

INVITATION TO TENDER Ref. SJU/LC/0147-CFT

ICT Coordination Services

Publicity measures: open procedure, contract notice in the Official Journal

Dear Sir/Madam,

1. The SESAR Joint Undertaking (the "SJU") is planning to award the public contract referred to above. Please find enclosed the related tender specification listing all the documents that must be produced in order to submit a tender and the draft contract.
2. If you are interested in this contract, you should submit a tender **either by registered mail, private courier or in-hand delivery.**

The tender including all its supporting documents must be **sent to SJU, not later than 29/01/2019 at 11.30 a.m. (Brussels time).** The tenderers are requested to notify via email to procurement@sesarju.eu on day that they have sent a tender (if by post or private courier). The tenders have to be submitted to the following address:

**SESAR Joint Undertaking
Avenue de Cortenbergh, 100
B-1000 Brussels
BELGIUM**

Tenderers are strongly advised to use the delivery service offering tracking option of the sent items. **Any tender sent after the deadline will not be examined. Please note that evidence shall be constituted by the date of dispatch (the postmark in case delivery by registered post or the date of the deposit slip in case of delivery by private courier).**

3. The tender specifications, listing all the documents that must be produced in order to tender, including supporting evidence of legal, economic/financial, and technical/professional capacity and the draft contract are attached.
4. Tenders must be presented in the requested format and include all the requested information and documents. Failure to respect the requirements will constitute a formal incompliance and may result in the rejection of the offer.

Tenders must be clear and concise, perfectly legible so that there can be no doubt as to words and figures, include continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled).

It is recommended that the Tenders are submitted in environmentally friendly way, e.g. by choosing a simple and clear structure (list of contents and consecutive page numbering), double side printing, limiting attachments to what is required in this call for tenders (i.e. no additional material) and avoiding plastic folders and binders.

5. Tenders, preferably written in English, must:

- be perfectly legible so that there can be no doubt as to words and figures, and
- be submitted:
 - a) in **paper format**:
 - one (1) original of the cover letter,
 - one (1) original of the Administrative offer,
 - one (1) original and 4 copies of the Technical offer,
 - one (1) original of the Financial offer;
 - b) in **electronic format**: one copy of the offer, in searchable PDF format on a USB stick.

The original paper copies of each tender must be marked "**ORIGINAL**", initialled (each page) and signed by the tenderer.

6. Each tender must be placed inside two sealed envelopes:
 - a) The outer envelope or parcel should be sealed with adhesive tape and signed across the seal and carry the following information:
 - **the reference number of the call for tender (SJU/LC/0147-CFT)**,
 - the name of the tenderer,
 - the indication "*Tender - NOT to be opened by the internal mail service*".
 - b) The inner envelope must contain the cover letter, the offer in electronic format as well as the paper copies of the offer (as above referred to under Point 5, lit. a)) in three sealed envelopes:
 - the first containing the Administrative offer
 - the second containing the Financial offer
 - the third containing the Technical offer, in four copies, and four envelopes containing the CVs (please refer above to Point 7, lit. c) .

Each of these envelopes must clearly indicate the content (i.e. "Administrative offer", "Technical offer" and "Financial offer").

7. The tenders must include a cover letter and three volumes, including the following information:
 - a) **Cover letter** shall be signed by a duly authorised representative of the Tenderer and dated and contain the following elements:
 - The reference number of SJU's call for tender
 - Brief description of the Tenderer or, in case of consortia, of the Tenderer's composition (in bullet points) identifying the role or possible role (whether coordinator, member or subcontractor) of each participant to the consortium.
 - 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).

b) Volume 1 – Administrative offer shall contain the following elements:

- 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 (for the Coordinator and for each Consortium Member, where applicable);
- 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.cf m);

- Financial identification form (only for the Coordinator or the entity 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);
- Declaration on honour (please refer to section 4.2. of the Tender specifications and to the template provided in Annex); Supporting evidence of the Declaration will be requested from the Tenderer to which the contract is to be awarded in a further stage and in any case before the signature of the possible contract.
- Documentary evidence with respect to the selection criteria for the establishment of the legal capacity of the Tenderer as described in Section 4.3.1. of the tender specifications (for the Coordinator and for each Consortium Member, where applicable; please refer to point 18.bis below);
- Documentary evidence with respect to the selection criteria for the establishment of the economic and financial capacity of the Tenderer as described in Section 4.3.1. of the tender specifications (for the Coordinator and for each Consortium Member, where applicable; please refer to point 18.bis below).

