



SESAR 3 JOINT UNDERTAKING

Call for tenders S3JU/LC/013-CFT

**PROVISION OF AIRSPACE USER EXPERTISE TO
THE DIGITAL EUROPEAN SKY PROGRAMME**

Open procedure

TENDER SPECIFICATIONS

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the SESAR 3 Joint Undertaking (SESAR 3 JU), referred to as the contracting authority for the purposes of this call for tenders.

The SESAR 3 Joint Undertaking (“SESAR 3 JU”) is an institutionalised European partnership between private and public sector partners set up to accelerate through research and innovation the delivery of the Digital European Sky¹. To do so, it is harnessing, developing and accelerating the take-up of the most cutting-edge technological solutions to manage conventional aircraft, drones, air taxis and vehicles flying at higher altitudes. The SESAR 3 JU partnership brings together the European Union (the “EU”), EUROCONTROL and more than 50 organisations covering the entire aviation value chain, from airports, airspace users of all categories, air navigation service providers, drone operators and service providers, the manufacturing industry and scientific community. The partnership also works closely with the regulatory and standardisation bodies, notably European Union Aviation Safety Agency (“EASA”) and the European Organisation for Civil Aviation Equipment (“EUROCAE”), as well as key stakeholders, such professional staff organisations, airspace users, airport operators, the space and military communities and global partners.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is the “Provision of Airspace User expertise to the Digital European Sky programme”.

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is divided into three lots, with each lot providing professional consultancy services within the scope described in the table below:

Lot	Lot title	Scope
1	Global and regional airline operations	Focussing on airline operations between Europe and other ICAO regions and intra-European regional airline operations.
2	Business aviation operations	Focussing on operations by Business Aviation operators
3	General aviation and rotorcraft operations	Focussing on operations by General Aviation and rotorcraft operators.

The FWC ceiling per Lot is under Section 1.7 below and in Section II.2.6 of the contract notice.

Detailed activities that comprise the services to be provided are described in section 1.4.

¹ As per Council Regulation (EU) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014 also referred to as “Single Basic Act” or “SBA”

Tenders may be submitted for any lot. Each lot will be assessed independently of any other lot. Tenders, which cover only part of one lot or are declared as being conditional on the award of any other lots, are not permitted.

1.4. Description: what do we want to buy through this call for tenders?

The purchases that are the subject of this call for tenders, including any minimum requirements, are described in detail below.

Variants (alternatives to the model solution described in the tender specifications) are not allowed for any lot. The contracting authority will disregard any variants described in a tender.

1.4.1. Background and objectives

In addition to the joint undertakings' common objectives², the SESAR 3 JU has the following objectives³⁴ :

- a) to strengthen and integrate the Union's research and innovation capacity in the ATM sector, making it more resilient and scalable to fluctuations in traffic while enabling the seamless operation of all aircraft;
- b) to strengthen, through innovation, the competitiveness of manned and unmanned air transport in the Union, and ATM services' markets to support economic growth in the Union;
- c) to develop and accelerate the market uptake of innovative solutions to establish the Single European Sky airspace as the most efficient and environmentally friendly sky to fly in the world;
- d) to develop a research and innovation ecosystem covering the entire ATM and U-space airspace value chains allowing to build the Digital European Sky defined in the European ATM Master Plan, enabling the collaboration and coordination needed between air navigation services providers and airspace users to ensure a single harmonised Union ATM system for both manned and unmanned operations; and
- e) to coordinate the prioritisation and planning for the Union's ATM modernisation efforts, based on a consensus-led process among the ATM stakeholders.

In order to achieve these objectives, the SESAR 3 JU shall⁵ ensure “*the involvement of the civil and military stakeholders of the aviation sector, in particular: air navigation service providers, airspace users, professional staff associations, airports, manufacturing industry and the relevant scientific institutions and scientific community*”.

The SESAR 3 JU biannual work programme (BWP) for 2022 and 2023 outlines the scope of the research and innovation (R&I) activities that will be performed in 2022 and 2023, implemented through open calls for proposals and calls for tenders.

² Article 4 and 5 of the Single Basic Act

³ Article 142(1) of the Single Basic Act

⁴ Article 142(2) (a) and (d) of the Single Basic Act

⁵ Article 143(b)(iii) of the Single Basic Act

The 2022–2023 BAWP should be read in conjunction with the SESAR 3 JU multiannual work programme (MAWP), which establishes the overall principles and framework under which the operations of the SESAR 3 JU will be defined, planned and executed from 2021 to 2031.

The SESAR 3 JU undertakes to foster strong ties with key European stakeholder groups, including, *inter alia*, the following⁶:

Civil and military airspace users. The SESAR 3 JU will continue to reach out to airspace user organisations to secure awareness of and commitment to its work and activities, including putting in place arrangements to secure, where appropriate, their technical expertise and advice for project-related activities.

The BAWP⁷ also specifically identifies a budgetary commitment for the provision of advice services for civil airspace users to support SESAR 3 JU activities.

The aim of this Call for Tender is to award single framework contracts (one per Lot) under which the SESAR 3 JU is able to secure the support of civil Airspace Users (“AU”) in delivering the goals of the Digital European Sky through the provision of advice services. These framework contracts will be implemented via specific contracts as detailed in Section 1.6 below. By the end of the contract, the SESAR 3 JU intends to have ensured that the Digital European Sky programme has been enriched by the contribution of the AUs.

For this purpose, the SESAR 3 JU is launching an open call for tender aimed at concluding 3 framework service contracts corresponding to the 3 distinct Lots (1 contract under each Lot), and this upon the condition of having received sufficient tenders compliant with the minimum requirements. Under the framework service contracts, the provision of support services to the SESAR 3 JU in relation to Civil Airspace Users’ expertise will be defined through specific contracts. These specific contracts will aim at executing certain tasks and delivering specific deliverables including one or several of the tasks in defined in section 1.4.3 below.

1.4.2. Detailed characteristics of the purchase

The SESAR 3 JU is looking for strategic and tactical Airspace User operations advice, assistance and representation of a concerted European AU voice for the needs of SESAR in the SESAR Flagship areas, as defined in the Digital European Sky Strategic Research and Innovation Agenda (SRIA)⁸, and expanded in the SESAR 3 JU’s MAWP, namely:

- Connected and Automated ATM;
- Air-ground integration and autonomy;
- Capacity on demand and dynamic airspace;
- U-space and urban air mobility;
- Virtualisation and cyber-secure data sharing;
- Multimodality and passenger experience;
- Aviation green deal;
- Artificial intelligence for aviation; and
- Civil/military interoperability and coordination.

⁶ BAWP, section 2.2.5.2.2.

