

INVITATION TO TENDER Ref. SJU/LC/096-CFT

VDL Mode 2 Capacity and Performance Analysis

Open procedure 2013/S 197-339632

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 **received at the SJU premises** by registered mail, by private courier or delivered in-hand, **not later than Friday 22/11/2013 at 3.00 p.m. (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. 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 tender.

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 must be:
 - written in English,
 - perfectly legible so that there can be no doubt as to words and figures,
 - submitted:

a) in **paper format**:

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

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

The original paper copies of the 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/096-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 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 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 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 tender, identical throughout all parts of the tender, and
- The reference number of the SJU's call for tender.

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.cfm);
- Financial identification form, dully filled-in (please, use the form available on the following web page:
http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm);

- Declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest (please refer to section 3.2. of 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 section 2 of the tender specifications.

This technical section is of great importance in the assessment of the tenders, the award and the 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. The technical offer should address all matters laid down in the tender specifications attached hereto as annex and should include models, examples and technical solutions to problems raised in the specifications. The level of detail of the tender will be extremely important for the evaluation of the tender as only the content of the submitted tender will be evaluation by the SJU.

Nota bene: Tenders presenting a **mere repetition of the tender specifications or source documentation** as part of a technical offer **will be penalised** during the assessment in the light of the award criteria and 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 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 services to be provided.

The financial offer should be completely unambiguous. The tender 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 Article 151 of the Rules of Application to the Financial Regulation (Commission Delegated Regulation 1268/2012 of 29/10/12) on abnormally low offers.

Please note that the financial offer must be submitted in a separate binder or folder and a separate envelope 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 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. Submission of a tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.
The 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 ninety (90) calendar days from the final date for submission.
11. **Contacts** between the SJU and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the deadline for submission of the tenders:

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@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 (15) 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 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. The SJU will sign a direct service contract with the successful tenderer. The contract will have an initial duration of 10 months as from the date of signature, and may be extended for a maximum of 12 months. A draft direct service contract is annexed to this invitation to tender.
13. 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.

14. 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.
15. Once the SJU has opened the tender, the document shall become the property of the 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 (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, 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 the SJU. Details concerning the processing of personal data are available on the Privacy Statement at: <http://www.sesarju.eu/about/procurement>.
18. If your tender includes **subcontracting**, your 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 tenderer 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.

- 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 a specific tender 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 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 the 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.

The 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 3.2. and 3.3. 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 Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the SJU, should you be in one of the situations mentioned in:

- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the Privacy Statement on http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), or
- the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE)

Yours sincerely,



Mr Claude Chêne
Executive Director *Ad Interim*

Annexes: Tender specifications
Draft direct service contract