

INVITATION TO TENDER Ref. SJU/LC/0085-CFT

Performance of a study on ATM Performance Model and supporting methodology

(open procedure with publication in OJ)

Brussels, 30 October 2012

Dear Sir or Madam,

1. The SESAR Joint Undertaking (SJU) invites tenders for a contract regarding the following activities:

**Performance of a study on
ATM Performance Model and supporting methodology**

This call is open for any entity to participate. Universities performing research in and having links with development activities in the area of regulated services performance planning and measurement, in particular with ATM experience are encouraged to participate.

2. Tenderers interested in this call for tender must send their offers **either by registered mail, private courier or in-hand delivery.**

The tender including all its supporting documents must be **received** at the SJU premises by registered mail, by private courier or delivered in-hand, not later than **Tuesday 18 December 2012 at 12 noon (Brussels time)**. The tenders have to be submitted to the following address:

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

The tenderers are strongly advised to use the delivery service offering tracking option of the sent items. **Any tender received after the deadline will not be examined.**

3. The tender specification, listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial, technical and professional capacity and the draft contract are attached.
4. Offers 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.

Offers 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).

5. Offers must be written in English and submitted:

a) in paper format:

- one (1) original and four (4) copies of the cover letter,
- one (1) original of the Administrative offer,
- one (1) original and four (4) copies of the Technical offer
- one (1) original of the Financial offer;

b) in electronic format: one copy of the offer, in PDF format.

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

6. Each offer must be submitted in accordance with the double envelope system:

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/0085-CFT),**
- the name of the tenderer,
- the indication “*Offer - NOT to be opened by the internal mail service*”.

b) The inner envelope must contain the paper copies and the electronic copy.

c) The inner envelope must also contain two sealed envelopes, one containing the administrative and technical offer and the other the financial offer. Each of these envelopes must clearly indicate the content (i.e. "Administrative and technical offer" and "Financial offer").

7. The offers must include a cover letter and three volumes, including the following information:

a) Cover letter shall be signed and dated and contain the following elements:

- The names, telephone and fax numbers and e-mail addresses of the persons who will be responsible for the technical and contractual management of any resulting contract and who would be nominated as such in the contract,
- The name, address, fax and telephone number and e-mail address of the contact person to whom all communications relating to this call for tender should be addressed,
- The name, title and function of the person empowered to sign the contract (if awarded),
- A reference number for the offer, identical throughout all parts of the offer,
- The reference number of the SESAR Joint Undertaking's call for tender, and
- **The tenderer's acceptance of the proposed contractual terms and conditions (see section 10 below).**

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

- Legal entities' form, accompanied by the documents requested therein, (please, use the form available on the following web page: http://ec.europa.eu/budget/info_contract/legal_entities_en.htm);
- Financial identification form (please, use the form available on the following web page: http://ec.europa.eu/budget/info_contract/ftiers_en.htm);
- Declaration on Honour regarding the exclusion criteria (please refer to section 3.2. of and to Tender Specifications and to the template provided in Annex I to the Tender Specifications);
- Documentary evidence for the establishment of the legal capacity of the tenderer (please refer to section 3.3.1. of the Tender Specifications);
- Documentary evidence for the establishment of the economic and financial capacity of the tenderer (please refer to section 3.3.2. of the Tender Specifications).

c) Volume 2 - Technical offer must provide all the information required in sections 3.3.3 and 3.4.1 of the tender specifications.

d) Volume 3 - Financial offer

i. Financial Proposal

The description of the Tasks to be performed can be found in Section 2.1. of the Tender Specifications. This Section describes the nature of the services requested, their duration and the deliverables to be produced. The tenderers shall submit a proposal in line with the Tender Specifications, as well as with the provisions of the draft contract attached hereto, indicating clearly:

- the **fixed and firm price** requested for the Tasks described in Section 2.1 of the Tender Specifications, including a detailed breakdown of the costs;
- the **proposed milestone payment plan** (i.e., the amount of pre-financing if requested and in accordance with the provisions of the draft contract attached hereto).

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 for opportunities relating to the rate fluctuation,
- free of all duties and taxes (in particular VAT), as the SESAR Joint Undertaking is exempt from such charges under Article 3 and 4 of the Protocol on the Privileges and immunities of the EC.