⁷ BAWP, Strategic Area of Operation 5.

⁸ European Commission, Directorate-General for Research and Innovation, *Strategic Research and Innovation Agenda (SRIA) of the European Open Science Cloud (EOSC)*, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2777/935288>

The SESAR 3 JU will require AU expertise by acquiring:

- Horizontal AU expertise contributions in the Digital European Sky Programme; and
- Access to available AU communication platform(s) and tools, such as European and global events, conferences, workshops, seminars, videos and publications for outreach to all categories of aviation and AU categories to ensure European AU expertise is suitably and equitably participating in, and being informed by, the development, verification/validation, demonstration and deployment of SESAR Solutions.

The tenderer(s) shall have an available range of communication platform(s) and tools, as described above, to increase awareness, promote consistent messages and ensure a wider understanding of the benefits of SESAR technologies and solutions to AUs in Europe and beyond, as well as to other relevant national and European stakeholders.

The tenderer(s) shall be able to address the operational and system needs of the AUs in order to support the SESAR 3 JU in validating usability of SESAR Solutions, in particular the Fast-Track solutions⁹, and in qualifying and quantifying the performance needs and requirements for future operational and technical system opportunities and challenges.

In order to provide the required support, the tenderer(s) must be able to provide access to the intelligence network of a large number of AUs in Europe and beyond that would include all categories of operational expertise in their field.

1.4.3. Deliverables

The SESAR 3 JU may require support for the performance of tasks under each of the following activities, which may be requested under each of the lots. As specified in Section 1.6 below, each task will be performed over a period of time, detailed in specific contracts and will require the preparation of a different type of deliverable.

The list of types of activities and deliverables described in the present section is not exhaustive.

For each Lot, with the terms of reference of the request for services which will include further details and better clarify the tasks, the SESAR 3 JU may request similar activities and deliverables, in kind and nature, as described in the following table:

Activity	Type of activity	Type of deliverable
1	Technical analysis	Technical analysis report
2	Strategic analysis	Strategic analysis report
3	Validation/Demonstration active participation and/or impact analysis	Validation/Demonstration analysis report
4	Communication and Outreach	Support to the preparation and running of the event/workshop (production of

⁹ This thread is designed to accelerate the development of high risk / high gain projects with the perspective of shortening the time to market for disruptive and highly innovative solutions. These activities may start at very low TRL levels but should aim at delivering as rapidly as possible new products & services to the market at TRL7 (System demonstration in an operational environment).

		supporting material, videos, documents, conclusions and report)
5	Technical advice	Ad-hoc reports
6	Management and support	Quarterly report

The following sub-sections detail the planned coverage of each activity.

1.4.3.1. Activity 1: Technical analysis

Activity 1 covers the analysis of technical documents related to SESAR 3 JU Programme output such as draft of final SESAR Solution packs, Operational Service and Environment Definition, Detailed Operational Description, Performance Requirements, Technical Specifications, or other appropriate documents, including those related to Fast-Track projects, Exploratory Research and Digital Sky Demonstrators.

The objective of the analysis shall be to identify the impact of the changes, technical/operational element or solutions on addressing AU operations, in particular, but not limited to, change management, procedures and investments.

Such analyses will take into account the diversity of the geographical scope and airport operating network (local regional and international airports) applicable in the context of the Single European Sky and SESAR.

Expected deliverable: Depending on the need and context, deliverables will be technical analysis reports, impact assessment reports, and performance reports. May not be a short-form report (see below Section 1.4.3.7).

1.4.3.2. Activity 2: Strategic analysis

Activity 2 covers the analysis of SESAR 3 JU planning and execution at a strategic level, commenting on priorities and gaps and the maintenance of the European ATM Master Plan.

The objective of the analysis shall be to identify the impact of changes, errors and omissions, if any, identified or proposed to be included in the Digital European Sky programme, or arising from external developments having an impact on the programme.

Such analysis will take into account the diversity of the geographical scope and the operating network (local, regional and international) applicable in the context of the Single European Sky and SESAR.

Expected deliverable: Strategic analysis report. May not be a short-form report (see below Section 1.4.3.7).

1.4.3.3. Activity 3: Validation/Demonstration impact analysis

Activity 3 covers AU support to SESAR 3 JU validation, Fast-Track and Digital Sky Demonstrator activities in order to gather information and report on the feasibility and impacts of operational procedures and technologies.

The objective of the participation shall be to identify the impact of the changes, technical/operational element or solutions affecting the operations of the AU community, in particular, but not limited to, change management, operational procedures and technical issues.

As indicated in Section 1.5 of these tender specifications, these tasks could include attendance at project Open Days, workshops, and webinars and/or meetings directly related to the validation and/or demonstration activities within the Digital European Sky programme. Priority will be given to the Fast-Track projects.

Expected deliverable: Validation/Demonstration analysis report. May be a short-form report (see below Section 1.4.3.7) for minor events, such as attending open days, or fully-detailed reports following active participation; this will be detailed in the specific tasking.

1.4.3.4. Activity 4: Communications and Outreach

The aim of Activity 4 is to raise awareness about the SESAR 3 JU among the AU community both in Europe and globally, and to engage with the research community to ensure the needs of the AU community are fully understood and taken into account. A primary goal is to facilitate market uptake of SESAR Solutions within the AU Community so that early benefits of Solution deployment can be accrued. In this respect, Activity 4 would cover the following types of activities:

- For each Lot, the future contractor shall organise and manage at least one workshop or webinar during the duration of the contract, designed to showcase and discuss operational improvements provided by SESAR Solutions and/or demonstrations. The workshops/webinars may target a certain function, tool or topic relevant to the AUs and the SESAR 3 JU. The workshop shall target AU expertise, but may also include other stakeholder representatives, as necessary.
- For each Lot, the future contractor shall support the preparation and execution of meetings, workshops, webinars or other events organised by the SESAR 3 JU or its members in order to directly or indirectly contribute to it, with an objective to bring in the necessary AU expertise and contribute to the event's successful outcome.
- For each Lot, the future contractor shall identify opportunities for the possible sponsoring by the SESAR 3 JU of relevant AU events, and attendance at agreed workshops, and invitations to the SESAR 3 JU to other relevant conferences and events, which will include in each case, at least one speaking slot. With prior approval, for each Lot, the future contractor shall attend external workshops where conclusions could be of value to the SESAR programme. Such conclusions shall be included in a short-form or dedicated report, depending on event complexity. The workshops will be included in the request for services.
- For each Lot, the future contractor shall provide the SESAR 3 JU with opportunities to provide updates on its activities through the inclusion of relevant content in the contractor's communications channels (e.g. website, social media, newsletter, magazine, publications, etc).

