The European External Action Service (EEAS) Secretary General decided on 22 April 2021 to re-establish a permanent presence in Tripoli by 17 May 2021. Given the impossibility to comply with the time limits applicable to a standard procedure, the contracting authority decided to avail itself of the possibility provided for in the Financial Regulations, point (c) of point 11.1 of Annex I.

The need to resort to this exceptional procedure was not the result of a delay in proper planning, but was motivated by critical political imperatives, therefore respecting the requirement of an ‘extreme urgency brought about by unforeseeable events (…) where the justification of such extreme urgency is not attributable to the contracting authority’.

The identification and the number of operators under such a legal basis is at the discretionary decision of the contracting authority. In this specific case, it took into account the quality of services provided by Septimius Security Ltd. during six previous short-term missions performed by the Delegation while still based in Tunis (i.e., from October 2020 to April 2021), and during the initial footprint establishing the permanent presence in Tripoli (from 17 to 31 May 2021).

Furthermore, the duration of framework contract EEAS/DELLBYT/2021/NP/0024 has been limited to the strictly necessary time-limit needed to organise, conduct and award a contract further to a competitive procedure with negotiation, according to point (d) of point 12.1 of Annex I of the Financial Regulation. In this sense, procedure EEAS/DELLBYT/2022/CPN/0008 to award a new contract, was published in the EEAS website and it is currently ongoing. The operators and their tenders will be evaluated transparently and according to the principle of equal treatment with regards to the criteria established in the procurement documents.

---