

## QUESTIONS AND ANSWERS

## Provision of Civil Airspace Users advice services to support SESAR 2020 activities - REF. SJU/LC/0127-CFT

N°	Subject	Reference in documents	Questions	Answers
1	<b>Deadline for Submission of Tenders</b> 21/07/2016	Corrigendum 1, Tender Specifications Section 3.1	A discrepancy in relation to the deadline of the submission of the tender was caused due to different indicative dates between the Invitation to Tender (page 1) and Tender Specification (table on page 5). Will the deadline of submission of the tender be on the 13/10/2016 or 30/10/2016?	The deadline for the submission of the tender will be <b>extended to 14 November 2016</b> . A corrigendum will be published in our website as well as in the OJUE to reflect this extension.
2	<b>Budget and implementation of the Framework Contract</b> 21/07/2016	Tender Specifications Sections 3.2 and 3.3	Is the budget, mentioned on page 5, 6 Million to be paid for 1 year or for the complete duration of 4 years?	<p>The maximum budget of 6 million is divided into 4 different lots, the indicative amount is quoted in page 5 of the tender specs. This maximum budget will be used, according to the SJU needs, by activating specific contacts. The initial duration of the Framework Contract (FWC) is 1 year (renewable up to a total of 4 years). In case of renewal of the FWC, the remaining budget will be used according to the needs. Therefore the maximum budget might be used for duration up to 4 years.</p> <p>Regarding the implementation of the Framework contract:</p> <p>The contracts to be concluded are four single framework service contracts (“the contracts”) with four different economic operators (one per Lot) to be implemented through the conclusion of “specific contracts”.</p> <p>As the need for support arises, the SJU shall submit a request for services describing the specific assignment to be performed in the coming year, the timeline for completion, the estimated level of effort, and the deliverables expected to be produced. The future contractor shall submit a specific tender in response to the SJU’s request for services within the deadline set, an average of 5 working days. In</p>

				submitting a specific tender, the future contractor will accept all terms and conditions specified in the draft specific contract.
3	<b>Splitting within the Lots</b> 21/07/2016		Is a splitting between some partners or different AU/Airlines general possible or foreseen inside the 4 lots?	<p>The SJU intends to draw a Framework Contract per Lot.</p> <p>It is up to the tenderer whether it sends a tender as a single tenderer or as a joint tender representing a consortium. In case of the latter, please refer to point 18 and 18bis of the letter of invitation to tender.</p> <p>The allocation of tasks inside each lot is to be sorted out internally by each consortium/tenderer. It is a matter of internal organisation. There is no objection to split tasks between partners or different AU/airlines when the task so justifies, provided that the outcome of the work is duly validated and presented on behalf of the consortium "owning" the lot.</p>
4	<b>AU International Information day</b> 25/07/2016		<p>4a. Will an AU International Information day take place (prerequisite)?</p> <p>4b. If yes, when and where?</p>	<p>4a. An AU International Information day is not a prerequisite to this call and it is not mentioned in the Tender Specifications. No Information Day is foreseen.</p> <p>4b. N/A</p>
5	<b>Lot 4 General Aviation and Rotorcraft Operations</b> 29/07/2016	Tender Specifications Section 2.2	General Aviation and Rotorcraft are not the same; in fact they have different needs both from an operational and a technical point of view. In case we were to bid, how can we set up a Consortium when we are two different sectors with the rotorcraft having to establish back to back contracts for the expertise to be provided?	<p>Please refer to answer to question 3 above.</p> <p>Four lots is the maximum that the SJU deems reasonable to allocate so as to strike the best possible balance between the diversity of airspace user categories and the need to avoid too much fragmentation, which would dilute and weaken the contribution to the framework contract. It is expected that rotorcraft and general aviation have enough interests in common to create a consortium and can join forces to avail themselves of the expertise needed to nuance the contribution and reflect the diversity of needs and interest of these two components.</p>
6	<b>Type of assignments for each Lot</b> 29/07/2016	Tender Specifications Section 2.3	<p>6a. Is the tenderer required to provide quarterly reports on its activity as well as gap analysis report, validation analysis report, etc. in order to be paid?</p> <p>6b. Who should be in charge of providing these documents: Contract Manager, Technical Manager or other Members?</p>	<p>Please refer back to answer to question 2 above.</p> <p>In addition, every request for services will detail which reports are required, deliverables, validation, persons in charge, man-days etc.</p>