Under Activity 4, for each Lot, the future contractor shall, from a SESAR perspective, provide for consistency of the AU messages to the SES/SESAR stakeholders, including the SESAR 3 JU, the wider AU community, NSAs, ANSPs, Professional Staff Organisations (PSO), Airports, SESAR Deployment Manager, Network Manager, Performance Review Body, EDA and EASA.

Expected deliverable: Workshop, events/workshops reports, sponsorship, social media, communications material and news. May be a short-form report (see below Section 1.4.3.7).

1.4.3.5. Activity 5: Technical advice

Activity 5 allows for the provision of ad-hoc advice to the SESAR 3 JU on any topic, issue or initiative having implication for civil airspace user operations with an objective to de-risk the execution of the Digital European Sky Programme. This includes, in particular, the delivery of the SESAR Solutions, including the Fast-Tracks and their subsequent implementation in a global ICAO context.

Expected deliverable: Ad-hoc report.

1.4.3.6. Activity 6: Management support and liaison

Activity 6 provides for facilitating the liaison between the SESAR 3 JU and the AUs, and coordination between the various AUs. This includes monitoring, accompanying and supporting SESAR 3 JU activities in order to identify the general impacts and opportunities for the AU community operations, building a network of knowledge and ensuring close links of all relevant SESAR 3 JU domains with the interests of the AU community. It also enables coordination of communications to ensure consistency and correctness of the AU community messages on SESAR, in particular on global interoperability and harmonisation matters.

Under this Activity, for each Lot, the future contractor shall attend a quarterly Progress meeting, to be organised by the SESAR 3 JU as indicated in the request for services. Such meetings will take place in accordance with Section 1.5 below.

Expected deliverable: quarterly report detailing activities undertaken (including any short-form reports), deliverables produced during the period and approval status, main issues and opportunities identified, plan for the next reporting period.

1.4.3.7. Content and format of deliverables, payments

For each task, SESAR 3 JU will produce, by email, a tasking that shall include, as a minimum:

- Task reference;
- Topic;
- Details of task;
- Nature of deliverable;
- Due date; and
- Effort allocated.

All task deliverables will consist of a report, as agreed in the tasking, delivered to a deadline specified in the tasking. Exceptionally, when agreed with the SESAR 3 JU, the deliverable for minor tasks, such as attendance at a webinar, may take the form of a short-form report, included as a sub-section within the main quarterly report, appropriately referenced to show that that section comprises the expected deliverable. Short-form reports, in accordance with the request for services to be provided by the SESAR 3 JU, should comprise distinct sections in the main quarterly report for the quarter in which the task took place, unless this is impossible due to timing constraints.

Deliverables will be submitted in English and in Microsoft Word format, unless otherwise requested by the SESAR 3 JU.

The quarterly report under Activity 6 shall be accompanied by an activity report, using an excel template to be provided by the SESAR 3 JU for compilation by each Lot. Each task shall be listed on the activity sheet and shall include the reference number for each task, the nature of the deliverable and the effort taken to complete the task, by resource. This means that each individual who contributed to the delivery of the task should be individually listed, together with the effort expended in completing the task.

Draft quarterly submissions should be presented to the SESAR 3 JU before their respective quarterly progress meetings and be presented at those meetings. This will allow SESAR 3 JU to approve the reports immediately after the meeting.

In summary, for quarterly reports to be accepted, the SESAR 3 JU requires:

- Completed activity report showing correspondence with taskings;
- Deliverables that correspond with details in the activity report; and
- Quarterly report, detailing all activities listed in the activity report, and including, where appropriate, short-form reports.

Acceptance by email of the quarterly reports by the SESAR 3 JU will trigger the payment process, in accordance with Article I.6 of the contract.

It may also be appropriate for the future contractor for each Lot, to request to undertake an assignment. Once approved by the SESAR 3 JU, this will be conducted in a similar fashion to any other tasking in accordance with the procedure described in Section 1.6 below.

1.5. Place of performance: where will the contract be performed?

The services will be performed at the following locations:

- By default: on the contractor's premises ("On-site").
- As defined in individual taskings: at a specific location away from the contractor's premises ("Off-site").

By default: on the contractor's premises ("On-site").

As defined in individual taskings: at a specific location away from the contractor's premises ("Off-site").

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of three (3) single framework contracts, one per Lot.

A framework contract establishes a mechanism for future repetitive purchases by the contracting authority to be awarded in the form of specific contracts. The signature of a framework contract does not impose an obligation on the contracting authority to conclude specific contracts with a framework contractor.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship to be established between the contracting authority and the successful tenderer. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

A template for a request for services and specific contract is provided as Annex to the draft contract.

⚠ Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union \(Financial Regulation\)](#)¹⁰ and the conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer[s] (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment under due the contract.

1.7. Volume and value of the contract: how much do we plan to buy?

An indicative estimate of the volumes for each lot over the whole duration of the framework contracts is EUR 800 000 for Lot 1/framework contract, EUR 400 000 for Lot 2/framework contract and EUR 400 000 for Lot 3/framework contract. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities, which the contracting authority will order through specific contracts. In any case, the framework contract ceiling shall not be exceeded.

The *FWC ceiling* is indicated in Section II.2.6 of the contract notice.

Within three years following the signature of the FWC resulting from the current call for tenders, the contracting authority may use the negotiated procedure under point 11.1.e of Annex 1 to the Financial Regulation to procure new services from the contractor up to a maximum of 50 % of the initial FWC ceiling. These services would consist in the repetition of similar services entrusted to the contractor and would be awarded under the following conditions:

- The contracting authority shall send an invitation letter informing the contractor(s) of the need for increasing the value of the contract up to a maximum of 50% of the initial contract value.
- The initial tender specifications shall remain the same.
- The contractor(s) shall confirm its agreement on the repetition of the services under the same conditions.

¹⁰ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

1.8. Duration of the contract: how long do we plan to use the contract?

The framework contracts resulting from this call for tenders will be concluded for a period of **48 months**.

1.9. Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractor[s] during the implementation of the framework contracts resulting from this call for tenders as well as for future possible subsequent proceedings, including, but not limited to, for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)), the contracting authority may use an electronic exchange system meeting the requirements of Article 148 of the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the contractor[s] at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

The contracting authority has chosen to award the contract[s] resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?

Tenderers must ensure that no involved entities (see Section 2.4) nor any subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), are subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)¹¹, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organisations.