For any further information on the document to be provided by national practitioners, please refer to the following web page: <https://ec.europa.eu/tools/ecertis/search>.

c) Volume 2 - Technical offer must provide the following elements:

- Documentary evidence with respect the selection criteria for the establishment of the technical and professional capacity of the Tenderer (for the Coordinator and for each Consortium Member, where applicable). Please refer to point 18.bis below and Section 4.3.3 of the Tender specifications.
- A **Technical offer** itself which shall:
 - Describe how the Tenderer plans to provide the services described in Section 2 of the Tender specifications. This section should include models, examples, technical solutions to problems raised in the specifications, mention to IPR and possible pre-existing rights.
 - Demonstrate Tenderer's capacity to undertake the following required services and demonstrate the competences as pointed out in the tender specification section 2.3.1 – 2.3.10:
 1. Senior technical expertise for coordination of ICT services and management competence within representative organisations;
 2. Contribution to governance and communication;
 3. Vendor management;
 4. Service delivery management;
 5. Contract and Project management;
 6. Budget planning and management;
 7. Assets management;
 8. Process documentation, Implementation and Continuous Improvement;
 9. Service transition planning & management of service continuity.
 10. Implementation of data protection and data security solutions related to ICT
- Include the fulfilment of the confidentiality obligation mentioned in section 2.4.2 of the tender specifications. If awarded following this tender procedure, the tenderer shall make sure that the on-site resources signs the confidentiality declaration (Annex V of the tender specifications).

- Include a dedicated section on “data protection” and how the tenderer is planning to provide all services as requested in section 2.3.10.1 of the technical specifications. Particular attention shall be given to the methodology in place to deal with:
 - Data protection impact assessment (DPIA) (in line with Articles 39 and 40 of the EUDPR, the relevant Guidelines of the EDPS and the relevant SJU procedure);
 - Data breaches (in line with Articles 92 and 93 of the Regulation 1725/2018, the relevant Guidelines of the EDPS and the SJU relevant procedure), and
 - International transfers (in line with chapter V of Regulation 1725/2018) and prior consultation and approval of SJU DPO and Controller.

- Include evidence of the insurance coverage as described under Point 4.3.3.1 of the tender specifications

The technical section is of great importance in the assessment of the tenders, the award and future execution of any resulting contract. The attention of Tenderers is specially drawn to the award criteria, which define those parts of the technical offer to which the tenderers should pay particular attention.

Please note that the CVs must be submitted, for the paper copies, in separate envelopes and, for the electronic offer, in a separate folder. Above mentioned envelopes and electronic folder must be clearly labelled ‘Human Resources’. Please ensure that the information related to Human Resources (such as individual CVs not anonymised, work experience, linguistic levels and anything that relates to personnel) is given nowhere else in the offer.

Nota bene: Tenders presenting a mere repetition of the tender specifications or source documentation as part of a technical offer will receive a score below the minimum required.

d) Volume 3 - Financial offer

Prices must be quoted:

- in EURO, including the countries which are not in the EURO area. Where applicable, the tenderer chooses the exchange rate and assumes all risks relating to the rate fluctuation,
- free of all duties and taxes (in particular VAT), as SJU is exempt from such charges under Article 3 and 4 of the Protocol on the Privileges and Immunities of the EC.
- In form of flat rates inclusive of all costs and expenses directly and indirectly connected with the services to be provided.
- The price offer must comply with the format requested in Annex IV of the Tender specifications which is an Excel file.

The financial offer should be completely unambiguous. The offer will be disqualified if it contains any statements preventing an accurate and complete comparison of the offers (such as “to be discussed”, “depending on”, etc.).

Tenderers shall be aware of Point 23 of Annex 1 of the Financial Regulation (Regulation 2018/1046 of 18/07/18) on abnormally low offers.

Please note that the financial offer must be submitted in a separate binder or folder and a separate envelope as indicated in section 6 here above which must be clearly labelled “Financial offer”. Please ensure that the information related to the financial quotation is given nowhere else in the offer.

8. Please note that all costs incurred in preparing and submitting tenders are to be borne by the tenderer and shall not be reimbursed.

9. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specifications and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The content of the tender submitted is binding on the tenderer to whom the contract is to be awarded for the whole duration unless otherwise agreed between the tenderer or selected contractor and SJU.
SJU reserves the right to reject tenders stating that the provisions of the tender documents mentioned above are accepted subject to a number of conditions.
10. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect is 6 months from the final date for submission.
11. **Contacts between SJU and tenderers are prohibited** throughout the procedure except in exceptional circumstances and under the following conditions:

Before the deadline for reception of the tenders:

At the request of the tenderer, SJU may provide additional information solely for the purpose of clarifying the content of this call for tender and/or the nature of the contract.

Any requests for additional information must be made in writing only and sent to the following e-mail address: procurement@sesarju.eu. Requests for additional information should indicate the reference number of the call for tender and its title.

Requests for additional information received less than ten (10) calendar days before the final date for receipt of tenders will not be processed.

Clarifications will be issued by SJU no later than six (6) calendar days before the closing date for receipt of tenders.