			6c. How can we account the man-days needed for this activity as it was not foreseen in the contract we have actually in place?	
7	<b>Team for specific assignments</b> 29/07/2016	Tender Specifications Section 2.5	With regards to the Technical Manager, it is stated that it is possible to have one per entity; does this mean that there could be one for Rotorcraft and one for General Aviation?	In case of a consortium, it is expected that there will be only one Technical Manager per entity involved in the Consortium (e.g. one for rotorcraft and one for general aviation).
8	<b>Place of Performance</b> 29/07/2016	Tender Specifications Section 2.6	How can we overcome the problem that experts are coming from various organizations around Europe and/or the possible contracting party is a Consortium and therefore it is not possible for the experts to work at the Contractor's premises?	<p>Please refer to answer to question 13 below.</p> <p>The specification is drafted to avoid unnecessary travelling of the experts and the associated costs. The idea is that, in principle, tasks will be performed by the experts from their working place. For "day to day" work coordination between experts belonging to different companies can often be ensured through WebEx or Video conferences. Of course travel / missions are always possible when necessary</p> <p>In addition, in case of submitting a joint tender, the contracting parties will be all the members of the Consortium. The Consortium coordinator that the consortium members will appoint a by using the Mandate (template provided in Annex 2 of the tender specifications) will be the main interlocutor with the SJU and the responsible for payments.</p> <p>The consortium formula perfectly allows therefore that an expert coming from one of the members of the Consortium (contracting party not a coordinator) performs the tasks at the Contractor's premises (in its capacity of a member of a Consortium).</p>
9	<b>Nature</b> 29/07/2016	Tender Specifications Section 3.1	9a. Is this referred to additional services that the SJU may request and for which they will prepare another draft contract?	<p>Please refer to answer to question 2 above.</p> <p>Any activity that the SJU will request will be part of the request for services.</p>

			9b. If not, how can the Contractor submit a tender? Do you mean that the SJU will launch another tender to which the Contractor should respond?	
10	<b>Duration</b> 29/07/2016	Tender Specifications Section 3.2	The para refers to Article 1.2.5 of the draft contract annexed to the invitation but there is no correspondence. Do you possibly mean Point 1.3?	<p>There is a clerical error. 1.2.5 does not exist, therefore, we have published a corrigendum 2 on the 09/08/2016 to change 1.2.5 into 1.3.5, available at:</p> <p><a href="http://www.sesarju.eu/procurement">http://www.sesarju.eu/procurement</a></p> <p>The texts have been corrected as follows (corrected version of the text in blue):</p> <p>The duration of the contract is 12 months, which may be automatically renewed for up to a total duration of 4 years (see Article <del>1.2.5</del><b>1.3.5</b> of the draft contract annexed to the Invitation to tender).</p>
11	<b>Budget</b> 29/07/2016	Tender Specifications Section 3.3	The maximum allocated budget for Lot 4 is € 750.000. Is this intended per annum? Or over the 4 years duration?	Please see answer to question 2 above.
11 BIS	<b>Indicative Timetable for this procedure</b> 29/07/2016	Tender Specifications Section 3.4	The deadline (13 <sup>th</sup> October 2016) is incompatible with the time needed to put together an offer, especially due to the fact that: 1- It's the holidays season and therefore many companies and people are on holidays in August and 2- as the LOT foresees an aggregation of different organizations, the legal aspects need to be evaluated and agreed across many different counter parties. We request a reasonable amount of time in	The deadline <b>will be extended to 14 November 2016</b> . A corrigendum will be published in our website as well as in the OJUE to reflect this extension.

			order to give the possibility to work on it.	
12	<b>Clerical errors</b> 29/07/2016	Tender Specifications Sections 3.2, 4.1 and 4.4.2  Annex 1 Declaration of Honour	There is a reference to Annex 3 related to the Exclusion Criteria. Does this mean to refer to Annex 1 which in any case it is referenced as Annex 2.2? Moreover Annex 2 Template, Mandate has the same reference: 2.2.	Indeed, there are clerical errors in the documents. For the correction of the errors a corrigendum is available at: <a href="http://www.sesarju.eu/procurement">http://www.sesarju.eu/procurement</a>  The texts have been corrected as follows (corrected version of the text in blue):  <b><u>Tender Specifications Section 3.2.</u></b>  The duration of the contract is 12 months, which may be automatically renewed for up to a total duration of 4 years (see Article <del>1.2.5</del> <b>1.3.5</b> of the draft contract annexed to the Invitation to tender). <b><u>Tender Specifications Section 4.4.2</u></b>  All tenders must contain a separate financial offer following the template attached to the tender specifications in Annexe <del>3</del> <b>3.3</b> and in line with the requirements detailed in section 2 above.  <b><u>Tender Specifications Section 4.1.</u></b>  The tenderer will declare in the Declaration on Honour on Exclusion Criteria and Selection criteria (Annex <del>3</del> <b>1</b> ) being compliant with these requirements.  <b><u>Annex 1 Declaration of Honour</u></b>  Annex <del>2-2</del> <b>1</b>
13	<b>Participation in procurement procedures</b> 29/07/2016	Tender specifications (page 8, footnote 3)	In footnote n. 3, it is stated that the Declaration of Honour is to be signed by each member of the Consortium.  What happens when the organizations in the consortium has back to back contract with other	The general principle is that economic operators on the market are free to organise themselves as they so wish. As a rule, groups of economic operators are authorised to submit a tender or request to participate ("joint tender") and subcontracting is allowed.  <b><u>Subcontracting</u></b> is the situation where a contract has been or is to be