It is also open to all natural and legal persons established in a third country provided that it has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

The Agreement on Government Procurement¹² concluded within the World Trade Organisation does not apply. Therefore, the participation to this call for tenders is not open to natural and legal persons established in the countries that have ratified this Agreement. The rules on access to procurement do not apply to entities on whose capacity tenderers rely to fulfil the selection criteria nor to subcontractors. Subcontracting may not be used with the intent or effect to circumvent the rules on access to procurement.

To enable the contracting authority to verify the access, each tenderer must indicate its country of establishment (in case of a joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country. The same document(s) could be used to prove the country/-ies of establishment and the delegation(s) of the authorisation to sign, as described in Section 4.3.

¹¹ Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

¹³ Each economic operator participating in the joint tender is referred to as “group member”.

2.3. Registration in the Participant Register: why register?

Any economic operator willing to participate in this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons (participants) participating in calls for tenders or proposals of the European Commission and other EU institutions/bodies.

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number), which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other calls for tenders or calls for proposals of the European Commission and other EU institutions/bodies.

⚡ Each participant needs to ensure that its SME status in the Participant Register is registered and kept up to date.

At any moment during the procurement procedure, the Research Executive Agency Validation Services (hereafter *the EU Validation Services*) may contact the participant and ask for supporting documents on legal existence and status [and financial capacity]. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by *the EU Validation Services* are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

⚡ Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.

2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender)¹³. In either case subcontracting is permitted.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each tenderer (in case of a joint tender, by each of its members) shall be requested.

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole tenderer and member of another group of economic operators. In such case, all tenders in which that person has participated, either as sole tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate tenders provided

¹³ Each economic operator participating in the joint tender is referred to as “group member”.

that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several tenderers as long as the tenders are drawn and submitted in complete independence and autonomously from each other. However, cross subcontracting among tenderers is forbidden, more precisely an entity “A” may participate as tenderer (either as sole tenderer or as member of a group of economic operators) and as subcontractor to another tenderer “B” within the same procurement procedure. However, in this case it is forbidden that tenderer “B” (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for tenderer “A” (or for the group of economic operators in which “A” participates) within the same procurement procedure. In this case, both tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the tenderer can rely on the capacities of subcontractors (see Section 2.4.2) or other entities that are not subcontractors (see Section 2.4.3).

An “**involved entity**” is any economic operator involved in the tender. This includes the following four categories of economic operators:

- sole tenderer;
- group members (including group leader);
- identified subcontractors (see Section 2.4.2); and
- other entities (that are not subcontractors) on whose capacity the tenderer relies to fulfil the selection criteria.

The role of each entity involved in a tender must be clearly specified in the eSubmission application: i) sole tenderer, ii) group leader (in case of a joint tender), iii) group member (in case of a joint tender), or iv) subcontractor¹⁴.

For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (*Annex 5.2*).

2.4.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer¹⁵.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

¹⁴ Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.

¹⁵ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following case[s]:

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
 - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
 - all the tasks assigned to the former entity are taken over by the new entity member of the group,
 - the group meets the selection criteria (see Section 3.2),
 - the change must not make the tender non-compliant with the procurement documents,
 - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
 - the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

- case where a group member is subject to restrictive measures or does not have access to procurement (see Section 2.2) or is in an exclusion situation (see Section 3.1), provided the following cumulative conditions are fulfilled:
 - none of the remaining group members is subject to restrictive measures (see Section 2.2),
 - all the remaining group members have access to procurement (see Section 2.2),
 - the remaining group members meet the selection criteria (see Section 3.2),
 - the change must not make the tender non-compliant with the procurement documents,
 - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
 - the continuation of the participation of the remaining group members in the procurement procedure does not put the other tenderers in a competitive disadvantage,
 - the remaining group members undertake to implement the contract, in case of an award, without the excluded group member.

The replacement of the group member not having access to procurement or in a situation of exclusion is not allowed.

2.4.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders (see Section 1.4).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the form available in **Annex 4** (List of identified subcontractors), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 10 % .

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 5.1** and signed by its authorised representative.

☞ Each tenderer shall identify *such* subcontractors and provide the commitment letters with its tender. The information must be true and correct at the time of submitting the tender. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of tenders must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the contracting authority and resulted in a signed contract, is considered authorised.

2.4.3. Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in *Annex 5.2*, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources¹⁶.

☞ The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

2.4.4. Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the

¹⁶ This does not apply to subcontractors on whose capacity the tenderer relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed in Section 2.4.2 and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

☞ Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer is not subject to restrictive measures and has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

The contracting authority will evaluate the abovementioned elements in the order that it considers to be the most appropriate.

If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderers for whom the verification of all elements did not reveal grounds for rejection can be awarded the framework contracts resulting from this call for tenders.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion, each tenderer¹⁷ needs to submit with its tender a Declaration on Honour¹⁸ in the model available in *Annex 2*.¹⁹ The declaration must be signed by an authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the tenderer at any time during the record-keeping period specified in Section 4.3.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#).

The documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion must be provided with the tender²⁰.

At any time during the procurement procedure, the contracting authority may request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.]

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

Annex 1 specifies which of the involved entities participating in a tender need to provide the Declaration on Honour and, when requested by the contracting authority, the supporting evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

¹⁷ See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.

¹⁸ The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

¹⁹ Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

²⁰ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the lot(s) for which it applies in this call for tenders. The model Declaration on Honour available in *Annex 2* shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure, within a deadline given by the contracting authority ²¹.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the tender, all tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderers proposed by the evaluation committee for the award of the contracts will be requested to provide such evidence.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2.1. Legal and regulatory capacity

Tenderers can be natural or legal persons. Tenderers are not obliged to take a specific legal form in order to submit their tenders.

²¹ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

Where tenderers submit a tender through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the tenderers.

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

The legal and regulatory capacity shall be proven by the evidence listed below:

- Duly filled and signed Declaration on Honour on Exclusion Criteria and Selection criteria (Annex 2)
- Proof of enrolment in a relevant trade or professional register
- Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment
- Legal entities' form (for the Coordinator and for each Consortium Member, not needed for subcontractors), dully filled-in and accompanied by all the supporting documents requested therein, (please, use the form available on the following web page: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm);
- Financial identification form (only for the Coordinator or the one responsible for payment matters) dully filled-in (please, use the form available on the following web page: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm);

Evidence of legal and regulatory capacity must be submitted with the tender and applies to all members of a group, in the case of a joint tender.

In addition, involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)²² that constitute a legal impediment to perform the contract. This requirement will be assessed by reference to the EU restrictive measures in force. Therefore, the tenderer is not required to submit any evidence of not being subject to EU restrictive measures.