- inclusive of all costs and expenses directly and indirectly connected with the services to be supplied.

ii. General requirements

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.).

Please note that costs incurred in preparing and submitting offers are borne by the tenderer and shall not be reimbursed.

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. Period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect: ninety (90) days from the final date for submission.
9. **Contacts** between the SESAR Joint Undertaking and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the opening of the offers:

At the request of the tenderer, the SESAR Joint Undertaking 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 five (5) working days before the final date for receipt of tenders will not be processed.

The SESAR Joint Undertaking 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 <http://www.sesarju.eu/about/procurement> as well as in the Official Journal of the European Union (OJEU). Accordingly, the tenderers are invited to make regular visits to the SJU website to check for updates.

After the opening of tenders:

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

10. Contractual framework

i. Nature and scope of the contract to be awarded

The Contract to be awarded as a result of this call for tenders will cover the activities listed under Section 2.1 of the Tender Specifications.

ii. Duration of the contract

The total duration of the Tasks to be performed under the contract shall be for a **maximum of six (6) months**.

11. This invitation to tender is in no way binding on the SESAR Joint Undertaking. The SESAR Joint Undertaking's contractual obligation commences only upon signature of the contract with the successful tenderer.
12. Up to the point of signature, the contracting authority 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.
13. Once the SESAR Joint Undertaking has opened the tender, the document shall become the property of the SESAR Joint Undertaking and it shall be treated confidentially.
14. 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 (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, tenderer's replies to the questions and any personal data requested are required to evaluate the tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the SESAR Joint Undertaking. Details concerning the processing of personal data are available on the privacy statement at: <http://www.sesarju.eu/about/procurement>.
15. If your offer includes **subcontracting**, please note that solely the main contractor retains full liability towards the SESAR Joint Undertaking for the performance of the contract as a whole. Accordingly:

- the SESAR Joint Undertaking 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 the SESAR Joint Undertaking on the grounds that the subcontractor is at fault.

The tender must indicate clearly, which parts of the services will be subcontracted. Subcontractor(s) must satisfy the exclusion criteria as listed in section 3.2. 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 provide a statement guaranteeing the compliance of the subcontractor(s) with the exclusion criteria.

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 SESAR Joint Undertaking's prior written authorisation before entering into a subcontract.

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

16bis. **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 a specific tender procedure.

The consortium must clearly specify the company or person leading the project (the coordinator). Therefore the offer must also include a/- document/-s (e.g. **letter(s) of intent**) from each member of the consortium, authorising the coordinator to submit a tender on their behalf and also 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 the SESAR Joint Undertaking. 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.

The SESAR Joint Undertaking will consequently disregard any such statement contained in a tender and will reserve the right to reject such offers 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 3.2. and 3.3. of the tender specifications).

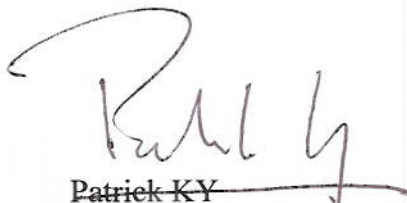
Exclusion of one of the consortium members on these grounds will result in the exclusion of the whole consortium.

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.

In case there is a need for the SJU to provide access to essential (required by the Tenderer in order to successfully perform the tasks described) material and/or expertise from the SJU Members and/or its Associates, the type of such requested information shall be clearly indicated as well as detailing what is required, including the dependency to the Tenderers proposed activities as well as at what stage such access/expertise would be required.

17. You will be informed whether your tender has been accepted or rejected.
18. The SJU will establish an Information Day on Wednesday 21 November 2012 from 9.00 am to 13.00 pm in the SJU premises at Avenue de Cortenbergh 100, Brussels. For logistic purposes tenderers are kindly requested to confirm their participation to the Information Day by submitting an email to procurement@sesarju.eu. Further details (agenda etc.) will be presented on the SJU Website at the following link: <http://www.sesarju.eu/about/procurement>

Yours sincerely,



Patrick KY
Executive Director

Annexes: Tender specifications
 Draft Service contract

