

Brussels, 10<sup>th</sup> February 2014

**INVITATION TO TENDER Ref. Ref. SJU/LC/0099-CFT**

***Provision of services to the SESAR Joint Undertaking in the field of:***

***LOT 1 - Project Audit***

***LOT 2 - Strategy Advice***

***LOT 3 - Support to Programme Management***

***(open procedure 2014/S 028-043921)***

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 specifications listing all the documents that must be produced in order to submit a tender and the draft contract.

This call for tenders is divided in three lots with a view to draw multiple framework service contract(s) in cascade with various economic operators for the provision of:

- LOT 1 – Project Audit
- LOT 2 – Strategy Advice
- LOT 3 – Support to Programme Management

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, not later than 24<sup>th</sup> March 2014 at 11.00 AM (Brussels time).** The tenders have to be submitted to the following address:

<p><b>SESAR Joint Undertaking</b> <b>Avenue de Cortenbergh, 100</b> <b>B-1000 Brussels</b> <b>BELGIUM</b></p>
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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 legal, 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.

Tender 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 forms in the tender specification.

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, and

- be submitted:

- a) in **paper format**:

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

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

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

6. Each tender must be placed inside two sealed envelopes:

- a) The outer envelope or parcel should be sealed with adhesive tape and signed across the seal and carry the following information:

- **the reference number of the call for tender (SJU/LC/0099-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 tender and the other the financial tender. Each of these envelopes must clearly indicate the content (i.e. "Administrative and technical tender" and "Financial tender").

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 name/s, telephone number and e-mail address of the person 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/s, 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),
- The reference number of the SJU's call for tender,
- Brief description of the Tenderer's composition in case of a consortia.

**b) Volume 1 – Administrative tender 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](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm));
- Documentary evidence for the establishment of the legal capacity of the tenderer (please refer to section 4.3.1 of the tender specifications);
- 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 4.2 of and to the template provided in Annexe I to the tender specifications);
- In case of consortia, the mandate designating the consortium coordinator (please refer to point 18bis of this Invitation to tender).
- Documentary evidence for the establishment of the economic and financial capacity of the tenderer (please refer to section 4.3.2. of the tender specifications).

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

- Documentary evidence for the establishment of the technical and professional capacity of the tenderer (please refer to the sub-sections of section 4.3.3 of the tender specifications specific for each Lot).
- Address all matters laid down in section 2 of the tender specifications attached hereto as annexe and should include models, examples, technical solutions to problems raised in the specifications, mention to IPR and possible pre-existing rights.

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

**d) Volume 3 - Financial tender must be drawn up on the forms included in Annexes II.3, III.2 and III.3 of the tender specifications.**

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.

- In form of unit prices **inclusive of all costs and expenses directly and indirectly connected with the services to be provided (including travel costs within the EU).**

The financial tender should be completely unambiguous. The tender will be disqualified if it contains any statements preventing an accurate and complete comparison of the tenders (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 tenders.

*Please note that the financial tender 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 tender”. Please ensure that the information related to the financial quotation is given nowhere else in the tender.*

8. Please note that all costs incurred in preparing and submitting tenders are to be borne by the tenderer and shall not be reimbursed.
9. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specifications and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. The content of the tender submitted is binding on the tenderer to whom the contract is to be awarded for the whole duration unless otherwise agreed between the tenderer or selected contractor and SJU.

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 reception.
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 reception 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 request for additional information must be made in writing only and sent to the following e-mail address: [procurement@sesarju.eu](mailto:procurement@sesarju.eu). Requests for additional information should indicate the reference number of the call for tender and its title.

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

Clarifications will be issued by the SJU no later than six (6) calendar days before the closing date for receipt 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 answers to the questions posed 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 substantially modified as a result.

12. A draft multiple framework service contract(s) in cascade is annexed to this Invitation to tender. In addition, for the general information about the type of contract and its implementation, the tenderers are invited to refer to section 3 of the tender specifications.
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/s.
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 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**, you must indicate clearly, which parts of the services will be subcontracted.

Tenderers are already required to identify subcontractors in their technical tender, if any, whose share of the contract is above 10% and provide a Declaration on honour guaranteeing the compliance of the subcontractor(s) with the exclusion criteria as set forth in section 4.2 of the tender specifications.

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.

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

- 18bis. (If applicable) **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). The consortium members shall provide a signed mandate using the template

provided as Annexe V to the tender specifications designating and empowering the consortium coordinator to act on their behalf.

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 4.2 and 4.3 of the tender specifications). Exclusion of one or/and several of the consortium members on these grounds might result in the exclusion of the whole consortium.

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

19. Your personal data may be registered in the Early 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](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](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE) )

Yours sincerely,

P.O.

Florian GUILLERMET  
Deputy Executive Director  
Operations & Programme  
Mr Claude Chêne

Executive Director *Ad Interim*

Annexes: Tender specifications

Draft contract: multiple framework service contract in cascade