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

All Lots individually

Criterion F1

²² Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

Minimum level of capacity	Average yearly turnover of the last three financial years above EUR 200.000 for Lot 1 / Framework Contract, EUR 100.000 for Lot 2 / Framework Contract and EUR 100.000 for Lot 3 / Framework Contract, which corresponds to the average annual indicative value per Lot / Framework Contract, referred to in section 1.7 above.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Copy of the profit and loss accounts and balance sheets for the last three years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

Criterion F2	
Minimum level of capacity	<p>The following financial ratios must show a positive trend over three years in order to demonstrate the economic and financial capacity of the tenderers:</p> <ol style="list-style-type: none"> 1. Liquidity: <ul style="list-style-type: none"> • Current ratio, which measures a company's ability to pay off its current liabilities (payable within one year) with its total current assets such as cash, accounts receivable and inventories. The higher the ratio, the better the company's liquidity position. • Acid-test ratio measures a company's ability to meet its short-term obligations with its most liquid assets and therefore excludes inventories from its current assets. 2. Profitability: <ul style="list-style-type: none"> • Gross margin refers to a profitability measure that looks at a company's gross profit compared to its revenue or sales. The higher the gross margin, the more capital a company retains, which it can then use to pay other costs or satisfy debt obligations. • Net margin measures how much net income or profit is generated as a percentage of revenue. The net profit margin illustrates how much of each euro in revenue

	<p>collected by a company translates into profit.</p> <p>3. Rate on Return:</p> <ul style="list-style-type: none"> • Return on Total Assets is a type of return on investment (ROI) metric that measures the profitability of a business in relation to its total assets. This ratio indicates how well a company is performing by comparing the profit (net income) it's generating to the capital it's invested in assets. The higher the return, the more productive and efficient management is in utilizing economic resources. • Return on Capital Employed (ROCE) is a financial ratio used to assess a company's profitability and capital efficiency. In other words, this ratio helps to understand how well a company is generating profits from its capital as it is put to use. <p>4. Asset Usage:</p> <ul style="list-style-type: none"> • Total Asset Turnover measures the value of a company's sales or revenues relative to the value of its assets. The asset turnover ratio can be used as an indicator of the efficiency with which a company is using its assets to generate revenue. The higher the asset turnover ratio, the more efficient a company is at generating revenue from its assets. Conversely, if a company has a low asset turnover ratio, it indicates it is not efficiently using its assets to generate sales. • Current Asset Turnover measures the value of a company's sales or revenues relative to the value of its current assets (cash, inventory, accounts receivable, etc.).
Basis for assessment	The financial capacity will be assessed against each member of the group in case of joint tender.
Evidence	<ol style="list-style-type: none"> 1. Profit and loss accounts 2. Balance sheets 3. Explanatory notes and/or annexes that form part of the above financial statements (if available) <p>for the last three years for which accounts have been closed from each concerned <i>involved entity</i>, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.</p>

☞ All of the above-specified evidence of economic and financial capacity must be provided with the tender.

3.2.3. Technical and professional capacity

☞ With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. The entity on whose capacity the tenderer relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.4.2.

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract:

Criterion T1	
The Tenderer shall have (depending on the Lot):	
Lot 1 - Capacity to undertake activities in terms of /context of:	
<ol style="list-style-type: none"> 1. Technical skills related to global and European regional airline operations with the most up-to-date operational expertise and the ability to deliver quality outcome representing a synthetic view of the represented community, 2. Global/worldwide geographical scope strongly connected to ICAO regional frameworks and European geographical scope, and 3. Global and intra-European regional airline operations proven knowledge and expertise addressing a wide range of topics ranging from operations, ICT to business and economic matters. 	
Lot 2 - Capacity to undertake activities in terms of /context of:	
<ol style="list-style-type: none"> 1. Technical skills related to business aviation operations with the most up-to-date operational expertise and the ability to deliver quality outcome representing a synthetic view of the represented community, and 2. European geographical scope relevant for the Single European Sky and the Digital European Sky. 	
Lot 3 - Capacity to undertake activities in terms of /context of:	
<ol style="list-style-type: none"> 1. General aviation & rotorcraft operations with the most up-to-date operational expertise and the ability to deliver quality outcome representing a synthetic view of the represented community, and 2. Capacity to undertake its activities in the context of a European geographical scope relevant for the Single European Sky and the Digital European Sky. 	
Minimum level of capacity	At least three similar (in scope and complexity) projects completed in the last three years preceding the tender submission deadline.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.

Evidence	<ol style="list-style-type: none"> 1. Brief presentation of the tenderer (tailor-made to the present call, maximum length of 5 pages) containing a detailed description of the tenderer's structure (coordinator, other member/s and/or already identified subcontractors, focusing in particular on the capacity and the organisational structure set up to perform the activities) and main current activities. 2. A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.
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Criterion T2	
<p>For each Lot, the tenderer must demonstrate it has competent and experienced staff to implement the framework contract. For this purpose, the full proposed team shall be composed of:</p> <ul style="list-style-type: none"> - 1 Contract Manager - 1 Technical Manager²³ - At least 2 General profile (pilots, engineers and economists) 	
Minimum level of capacity	<p>The team proposed by the tenderer shall demonstrate that it has competent and experienced staff to implement the Contract. For this purpose:</p> <p>All team members shall have:</p> <ol style="list-style-type: none"> 1. Excellent written and oral command of the English language, with at least (written and spoken) corresponding to C1 level in line with the Common European Framework of Reference for EN Language, and 2. Relevant work experience (depending on the Lot) in relation to: <ol style="list-style-type: none"> a. Lot 1 - Global and intra-European airline operations such as, but not limited to, airline flight planning and operations, flight crew, macro-economic analysis, ICAO procedure and working practices; b. Lot 2 - Business aviation operations such as, but not limited to, flight planning and

²³ The Contract Manager and the Technical Manager could be the same individual as long as they possess the complete set of skills and have capacity to perform both functions.

	<p>operations, airport operations, maintenance, avionics and performance/economics;</p> <p>c. Lot 3 - General aviation & rotorcraft operations such as, but not limited to, flight planning and operations, airport operations, maintenance, avionics and performance/economics.</p> <p>In addition to the above, the specific profiles shall have:</p> <p>3. The Contract Manager, who will be the interlocutor with SESAR must have at least:</p> <p>a. 10 years of relevant experience in managing contracts in an international context;</p> <p>b. 5 years of experience in managing contract/projects in the frame or the European institutions/bodies.</p> <p>4. The Technical Manager (for Lots 1-3) who will ensure technical quality shall possess:</p> <p>a. 10 years of relevant experience in managing projects and activities preferably in an international context;</p> <p>b. 5 years of relevant experience in ATM.</p> <p>5. General profile (pilots, engineers and economists) for each Lot shall possess at least 5 years of relevant experience in aviation sector;</p>
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
Evidence	<p>1. Completed staff form, template to be found in Annex 7</p> <p>2. Detailed CVs (only) of the persons who will be responsible for carrying out the tasks</p>

☞ All of the above-specified evidence of technical and professional capacity must be provided with the tender.