			<p>entities who provides the expertise? Can this formula still be applied if the Contractor has signed Collaboration agreements (back to back contract) and it is not subcontracted, with other companies for supplying the expertise?</p>	<p>established between the contracting authority (the SJU) and a contractor (successful tenderer as an outcome of a procurement procedure) only and where the contractor or candidate/tenderer, in order to carry out that contract, enters into legal commitments with other entities for performing parts of the contract. The contracting authority has no direct legal commitment with the subcontractor(s). Examples of subcontractors include contractors' suppliers or free-lance experts. In practice, any third party involved in the contract implementation which has no legal link with the contracting authority but with the contractor will be considered as subcontractor (e.g. any other company which does not participate in the contract execution but provides financial capacity).</p> <p>A <b>joint tender</b> is a tender submitted by several legal entities, regardless of the link they may have between them. If awarded the contract, this will be signed by all legal entities (who will have an equal standing towards the contracting authority in executing the contract). However, for the purpose of reducing the administrative burden, the SJU will requires these legal entities to “Mandate” a “coordinator” who will be the main point of contact with the SJU and responsible for payment aspects.</p> <p>For further information, please refer to answer to questions 3 and 8 above, as well as to point 18 of the letter of invitation to tender for further information.</p>
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14	<b>Tenderer – Minimum Levels</b> 29/07/2016	Tender Specifications Section 4.3.2.1	We don't understand the requirements involved that the Tenderer must have an overall turnover of at least the annual value of the Lot in question. This was not a pre-requisite in the previous tender and we do not understand the "exposure" which the SJU might incur when invoices are only paid following their approval. There is no advance in terms of money. Financial solidity should be an acceptable requisite. Could you please explain this point further?	This is a standard requisite in procurement procedures conducted by European institutions and specialised agencies. The legal base for such a requisite is Article 147(1) of the Rules of Application <sup>1</sup> .
14 BIS	<b>The Team – Minimum levels</b> 29/07/2016	Tender Specifications Section 4.3.3.2	14.Bis.a. Why is the Contract Manager required to have work experience in Flight planning and operations, airport operations, maintenance, avionics and performance/economics when its task is purely administrative and of coordination?  14.Bis.b. The Contract Manager is also required (must) to have at least 10 years of relevant experience in managing contract/projects in international context and 5 in the frame of the EU Institutions/bodies. This requisite is very high and it will be very difficult to find somebody with such a background within the rotorcraft sector. Shouldn't past experience in a SESAR tender be sufficient?	<u>Answer to question 14. Bis. a</u>  The contract manager is required to have work experience "in relation to" the Lot in question  The SJU expectation is to receive application from professional, aviation consortium.  <u>Answer to question 14.Bis .b</u>  SESAR is understood to be a European project; it also has an international dimension; Past experience in implementing SESAR tenders/contracts would be sufficient to accept the application. We confirm the number of years required.
15	<b>Financial evaluation and recommendation for award</b>	Tender Specifications Section 4.4.2	The financial offer foresees for the tenderer to give a price to the activities performed outside the contractor's premises. Please refer to point 4 of this list where it is indicated that in case of a Consortium with	Please refer to answer to question 8 above.

<sup>1</sup> Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015 amending Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1) ("the Rules of Application")

	29/07/2016		the involvement of expertise coming from different organizations the activities will be performed almost primarily always outside the contractor premises. In the current contract it was established an amount for travel, accommodation and daily allowance on top of the daily rate. How should we account it when we don't even know how many man-days are expected?	
16	<b>Contacts with tenderers</b> 29/07/2016	Letter of invitation to tender, point 11	It is stated that <i>clarification will be issued by the SJU no later than 6 calendar days before the closing date for receipt of tenders</i> . This seems to imply that the SJU have time to "potentially" reply to our request for clarifications until the 7 <sup>th</sup> October. Is this the right interpretation?	Deadline for requesting additional information/clarification from the SJU is 27 October 2016. Taking into consideration the extended deadline for submission of the tenders in response to this Call for Tender (i.e. 14/11/2016), last date on which clarifications are issued by SJU is 03 November 2016.  This information is in the corrigendum available in <a href="http://www.sesarju.eu/procurement">http://www.sesarju.eu/procurement</a>
17	<b>General</b> 29/07/2016	Letter of invitation to tender, point 18	17a. In the document there are several references to subcontracting but I could not find any template or any other information on how is this going to work. Could you provide further clarifications?  17b. Is it foreseen for an expert to propose himself/herself individually to perform some of the tasks?	<u>Answer to question 17a</u>  For information on subcontracting please read Point 18 of the Invitation to tender letter, and refer to answer to question 14 above  <u>Answer to question 17b</u>  Please refer to answer to questions 3, 8 and 13 above.
18	<b>Payment Arrangements</b> 29/07/2016	Draft Framework Service Contract Point I.6	18a. Is it correct to assume that payment from the SJU for the Services performed will be made annually? However it is not clear whether Interim payments are possible or not (see point I.6.2).	<u>Answer to question 18a</u>  Payments arrangements will be defined in each specific contract. The Contractor may claim an Interim Payment for a specific contract (See conditions Point I.6.2.1)

