

**INVITATION TO TENDER Ref. SJU/LC/0088-CFT**

***Provision of Unified Communication Services and Supplies***

*Open procedure OJEU Ref. 2013/S 010-012591*

*Brussels, 22<sup>nd</sup> January 2013*

Dear Sir or Madam,

1. The SESAR Joint Undertaking (the "SJU") is planning to award the public contract referred to above.
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 **27<sup>th</sup> February at 15:00 (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 specifications, 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) and drawn up using the model reply forms in the tender specification as requested.

It is recommended that the offers 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. Offers must be written in English or French 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/0088-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 SJU's call for tender, and
- The tenderer's acceptance of all the terms and conditions set out in this invitation to tender, in the technical specifications and in the draft contract, and, where appropriate, waiver of the tender's own general or specific terms and conditions. The SJU reserves the right to reject offers stating that the provisions of the tender documents mentioned above are accepted subject to a number of conditions.

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;



- 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](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](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 absence of conflict of interest (please refer to section 3.2. of and to the template provided in Annex I of 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 2 and 3.3.3 of the tender specifications and follow the subsequent structure:

**Part I for Lot 1, 2, 3 and 4** (information required to prove technical and professional capacity – see section 3.3.3 of the tender specifications):

- a. a detailed description of the main current activities of the tenderer;
- b. resources offered to perform the tasks, assets made available, technologies, processes needed to achieve the objectives of the performance of the contract;
- c. evidence of skills and expertise to develop unified communication services and to provide related supplies;
- d. competence and previous experience in the relevant field(s) and related references in particular with regard to working with the international organisations.

**Part II per each Lot** (information required to evaluate offers against the award criteria – see section 2 and section 3.4.1.2 of the tender specifications):

- a. presentation of the understanding by the tenderer of the existing SJU's unified communication systems, services and solutions;
- b. a detailed description of the model solution or/and (if applicable) the variant solution proposed; in case a variant solution is proposed, a detailed description of how it meets the minimum requirements of equivalence to the model solution shall be included as well as a description of risks and opportunities such a solution would raise for the SJU;
- c. a detailed service level agreement proposed;
- d. a presentation of a transition plan from the current model solution to the proposed solution.

**d) Volume 3 - Financial offer** must be drawn up on the Template for the Submission of the Financial Scenario included in Annex II to the tender specifications. In addition, the tenderer shall submit the relevant documents, supporting the information, included in

this template, i.e. the price list that will form part of the tenderer's offer and will be annexed to the framework contract in case of award (see section 2.5 of the tender specifications). It should be noted, however, that the financial evaluation of the offers will be based solely on the information provided in the dully filled-in Annex II of the tender specifications as set forth in section 3.4.2 thereof.

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 the SJU 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 supplies and services to be provided.

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 SJU 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 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@sesariu.eu](mailto:procurement@sesariu.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 the SJU no later than six (6) calendar days before the closing date for submission of tenders.



The 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 <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, SJU may contact the tenderer provided the terms of the tender are not modified as a result.

10. The SJU will sign a framework contract with the successful tenderer that will be implemented through specific contracts and orders, the models of those being annexed to the draft framework contract, itself annexed to this invitation to tender. The framework contract will have an initial duration of 12 months as from the date of signature, and may be renewed up to three (3) times (subject to the extension of the existence of the SJU<sup>1</sup>), each for an additional period of one (1) year (see Article I.2 of the draft framework contract).
11. This invitation to tender is in no way binding on the SJU. The SJU's contractual obligation commences only upon signature of the contract with the successful tenderer.
12. Up to the point of signature, the 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.
13. Once the SJU has opened the tender, the document shall become the property of the SJU 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 SJU. Details concerning the processing of personal data are available on the Privacy Statement at: <http://www.sesarju.eu/about/procurement>.

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<sup>1</sup> In accordance with Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR), as amended by Council Regulation (EC) 1361/2008 of 16 December 2008, the SJU shall cease to exist on 31 December 2016 or eight years after an endorsement by the Council of the European Air Traffic Management Master Plan resulting from the definition phase of the SESAR project, whichever is the earlier.

15. If the offer includes **subcontracting**, 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 signed statement guaranteeing the compliance of the subcontractor(s) with the exclusion criteria.

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

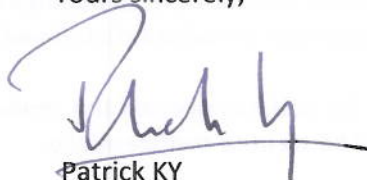
- the SJU will treat all contractual matters (e.g. payments) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor;
- under no circumstances can the main contractor avoid liability towards the SJU on the grounds that the subcontractor is at fault.

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.

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

16. You will be informed whether your tender has been accepted or rejected for award of the framework contract.

Yours sincerely,



Patrick KY  
Executive Director

Annexes:      Tender specifications  
                 Draft framework contract