☞ Involved entities (see Section 2.4) [and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2),] must not be subject to professional conflicting interests which may negatively affect the contract performance. Where the contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (*Annex 5.1 and Annex 5.2*).

-When evaluating the tenders submitted in the present procedure for the award of framework contracts, the contracting authority may consider the risk of professional conflicting interests with reference to the nature and subject of the specific contracts under the framework contracts.

Further details and obligations concerning professional conflicting interests are set out in the draft contract (Article II.7).

3.3. Compliance with the conditions for participation and minimum requirements specified in the procurement documents

By submitting a tender, a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenderers must declare when submitting their tenders in eSubmission whether their tenders comply with the minimum requirements specified in the procurement documents.

⚡ Tenders that are not compliant with the applicable minimum requirements shall be rejected.

3.4. Award criteria

Only the tenders, which meet the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price for the award of the framework contracts.

The framework contracts will be awarded on the basis of the economically most advantageous tender as detailed in the subsequent sections.

Tenders will be evaluated on the basis of the quality award criteria and their weighting, as detailed below. The tender must reach a minimum score of 50% or more per quality award criterion and 70 points or more globally in order to be admitted to the financial evaluation. The tenders with lower scores will be considered non-suitable and therefore excluded.

N.B.: Tenders presenting a mere repetition of the tender specifications or source documentation will be scored below the minimum required.

All Lots individually

The quality of the tender will be evaluated based on the following criteria:

Quality Award Criteria	Maximum available	Minimum score
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1. Understanding of SESAR: <ul style="list-style-type: none"> • Understanding of the Digital European Sky vision and priorities as outlined in the European ATM Master Plan and in the SRIA; • Understanding of the related key R&I areas covered by the Digital European Sky Programme; • Understanding of the importance of the fast-track topics and the importance of accelerating market uptake; and • Understanding and dissociation of the opportunities linked to engagement in the SESAR Development vs. Deployment activities. 	30	15
2. Quality of the proposed approach and expertise: <ul style="list-style-type: none"> • Ability to take into account a wide variety of operations and to cover the whole range of AU points of view within the scope of the Lot; • Suitability of the proposed approach to deliver quality outcomes to the SESAR 3 JU covering the tasks described in section 2; • Suitability of the composition and balance of the proposed team; • Appropriateness of the whole proposed methodological approach (e.g. technical coordination, approach to formulation of conclusions and recommendations) for achieving the objectives; and • Added-value to the Digital European Sky programme in promoting market uptake of SESAR solutions among targeted civil airspace user communities. 	40	20
3. Appropriateness of the approach for effective contract management: <ul style="list-style-type: none"> • Timely response, reporting and delivery; • Quality of service; • Mechanisms to ensure the availability of the expertise required; and • Identification of, prevention of and solutions to mitigate conflicts of interest 	30	15
Total Score Technical Award Criteria	100	50

Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the method below.

The price that will be taken into account for the financial evaluation and the award of the framework contract is the “Total Price” proposed by the tenderer in the financial offer as indicated in the Invitation to tender ref. S3JU/LC/013-CFT.

All tenders must contain a separate financial offer following the template attached to the tender specifications in Annexe II and in line with the requirements detailed in section 2 above.

The formula that will be used to rank the tenders incorporates the following elements:

Quality (60%)

- The score of the award criteria of the tender; and
- The highest score of the award criteria among acceptable tenders.

Price (40%)

- The 'Total Price' of the tender; and
- The 'Total Price' of the lowest priced acceptable tender.

The ranking of the tenders, for the award of the contract, will be established by using the formula below.

Score tender Y =

$$[(\text{Score of the award criteria of tender Y} / \text{highest score of the award criteria among acceptable tenders}) \times 60\%] + [(\text{'Total Price' of the lowest priced acceptable tender} / \text{'Total Price' of tender Y}) \times 40\%] * 100$$

Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for quality will be deemed to be the most economically advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed in below until a most economically advantageous tender can be determined:

1. *Criterion 2*: Quality of the approach
2. *Criterion 1*: Understanding SESAR
3. *Criterion 3*: Contract management

🔔 Detection of abnormally low tenders

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the link below:

https://wikis.ec.europa.eu/display/FTPPortal/Open+procedures_EN

☞ Make sure you prepare and submit your tender in eSubmission early enough to ensure it is received within the deadline indicated on TED eTendering.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in eSubmission are listed in *Annex 1*.

The following requirements apply to the technical and financial tender to be uploaded in eSubmission shall be:

- preferably written in English.
- perfectly legible so that there can be no doubt as to words and figures.
- *Cover letter:*

It shall be signed by a duly authorised representative of the Tenderer, dated and contain the following elements:

- The reference number of the SESAR 3 JU's call for tender
- Brief description and presentation of the tenderer containing a detailed description of the structure, explaining the suitability of the tenderer's organisation set up to perform the activities under the contract;
- The names, function and contact details (telephone, e-mail and addresses) of the following contact persons or responsible for:
 - i) Communications relating to this call for tender
 - ii) Technical matters during contract implementation
 - iii) Contract management (if different from the one in point i).
 - iv) Person empowered to sign the contract (if awarded).
- *Administrative offer:*

It shall contain:

- A valid power of attorney (or a clear reference to the official document), legally empowering the person/s who have signed any/all documents in response to this call for tenders;
- Legal entities' form (dully filled-in and accompanied by all the supporting documents requested therein (please, use the form available on the following web page:
http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm;

- Financial identification form dully filled-in (please, use the form available on the following web page:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm);

- Declaration on honour with respect to the Exclusion Criteria and selection criteria (please refer to section 3.1 in the Tender specifications and to the template provided in Annexe 2 of the technical specifications)

- *Technical tender:*

The technical tender must provide all the information needed to assess the compliance with Section 1.4 of these specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

Annex 7 (Staff form) dully filled in shall be included.

In addition, tenderers must provide a presentation of exactly how they propose to manage quality and manage provision of required services in order to allow a full assessment against technical award criteria 2 and 3.

Tenderers are free to choose where the personal data will be processed or stored as long as they comply with the contractual obligations on data processing (Art.I.9.2 and Art. II.9) and, in particular, with the requirements for transfer of personal data to third countries and international organisations laid down in Chapter V of Regulation (EU) 2018/1725²⁴.