			18b. Will payments be performed only following a report from the Contractor? Is this report expected on a quarterly basis or annually?	<p><u>Answer to question 18</u></p> <p>Specific contracts will aim at executing certain tasks and delivering specific deliverables including one or several of the assignments defined in section 2.3 of the Tender Specifications.</p> <p>As stated in section 2.3.6, quarterly reports will provide will detail the activities undertaken, deliverables produced during the period and approval status, main issues and opportunities identified and plan for the next reporting period.</p> <p>As per section 2.4 of the tender specifications, acceptance of the quarterly reports, by the SJU will trigger payments.</p>
19	<b>Result</b> 29/07/2016	Draft Framework Service Contract page 12	Is the term 'result' used to identify the deliverables?	There is a list of definitions provided in I.16 of the Draft Framework Contract. Please refer to this definition and in particular to the sentence <i>"A result may be further defined in this FWC as deliverable."</i>
20	<b>E-Invoicing</b> 29/07/2016	Draft Framework Service Contract Point I.34.2	It is not clear how the contractor will be sending the invoices. Is it acceptable to send it via email and not in pdf format?	The invoice must be sent in the form of electronic invoice (pdf format) to the following e-mail address: <a href="mailto:e-invoices@sesarju.eu">e-invoices@sesarju.eu</a> .
21	<b>Technical Offer</b> 11/08/2016	Letter of Invitation to Tender , point 7 (c) and Tender Specifications Section 4.3.3	Is there a template available for the technical offer?	A template for the technical offer does not exist. Further clarifications in relation to the content of the technical offer can be found in point 7c page 3 of the Invitation to Tender and the Tender Specifications Section 4.3.3. As far as the offer's presentation is concerned, detailed information is provided at the Invitation to Tender points 4-6 pages 1-2. The Invitation to tender and the Tender Specifications are both available at <a href="http://www.sesarju.eu/procurement">http://www.sesarju.eu/procurement</a>
22	<b>Financial Offer</b> 11/08/2016	Letter of invitation to tender point 7	Additional details are required to build a proper financial offer.	The financial form must be drawn by using the template provided in

		(d), Tender specifications, section 4.4.2, and Annexe 3.3 "Financial Offer Template"	Are there fixed rates per day (mission / home)? What is the policy for travel reimbursement / daily allowance?	Annexe 3.3 of the tender specifications.  As per point 7.d) of the letter of invitation to tender, and the instructions provided in the template for financial offer, " <b>Fixed daily rate needs to include all costs and expenses directly and indirectly connected with the services to be provided. For the case "Outside contractor's premises", this shall include travel costs</b> ".
23	<b>Selection criteria</b> 11/08/2016	Tender specifications, section 4.3.2.2.	What kind of document is required to provide evidence of a proper professional risk indemnity insurance?	The SJU would accept as " <i>evidence of professional risk indemnity insurance</i> " a copy of a professional insurance that would cover the implementation of the framework contract.  It should be noted that the tender specifications list other two (2) documents to be accepted as evidence. The SJU requests at least two (2) of the three (3) documents listed.
24	<b>Subcontracting</b> 11/08/2016	Letter of invitation to tender , point 18	Could the SJU specify which tasks subcontracting is allowed for? Could it cover core tasks? Up to which extend subcontracting is allowed?	Please refer to answer to questions 8 and 13 above, as well as point 18 of the letter of invitation to tender.
25	<b>Access to tender documents</b> 11/08/2016	Letter of invitation to tender, point 11	Are there relevant documents on the E-prior internet platform? Could this platform be used for this call and if yes, how to get access to this platform?	All documents are available on the SJU website.  This section is regularly updated with the publication of the list of answers to all questions received within deadline.  <a href="http://www.sesarju.eu/procurement/calls-for-tenders#2549">http://www.sesarju.eu/procurement/calls-for-tenders#2549</a>
26	<b>Budget</b> 11/08/2016	Tender Specifications Sections 3.2 and 3.3	Is the budget of 750,000 euros is an annual budget or is it the total budget for the whole project duration (4 years max)?	Please see answer to question 2.
27	<b>Selection criteria</b>	Tender Specifications	Is each consortium member really required to provide	In case of Consortia, each member of the consortium shall provide evidence on exclusion and selection criteria (including two of the 3

