investigation or preparing a report (including a draft report) shall be immune from all claims for damages arising from the conduct of the investigation and the publication of the report of such investigation, where they act in good faith. Successful applicants agree to indemnify the MCIB in respect of any proceedings or claims against it arising out of or in connection with the applicant’s work for the MCIB in respect of which they would not be entitled to the aforementioned indemnity. For the entire duration of the applicant’s engagement the applicant is to hold adequate insurance cover at a minimum of €500,000 for employer’s liability, public liability, professional indemnity and liability in contract, negligence, nuisance, breach of statutory duty and/or any other liability which may arise in connection with any investigation, report or any related activity, and which indemnifies the MCIB in respect of any such proceeding or claim (This may be obtained after successful appointment but before any investigations are carried out). The MCIB will not be held liable for any claims against applicants and the MCIB will not indemnify applicants in respect of any claims save as provided in the 2000 Act.
	3. Investigators are independent contractors and at no time are employees of the MCIB. Nothing in any documents or arising from any appointment should be construed as creating an employment relationship. Persons appointed by the MCIB are responsible for their own tax and social welfare obligations and for the manner in which they provide services to the MCIB.
	4. Successful Applicants will be responsible for their own Health & Safety requirements including Safety Statement and protective equipment and training.
	5. The appointment as a member of the MCIB investigator panel shall continue until terminated by either party as set out in the contract.
	6. **Marine Casualty Investigation Board/Investigators Agreement**

It will be a condition of appointment that the successful applicant sign an agreement with the MCIB. A copy of the contract is available on request.

Section 4 Evaluation of Applications and Award Criteria

**4.1 General**

**4.1.1** Responses to this document are to be in the English language.

* + 1. Applicants to whom any of the circumstances listed in Paragraph 1, items (a) to (g) of Article 29 of Council Directive 92/50/EEC (co-ordinating procedures for the award of public service contracts (which are set out in Appendix A) apply will be excluded from being appointed. Additionally, applicants will be excluded if they are already appointed, or become appointed, to any other appointment by any other flag state administration or hold any position of appointment by the Department of Transport), in particular any position for surveying vessels or for carrying out statutory functions on behalf of the Department of Transport or any other flag state administration.
		2. 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 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 may need to be presented prior to being appointed;
* The stated ability to fully meet all of the requirements set out in Section 3;
* A statement to the effect that the applicant will avoid all conflicts of interest.
	+ 1. Applications that fail to meet these qualifying criteria may be excluded from further consideration.
		2. The Board shall determine what if any the form of interview process will take. and will decide which applicants to appoint. The Board is not bound to make any appointment at the end of this process.

**4.2 Award Criteria**

* + 1. Applicants will be considered for appointment based on their submission, compliance with this call for application and an interview carried out by the MCIB. The following award criteria will be used:

- Demonstrated capability in report writing, qualifications and prior satisfactory experience in effectively and efficiently investigating marine or similar type casualties and other requirements as may be considered by the MCIB as set out in this call document.

* + 1. During the evaluation period, clarification may be sought from applicants. No unsolicited communications from applicants concerning the selection process will be entertained during the evaluation period.

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

Applicants must present their proposals in the format shown in this section.

**5.1. General Information**

**5.1.1** Name, address, telephone and e-mail address of applicant.

**5.1.2** Confirmation of acceptance by the applicant of the conditions described in Section 2 and 3, including the tax clearance provisions, evidence of qualifications and insurance.

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

**5.2 Requirements**

**5.2.1** A description of the applicants understanding of the MCIB’s requirements.

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

**5.2.3** A comprehensive C.V. with specific reference to qualifications and relevant expertise in marine casualty or similar type investigations.

**5.2.4** Copies of relevant certificates of competency and degree certificates. Originals will be required if a candidate is successfully appointed.

**5.2.5** Applicants must demonstrate that they have report writing skills and examples may be required and should be provided if available

**5.3** **Costs**

**5.3.1** All costs of the application will be a matter for the applicant.

**5.4 Any Other Information**

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

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

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

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

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

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

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

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

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

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

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

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

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

- for (e) or (f), a certificate issued by the competent authority in the Member State concerned.

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