Tenderers must specify in their technical tender the location where the personal data will be processed and stored only where this location is outside the territory of the European Union or the European Economic Area. If no location is specified in the tender, the contracting authority will consider that the personal data will be processed and stored only within the territory of the European Union or the European Economic Area.

- *Financial tender.*

A complete financial tender, including the breakdown of the price, needs to be submitted. For this purpose, the Financial Model in Annex 6 (dedicated template per Lot) shall be used.

The financial tender shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

²⁴ [Regulation \(EU\) 2018/1725 of 23 October 2018](#) on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39, 21.11.2018.

- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

‡ The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact its national authorities to clarify the way in which the European Union is exempt from VAT.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or, preferably, a qualified electronic signature (QES) as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

Tenderers are strongly encouraged to sign with a QES²⁵ all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the tenderer (in case of a joint tender – the Declarations on Honour of all group members);

In the case of a joint tender, the Agreement/Power(s) of attorney drawn up using the model attached in **Annex 3**. The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by:

- appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or
- a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney).

A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

²⁵ See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, bodies and agencies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff, provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision, tenderers whose tenders were received in accordance with the submission modalities, who are not subject to restrictive measures, have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing, will be notified of the name of the tenderer to whom the contract is awarded for the lot for which the tenderer applied, the characteristics and relative advantages of the successful tender and its total financial tender amount. The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial tender, technical or trade secrets²⁶.
- The contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure²⁷, the contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

👉 The contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

²⁶ For the definition of trade secrets please see Article 2 (1) of [Directive \(EU\) 2016/943 on the protection of undisclosed know-how and business information \(trade secrets\) against their unlawful acquisition, use and disclosure](#).

²⁷ See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).

APPENDIX 1: LIST OF REFERENCES

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.4.3
<i>EU Validation services</i>	See Section 2.3 EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union
<i>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.6
<i>Group leader</i>	See Section 2.4.1
<i>Group member</i>	See Section 2.4.1
<i>Identified subcontractors</i>	See Section 2.4.2
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.4.1
<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.4
<i>Subcontracting/subcontractor</i>	See Section 2.4.2
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en

APPENDIX 2: LIST OF ABBREVIATIONS

Abbreviation	Meaning
ANSP	Air Navigation Service Provider
ATM	Air Traffic Management
AU	Airspace User
BAWP	Bi-Annual Work Programme
EASA	European Union Aviation Safety Agency
EDA	European Defence Agency
EDES	European Union's Early Detection and Exclusion System
ESPD	European Single Procurement Document
EU	European Union
EUROCAE	European Organization for Civil Aviation Equipment
ICAO	International Civil Aviation Organisation
MAWP	Multi-Annual Work Programme
NSA	National Supervisory Agency
PIC	Participant Identification Code
PSO	Professional Staff Organisation
QES	Qualified Electronic Signature
R&I	Research and Innovation
SES	Single European Sky
SESAR	Single European Sky ATM Research
SESAR 3 JU	SESAR 3 Joint Undertaking
SME	Small to Medium Enterprise
SRIA	Strategic Research and Innovation Agenda
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TRL	Technology Readiness Level

ANNEXES

Annex 1. List of documents to be submitted with the tender or during the procedure

The purpose of this table is to help tenderers prepare their tenders and set out clearly what documents must be submitted, concerning which involved entities, when (with the tender or later on request of the contracting authority) and where (eSubmission, Participant register, etc.).

If you request also other evidence of economic & financial or technical & professional capacity, insert a new line for each criterion, designate it clearly (e.g. Evidence of technical and professional capacity T2), specify who must provide the evidence and when.

		Group leader	Group member				How to name the file?	Where to upload?
<p>1. Identification and information about the tenderer.</p> <p><i>eSubmission view</i></p>								
<p>Declaration on Honour on Exclusion and Selection Criteria (see Section 3.1)</p> <p><i>model in Annex 2</i></p>	☒	☒	☒	☒	☒	With the tender in eSubmission	'Declaration on Honour'	<p>With the concerned entity under 'Parties'</p> <p>→ 'Identification of the participant'</p>

								<p>→'Attachments'→'Declaration on Honour'.</p> <p>For entities that are not subcontractors and on whose capacity the tenderer relies to fulfil the selection criteria, the document must be uploaded in the section of the sole tenderer or group leader:</p> <p>→'Identification of the participant' →'Attachments'→'Other documents'.</p>
<p>Evidence that the person signing the documents is an authorised representative of the entity²⁸ (see Section 4.3)</p>	☒	☒	☒			With the tender in eSubmission	'Authorisation to sign documents'	<p>With the concerned entity under 'Parties'</p> <p>→'Identification of the participant' →'Attachments'→'Other documents'.</p>
<p>Agreement/Power of attorney (see Section 2.4.1) <i>model in Annex 3</i></p>		☒	☒			With the tender in eSubmission	'Agreement_ Power of attorney'	<p>In the group leader's section under 'Parties'</p> <p>→'Identification of the participant' →'Attachments'→'Other documents'.</p>
<p>List of identified subcontractors (see Section 2.4.2) <i>model in Annex 4</i></p>	☒	☒				With the tender in eSubmission	'List of identified subcontractors'	<p>In the sole tenderer's or the group leader's section under 'Parties'</p>

²⁸ A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

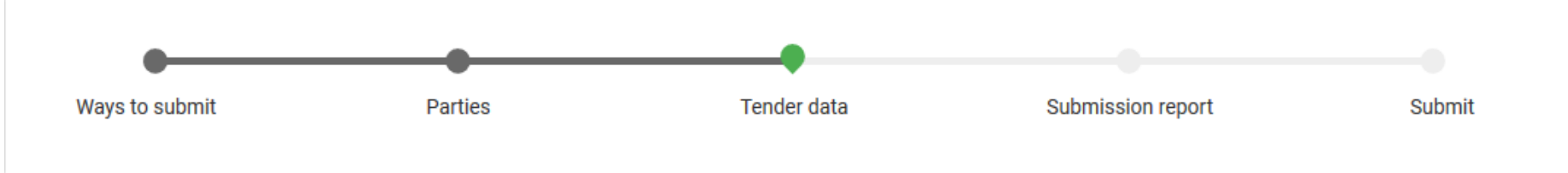
								→'Identification of the participant' →'Attachments'→'Other documents'.
Commitment letter (see Section 2.4.2 and 2.4.3)				<input checked="" type="checkbox"/> (model in Annex 5.1)	<input checked="" type="checkbox"/> (model in Annex 5.2)	With the tender in eSubmission	'Commitment letter'	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
Evidence of non-exclusion (see Section 3.1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Tenderers (sole tenderers/all group members in case of a joint tender) must provide the evidence with their tenders in eSubmission. Subcontractors and entities on whose capacity a tenderer relies to fulfil the selection criteria must provide the evidence only upon request by the contracting authority.	No specific requirements how to name the file(s).	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Exclusion criteria'.
Evidence of legal existence and status (see Section 2.3)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Only upon request by <i>the EU Validation services</i> At any time during the procedure In the Participant Register	n.a.	n.a.
Evidence of legal capacity (see Section 3.2.1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender in eSubmission	No specific requirements how to name the file(s).	With the concerned entity under 'Parties' →'Identification of the participant'