	11/08/2016	4.3.2.2.	balance sheets or statement of overall turnover? Which other evidence could the consortium member provide to prove its economic and financial capacity? Please give other examples.	listed documents for economic and financial capacity).  In addition, please refer to answer to question 23 above.
28	<b>Call for tender</b> 11/08/2016	Letter of invitation to tender, point 11	Could you please specify the main difference between this call and the former call for Airspace Users' support services, notably in terms of assignments?	For further information on the precise content and definition of the present call for tenders, please refer to the tender specifications. In addition, please refer to point 11 of the letter of invitation to tender " <i>At the request of the tenderer, the SJU may provide additional <b>information solely for the purpose of clarifying the content of this call for tender and/or the nature of the contract</b></i> ".
29	<b>Content of the tender</b> 11/08/2016	Letter of invitation to tender, points 7 and 9, Annexe II of the Contract, and Annexes of tender specifications	Which kind of information is required in the Annex II, is Contractor's tender in the draft Framework Service Contract?  Is there a template?	The content of the tender is detailed in point 7 of the letter of invitation to tender contractors tender is composed of a cover letter, and administrative offer, a technical offer and a financial offer.  If awarded, the tender submitted by the tenderer (future contractor already at that stage) will become an integral part of the contract; and, as stated in point 9 of the letter of invitation to tender, " <i>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</i> ".  For the purpose of efficiency and in compliance with data protection rules, only the technical offer and financial offer will be annexed to the contract; the cover letter and administrative offer will be kept for information and audit purposes in the archives.  As per the templates for preparation of the tender, please refer to answer to questions 23 and 24 above as well as the annexes of the tender specifications

30	<b>Exclusion Criteria</b> 11/08/2016	Tender Specifications Section 4.2	<p>What kind of extract from the judicial record is required?</p> <p>Is a certificate of compliance with tax law issued by the Finance Minister or a certificate of compliance from the VAT office are sufficient?</p>	<p>Certificate of compliance with tax law of social security contributions are sufficient for points (a) and (b) described in the Tender Specifications Section 4.2 page 6. For situations (c), (d) and (f) an extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.</p> <p>Furthermore, please refer to the following web page for additional information regarding the relevant requirements and model documents under national laws of the EU Member States:</p> <p><a href="http://ec.europa.eu/internal_market/publicprocurement/e-procurement/e-certis/index_en.htm">http://ec.europa.eu/internal_market/publicprocurement/e-procurement/e-certis/index_en.htm</a></p>
31	<b>Selection criteria</b> 11/08/2016	Tender Specifications Section 4.3.2.1	Are the consortium partners required to deliver a proof of professional risk indemnity insurance?	Please refer to answer to questions 27 and 30 above.
32	<b>Lots</b> 17/08/2016	Contract notice point II.1.8)	<i>"Tenders may be submitted for one lot only"</i> . Kindly confirm whether a tenderer is allowed to present different tenders for different lots, if his role is distinct; i.e. if he presents a tender as lead for one lot and as consortium partner for another lot.	Tenderers are allowed to submit a tender for one or more than one lot.
33	<b>Lots</b> 22/08/2016		What are the nationality requirements for an economic operator (of all 4 Lots) in order to be eligible to bid for SJU/LC/0127-CFT (SESAR 2020)?	<p>Participation, with the meaning of submitting a tender as a member of an established grouping/consortium, is open on equal terms to all natural and legal persons falling within the scope of the Treaties; therefore, only economic operators registered in the EU and all EU citizens.</p> <p>Participation in procurement procedures with the meaning of subcontracting does not have a geographical limitation.</p>
34	<b>Lots</b> 22/08/2016	Tender Specifications Sections 3.2 and	Can one economic operator bid for two Lots – for one individually and e.g. for the other as a part of a	Please see answer to questions 32 above.

		3.3	consortium?	
35	<b>Lots</b> 22/08/2016	Tender Specifications Sections 3.2 and 3.3	Can one economic operator be involved in more than one Lot – for one individually and for the other as part/member of a consortium?	Please see answer to questions 32 above.
36	<b>Lots</b> 22/08/2016		How will the SESAR 2020 work be coordinated between the four Lots (according the ATM Master Plan 2015), to ensure high Quality between all four stakeholder (LOT1-4) for the benefit of the ATM SES?	It is expected that the four Lots will ensure coordination as needed depending on the issues addressed. Furthermore the SJU will play its coordinator role and in particular will hold Quarterly Review meetings involving all Contract Managers and Technical Managers from all Lots to ensure coordination and get assurance that the outcome of the work follows good collaboration.
37	<b>General</b> 22/08/2016	Tender Specifications Sections 3.2 and 3.3	Are SESAR 2020 AU experts (including subcontractors) allowed to work in more than just one Lot?	Please see answer to questions 3, 5, 8 and 13 above.
38	<b>Exclusion Criteria</b> 15/09/2016	Tender Specifications Section 4.2	Should also legal persons submit a judicial record and if so under which format and from which authority?	<p>For situations described in (a), (c), (d) or (f) of Tender Specifications section 4.2, production of a recent extract from the judicial record is required.</p> <p>If an extract is not issued in the country concerned, it may be replaced by a sworn statement (made before a person authorised by law) or, failing that, by a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body (chamber of commerce, etc.) in the country of establishment of the person showing that those requirements are satisfied.</p> <p>Lists of certificates issued by the Member States and list of authorities competent to deliver these extracts/ certificates can be found on the e-CERTIS website: <a href="http://ec.europa.eu/markt/ecertis">http://ec.europa.eu/markt/ecertis</a>.</p> <p>Depending on the national legislation of the country in which the tenderer or candidate is established, the documents must relate to legal persons and/or natural persons, including company directors or any</p>