SJU may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

Any additional information, including that referred to above, or/and corrigendum will be posted on the following website <https://www.sesarju.eu/procurement> as well as in the Official Journal of the European Union (OJEU). Accordingly, the tenderers are invited to make regular visits to SJU website to check for updates or potential questions and answers rose in the context of the present procedure.

After the opening of tenders:

If clarification is required or if obvious clerical errors in the tender need to be corrected, SJU may contact the tenderer provided the terms of the tender are not modified as a result.

12. SJU will sign a service contract with the successful tenderer.

The estimated start date of the contract is 15th March 2019. The contract will be concluded for an initial period of 24 months with a tacit renewal not exceeding one (1) time for a further 24 months. Please, refer to article I.3 of the draft service contract attached to the Invitation to tender.

A draft direct service contract is annexed to this invitation to tender. Please note that that the direct contract model annexed to this invitation to tender lays down conditions based on provisions of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the union. As 2nd August 2018 Regulation (EU, Euratom) No 1046/2018 of the European Parliament and of the Council of 18 July 2018 repealing Regulation (EU, Euratom) No 966/2012 is into force. The draft contract will be adapted to new provisions before being signed.

13. This invitation to tender is in no way binding on SJU. SJU's contractual obligation commences only upon signature of the contract with the successful tenderer.
14. Up to the point of signature, SJU may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
15. Once SJU has opened the tender, the document shall become the property of SJU and it shall be treated confidentially.
16. You will be informed of the outcome of this procurement procedure by e-mail. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check it regularly.
17. If processing tenderer's reply to the invitation to tender involves the recording and processing of personal data (such as name, address and CV such data will be processed pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council 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. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by SJU. Details concerning the processing of personal data are available on the [Privacy Statement](#) at: <https://www.sesarju.eu/procurement>

18. If your tender includes **subcontracting**, it must be clearly indicated which parts of the services are intended to be subcontracted.

Subcontractor(s) must, as a general rule, satisfy the exclusion criteria as listed in section 4.2. of the Tender specifications and minimum requirements listed in section 4.4 of the Tender specifications. When subcontractors are identified for the performance of critical tasks, SJU reserves the right to request evidence on selection criteria as listed in section 4.3 of the Tender specifications.

If the identity of the intended subcontractor(s) is already known at the time of submitting the tender, the Tenderer must comply with the provisions defined above.

If the identity of the sub-contractor(s) is not known at the time of submitting the tender, the tender who is awarded the contract will have to seek and receive SJU's prior written authorisation before entering into a subcontract.

Please, note that solely the main contractor retains full liability towards SJU for the performance of the contract as a whole. Accordingly:

- SJU will treat all contractual matters (e.g. payments) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor;
- under no circumstances can the main contractor avoid liability towards SJU on the grounds that the subcontractor is at fault.

Where no subcontractor is identified, the services will be assumed to be carried out directly by the contractor.

- 18bis. **Consortia** (or groupings) may submit a tender provided that they comply with the rules of competition. Consortium may be either a permanent, legally-established grouping or a grouping constituted for the purpose of a specific procedure. The consortium must clearly specify the company or person leading the project (the coordinator). Therefore the tender (i.e. Administrative offer) must also include a duly filled in and signed **letter of intent** from each member of the consortium, authorising the coordinator to submit a tender on their

behalf and confirming that the consortium members will place the resources necessary for performance of the contract.

All members of consortium (i.e. the coordinator and other members) are jointly and severally liable to SJU. Therefore, tenders stating that either: (a) one of the member of consortium will be responsible for some part of the contract and another - for the other part(s), or that (b) more than one contract should be signed if the joint tender is successful; are incompatible with the principle of joint and several liability.

SJU will consequently disregard any such statement contained in a tender and will reserve the right to reject such tenders without further evaluation on the grounds that they do not comply with the requirements of the present call for tender.

In addition, each member of consortium must provide the required evidence for the exclusion and selection criteria (see sections 4.2. and 4.3. of the tender specifications). Exclusion of one or/and several of the consortium members on these grounds might result in the exclusion of the whole consortium.

Concerning the selection criteria with regard to technical and professional capacity, the evidence provided by each member of consortium will be verified to ensure that the consortium as a whole fulfils the criteria.

19. Your personal data may be registered in the Early Detection and Exclusion System (EDES) in accordance with Article 135 of the Financial Regulation (Regulation 2018/1046).
For more information, see the Privacy Statement on:
http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm
20. You may submit any observations concerning the procurement procedure to SJU using the contact details specified under point 11. If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within two years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>).
21. Within two months of notice of the award decision, you may launch an action for annulment of the award decision. Any request you may make and any reply from us, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment or to open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated in Section VI.4.1 of the contract notice.

Yours sincerely,



Mr Florian Guillermet
Executive Director

Annexes: Tender specifications
Draft direct service contract