								→'Attachments'→'Legal and regulatory capacity'.
Evidence of economic and financial capacity F1 (see Section 3.2.2)	The documents must be provided only by the involved entities which contribute to reaching the minimum capacity level for criterion F1					With the tender in eSubmission	'Balance_sheet_entity_year' 'Profit_Loss_Account_entity_year'	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→'Economic and financial capacity'.
Evidence of economic and financial capacity F2 (see Section 3.2.2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission	'Balance_sheet_entity_year" 'Profit_Loss_Account_entity_year'	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→'Economic and financial capacity'.
Evidence of technical and professional capacity T1 (see Section 3.2.3)	The documents must be provided only by the involved entities who contribute to reaching the minimum capacity level for criterion T1					With the tender in eSubmission	'Project_reference_No.1" 'Project_reference_No.2" Project_reference_No.3"	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→'Economic and financial capacity'.

Evidence of technical and professional capacity T2 (see Section 3.2.3)	The documents must be provided only by the involved entities who contribute to reaching the minimum capacity level for criterion T2	With the tender in eSubmission	1. Staff form 2. CVS	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→'Technical and professional capacity'.
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2. Tender data.

eSubmission view



Failure to upload the following documents in eSubmission will lead to rejection of the tender.

Technical tender (see Section 4.2)	☒	☒				With the tender in eSubmission	'Technical tender'	Under section 'Tender Data' →'Technical tender'
Financial tender (see Section 4.2) <i>model in Annex 6</i>	☒	☒				With the tender in eSubmission	'Financial tender'	Under 'Tender Data' →'Financial tender'

Annex 2. Declaration on Honour on exclusion and selection criteria

Annex 2 is published as a separate document

Annex 3. Agreement/Power of attorney

Call for tenders **XXX/XX/XX/20XY/XYZ** - **Lot X**

[TITLE OF THE PROCEDURE]

AGREEMENT/POWER OF ATTORNEY

The undersigned:

[- Signatory 1 (Name, Function, Legal entity name, Registered address, VAT Number)]

- Signatory 2 (Name, Function, Legal entity name, Registered address, VAT Number)

- ...

- Signatory N (Name, Function, Legal entity name, Registered address, VAT Number)]

having the legal capacity required to act on behalf of the entities they represent,

HEREBY AGREE TO THE FOLLOWING:

- 1) To submit a joint tender (the tender) as members of a group of tenderers (the group), constituted by ***[Insert names of Legal entity 1, Legal entity 2, ... Legal entity N – the name of the group leader must be included here!]*** (the group members), and led by ***[Insert name of Legal entity 1]*** (the group leader), in accordance with the conditions of the procurement documents and the terms of the tender to which this Agreement/Power of attorney is attached.
- 2) If the contracting authority awards a contract resulting from this call for tenders (the contract) to the group on the basis of the tender to which this Agreement/Power of attorney is attached, all group members (including the group leader) shall be considered parties to the contract in accordance with the following conditions:
 - (a) All group members (including the group leader) shall be jointly and severally liable towards the contracting authority for the performance of the contract.
 - (b) All group members (including the group leader) shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the contracting authority related to the services and/or supplies subject to the contract shall be made through the bank account of the group leader indicated in the contract.
- 4) The group members grant to the group leader all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:

- (a) The group leader shall submit the tender on its own behalf and on behalf of the other group members and indicate in the "Contact Person" section in eSubmission the name and e-mail address of an individual as a single point of contact authorised to communicate officially with the contracting authority in connection with the submitted tender on behalf of all group members, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
- (b) The group leader shall sign any contractual documents — including the contract, [specific contracts] and amendments thereto — and shall warrant the submission of any invoices related to the performance of the contract on behalf of all group members.
- (c) The group leader shall act as a single contact point with the contracting authority in the delivery of the services and/or supplies subject to the contract. It shall coordinate the delivery of the services and/or supplies by the group to the contracting authority, and shall see to a proper administration of the contract.

This Agreement/Power of attorney may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same document.

Any modification to the present Agreement/Power of attorney shall be subject to the contracting authority's express approval. This Agreement/Power of attorney shall expire when all the contractual obligations of the group have ceased to exist. The parties cannot terminate it before that date without the contracting authority's consent.

Name
Function
Name of the legal entity

Name
Function
Name of the legal entity

signature[s]: _____

signature[s]: _____

Done at, on

Done at, on

Name
Function
Name of the legal entity

Name
Function
Name of the legal entity

signature[s]: _____

signature[s]: _____

Done at, on

Done at, on

Annex 4. List of identified subcontractors and proportion of subcontracting

<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]</i>		
Other subcontractors that do not need to be identified under Section 2.4.2²⁹		
TOTAL % of subcontracting		0,00%

²⁹ For this category of subcontractors, please provide in a general manner their intended roles/tasks during contract execution, as well as the aggregated % of contract volume for all non-identified subcontractors.

Annex 5.1. Commitment letter by an identified subcontractor

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. [reference number]

Attn:

[Insert date]

Commitment letter by identified subcontractor

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of *[insert name of the entity]*, hereby confirm that the latter agrees to participate as subcontractor in the tender of *[insert name of the tenderer]* for the call for tenders *[insert reference number]* – *[insert title of procedure]* [Lot *[insert lot number]*].

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the subcontractor]* commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests, which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 5.2. Commitment letter by an entity on whose capacities is being relied

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. [reference number]

Attn:

[Insert date]

Commitment letter by an entity on whose capacity is being relied

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of [insert name of the entity], hereby confirm that the latter **authorises the [insert name of the tenderer] to rely on its [financial and economic capacity] [technical and professional capacity] in order to meet the minimum levels** required for the call for tenders [insert reference number] – [insert title of procedure] [Lot [insert lot number]].

In the event that the tender of the aforementioned tenderer is successful, [insert name of the entity] commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 6. Financial tender form

Annex 6 is published as a separate document

Annex 7. Staff form

Annex 7 is published as a separate document