				person with powers of representation, decision-making or control in relation to the tenderer.
39	<b>Annex 3 – List of contracts</b> 15/09/2016	Annex 3 Tender Specifications 4.3.3.3	What is meant by the list of contracts (is it identified subcontractors for the tender, existing contracts with public bodies), the template to be found in Annex 3?	The Table in Annex 3 should provide evidence of the capacity of the tenderer. It is therefore necessary to provide reference of similar assignments in the last years. For this purpose, the tenderer shall complete the table provided in Annex 3 and include the names of the organisation/institution/etc. to which the services have been provided, description of the services provided, the relevant year, the indicative amount of the contract, the principal language used and the certificates/evidence issued or countersigned by the competent authority or the private entity (the latter to be attached to the dully filled).
40	<b>Financial Offer</b> 15/09/2016	Tender Specifications Section 2.5	Can we extend the list of possible roles to ‘ATM expert’ or ‘jurist’ in the Financial offer?	It is possible, to consider the roles of ATM experts and/or jurists under the existing category of “general profile” described in 2.5 (iii).
41	<b>Framework Contract Renewal</b> 15/09/2016	Draft Framework Service Contract Section 1.3.5	Can we assume that the contract renewal will be agreed on latest 6 month prior the start of the contract period?	The FWC is renewed <b>automatically</b> three times for twelve months each, unless one of the parties receives formal notification to the contrary at least three months before the end of the ongoing duration.
42	<b>General</b> 15/09/2016		Is it possible to be involved in SESAR 2020 on project level without being a member of the Core Team?	There is no reference to a “Core Team” in the tender specifications. Depending on the activities covered by each specific contract (see question 2 above), the selected contractors may be involved directly in project activities, subject to an agreement with the Project members.
43	<b>Affiliate Companies</b> 15/09/2016	Tender Specifications Section 4.3.1	Do affiliates of a company bidding for a lot need to be listed in the tender?	The tenderer shall submit a signed legal entity form and all relevant administrative documentation for each legal entity potentially involved in the framework contract implementation under a dedicated lot. This applies for the coordinator and each consortium member.

			If yes, which administrative documents are required?	For subcontractors, the SJU reserves the right to request evidence on technical and professional capacity when these are meant to perform critical tasks.
44	<b>Evaluation of the Tenders</b> 15/09/2016	Tender Specifications Section 4	On what decision basis will the tenders be evaluated and the partner for the lots be chosen?	<p>Please refer to section 4 of the Tender Specifications which details the evaluation process of the tenders received:</p> <ol style="list-style-type: none"> <li>1. Minimum requirements;</li> <li>2. Exclusion Criteria;</li> <li>3. Selection Criteria; and</li> <li>4. Assessment in the light of award criteria</li> </ol> <p>These are available at: <a href="http://www.sesarju.eu/procurement">http://www.sesarju.eu/procurement</a></p>
45	<b>Audits</b> 15/09/2016	Draft Framework Service Contract Section I.39	Will there be audits of the costs reported (e.g. by EC)?	<p>Please note that the price of each specific contract will be calculated on the basis of the financial offer attached to the framework contract, which takes the form of a list of unit prices applied to each specific contract. Therefore no cost to be reported.</p> <p>For all the relevant information about the audits please refer to the Draft Framework Service Contract Section I.39 available at: <a href="http://www.sesarju.eu/procurement">http://www.sesarju.eu/procurement</a></p>
46	<b>Consortiums</b> 15/09/2016		In case of a Consortium submitting the tender, is it possible to submit individual financial offers per consortium member responsible? How can antitrust issues be considered in the financial offer?	<p>Only one (1) financial offer should be submitted per tenderer, including when the tenderer is a consortium.</p> <p>While preparing the financial offer, the members of the consortium should only share the strictly necessary information to reply to this call for tender respecting their obligations according to the Treaty on the functioning of the European Union (including antitrust rules).</p>
47	<b>Consortiums</b> 15/09/2016	Invitation to Tender point 18bis.	Is the understanding correct that the Consortium may be either a legal entity (“permanent, legally-established grouping”), or a grouping not established in the form of a legal entity (i.e. several companies) jointly submitting the tender?	<p>This understanding is correct.</p> <p>Consortium may be either a permanent, legally established grouping or a grouping constituted for the purpose of a specific procedure.</p> <p>More information about Consortiums can be found in the Invitation to</p>

				Tender document available at: <a href="http://www.sesarju.eu/procurement">http://www.sesarju.eu/procurement</a>
48	<b>Consortiums</b> 15/09/2016	Invitation to Tender point 18bis and Draft Framework Service Contract preamble page 2	How is Sec. 3.1 of the Tender Specifications to be understood, when it says that a maximum of four economic operators will be selected: In case of a Consortium not established in the form of a legal entity, can only one Consortium Member (the Lead/Coordinator) conclude the contract on behalf of itself, or can it conclude the contract on behalf of itself and at the same time on behalf of the other Consortium members?	<p>Consortium may be either a permanent, legally established grouping or a grouping constituted for the purpose of a specific procedure.</p> <p>The consortium coordinator/leader is representing the consortium and is the one signing the contract on behalf of the consortium members. However, all the members of the consortium are bound by the contract. All members of consortium (i.e. the coordinator and other members) are <u>jointly and severally liable</u> to the SJU.</p>
49	<b>Consortiums</b> 15/09/2016	Sections I.6.3 and I.7 of the Draft Framework Service Contract	In case of a Consortium submitting the tender without having formed a joint legal entity, (a) is it possible for the Consortium Lead to rotate, and if the answer is in the affirmative, (b) under which preconditions, and (c) may another Consortium Member than the Consortium Lead be responsible for payment matters (especially as in Sec. I.6.3 and I.7 of the draft FWC), as suggested by the wording in Sec. 7 c), 3rd indent of the invitation to tender?	<p>The consortium coordinator/leader should be defined in the offer received and be clearly identified. There is no possibility of having a breakdown of the tasks to be performed by the consortium coordinator as per the contract between several entities/consortium members.</p> <p>If during the implementation of the contract, there are reasons for changing the consortium coordinator, this would lead to a formal request from the coordinator leading to the signature of a formal amendment of the contract, in order to reflect the change of the consortium composition. This request will need to be duly justified and accepted by the SJU.</p> <p>The responsible for payment matters (claiming the payment, sending the invoice etc) is the consortium coordinator/leader.</p>
50	<b>Declaration of honor</b> 15/09/2016	Annex 1	Where can the word version of the Annex 1 (Declaration of honor) be found?	The word version of the Annex 1 is now accessible, together with the call documentation in our website.
51	<b>Language of Tenders and evidence</b>	Invitation to Tender point 5	We note the CFT requirement that the proposal responses submitted in English. We read this as applying to the whole tender response including the	The text produced for the tender including all volumes and cover letter should preferably be in English. However, specific documents (evidence submitted) such as judicial records, social security proof, legal and

	15/09/2016		administrative, technical and financial elements. Please could the SJU confirm if evidence submitted as part of the administrative and financial proposals must also be provided in English where the original is in another EU language – e.g. legal or financial identity?	financial identity forms can be in the language of origin.  In relation to the legal and financial identify forms in particular, these can be found in all EU languages here: <a href="http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm">http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm</a>
52	<b>Assessment in the light of Selection Criteria</b> 16/09/2016	Tender Specifications Sections 4.3.2.1 and 4.3.2.2	If an association is newly formed this means that it does not have an annual turnover at the required value and that is cannot produce balance sheets from the last two years. Could you please confirm if a newly therefore association can from a legal perspective be included in the bid as consortium member and, if yes, potentially as consortium lead?	In the specific case of a newly established company not having yet the required annual turnover and balance sheets, the proof for economic and financial capacity will be assessed by the SJU, based on the one year figures available, the business plan and detailed information on the company.
53	22/09/2016		Will the following SESAR 2020 PJs covered, included and is our work expected in this PJs, are also inside the LOT 1 -4:  CONTENT INTEGRATION (PJ19) VALIDATION & DEMONSTRATION ENGINEERING (PJ22) MASTER PLAN MAINTENANCE (PJ20)	The on-going call SESAR2020 IR-VLD WAVE 1, is different and independent from the present call for tender 127 CFT.
54	<b>Bidding</b> 18/09/2016		Is a non EU based company eligible to bid for SJU/LC/0127-CFT (SESAR 2020) for LOT 1 and/or LOT2?	Please see answer to questions 32 and 33.  Participation, with the meaning of submitting a tender as a member of an established grouping/consortium, is open on equal terms to all natural and legal persons falling within the scope of the Treaties; therefore, only economic operators registered in the EU and all EU citizens. Participation in procurement procedures with the meaning of subcontracting does not have a geographical limitation.  Therefore, a non EU based company is Not eligible to bid for this call.

				<p>However, for subcontracting such restriction does not apply and therefore Company based in non EU countries can be involved in the performance of the contract activities as subcontractor.</p>
55	<p><b>New!!</b>  <b>Envelopes-Submission</b>  14/10/2016</p>	<p>Letter of Invitation to Tender, point 6</p>	<p>Could you please confirm that we understand the packaging requirements for the tender correctly:</p> <p>‘Outer Envelope’</p> <ul style="list-style-type: none"> <li>- To be sealed with tape and signed across the seal and carry the following information: <ul style="list-style-type: none"> <li>• the reference number of the call for tender (SJU/LC/0127-CFT),</li> <li>• the name of the tenderer,</li> <li>• the indication “Tender - NOT to be opened by the internal mail service”.</li> </ul> </li> <li>- This envelope should contain nothing else other than the ‘Inner Envelope’ and its contents.</li> </ul> <p>‘Inner Envelope’</p> <ul style="list-style-type: none"> <li>- To contain the 3 three photocopies of the Technical Offer and the USB which holds the electronic version of the Administrative, Technical and Financial Offer saved individually in PDF format.</li> <li>- To contain two more envelopes with their Original named contents - one labelled ‘Administrative and Technical Offer’ and one labelled ‘Financial Offer’.</li> </ul> <p>This leaves us uncertain as to where the Cover Letter</p>	<p>It is true that the outer envelope should contain nothing but the inner envelope (double envelope system). The inner envelope must contain the following elements:</p> <ul style="list-style-type: none"> <li>- one original of the cover letter,</li> <li>- a special envelope containing one original of the Administrative offer,</li> <li>- a special envelope containing the original of the Technical offer <u>as well as three copies</u> of the Technical offer,</li> </ul> <p><b>OR alternatively to the two above points:</b></p> <ul style="list-style-type: none"> <li>- a special envelope containing one original of the Administrative offer together with the original of the Technical offer <u>as well as three copies</u> of the Technical offer,</li> <li>- a special envelope containing one original of the <u>Financial offer</u> (Note that this is the most important point),</li> <li>- a USB key containing one copy of the Administrative, Technical and Financial Offer, saved individually in PDF format.</li> </ul> <p>That means that <u>the cover letter has to be placed in the inner envelope</u>. Please also bear in mind that contrary to what was stated in your question, the copies of the Technical offer have to be placed <u>together with the original</u> of the Technical offer.</p> <p>Please also note that the envelopes have to be properly labelled as requested in the Invitation to Tender.</p>

			should be placed – could you please advise?	
56	<p><i>New!!</i>  <b>Declaration on Honour – supporting documents</b>  20/10/2016</p>	<p>Annex 1, points a and b,  Tender Specifications Section 4.2</p>	<p>In Annex 1 (Declaration of honour) there is the list of supporting documents that the tenderer to which the contract is to be awarded shall provide, within 14 calendar days following notification of award and preceding the signature of the contract.</p> <p>For situation described in point (a) the District Court sent us a certificate (see enclosed) stating that “there are no pending proceedings at the Insolvency Court”; for situation described in point (b) the tax authority sent us a certificate (see enclosed) stating that “there are no tax arrears”.</p> <p>May I kindly ask you if those documents suffice as evidence that the requirements described in the declaration of honour are satisfied?</p>	<p>Regarding point (a) of Annex 1, the declaration as provided issued by the competent Insolvency Court confirming that there are no ongoing proceedings before this court against your company is deemed sufficient.</p> <p>With respect to point (b) of Annex 1, you provided us a document issued by the competent tax authority, which indeed confirms that there are no tax arrears. However, as can be inferred from point B.1 of the document, this statement relates to VAT and company tax only, meaning that if the contract is awarded to you, an additional document proving that social security contributions are duly paid will have to be submitted as well.</p> <p>Please note that the assessment of supporting documents is done on a case-by-case basis. You are kindly asked to refer to the following web page for additional information regarding the relevant requirements and model documents under national laws of the EU Member States:</p> <p><a href="https://ec.europa.eu/growth/tools-databases/ecertis/">https://ec.europa.eu/growth/tools-databases/ecertis/</a></p>
57	<p><i>New!!</i>  <b>Declaration on Honour Subcontractor</b>  21/10/2016</p>	<p>Tender Specifications Section 4.2</p>	<p>Are subcontractors requested to submit to the SJU the declaration of honour within 14th November?</p>	<p>Subcontractors are not requested to submit to the SJU a declaration on honour. However, where parts of the services are intended to be subcontracted, the <u>tenderer</u> has also to ensure that the subcontractors satisfy the exclusion criteria as indicated in Sections 7 and 18 of invitation to tender Ref. SJU/LC/0127-CFT.</p> <p>Additionally, please also note that where a <u>consortium</u> is submitting a tender, each member of consortium must provide the required Declaration on honour as indicated in Sections 7 and 18bis of the invitation to tender Ref. SJU/LC/0127-CFT.</p>