



**SPECIFICATIONS ATTACHED TO THE INVITATION TO TENDER**

**SJU/LC/0043-CFT**

**SATELLITE CAPABILITIES FOR OPTIMI (SAT-OPTIMI)**

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## CALL FOR TENDER SPECIFICATIONS

### 1 INTRODUCTION

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The mission of the SJU, created under Article 187 of the Treaty on the functioning of the European Union, is to ensure the modernisation of the European air traffic management system by coordinating and concentrating all relevant research and development efforts undertaken by its members.

The SJU is responsible for the implementation of the *ATM Master Plan* and for carrying out specific activities aiming at developing the new generation air traffic management system capable of ensuring the safety and fluidity of air transport worldwide over the next thirty years. Further information on the activities of the SJU is available at: [www.sesarju.eu](http://www.sesarju.eu).

Within its missions, the SJU is also responsible for the update of *the ATM Master Plan* in order to keep it consistent through all the development phase and updated to any significant aviation event or outcome in the field of transport technology.

Recently, the SJU has launched the OPTIMI initiative<sup>1</sup> (hereinafter, called the "OPTIMI initiative", in order to ensure appropriate monitoring of air traffic in oceanic and remote low-density airspace and to optimise the coordination between Air Transit Services (ATS) and Search & Rescue (SAR) services in these areas.

Major elements of the OPTIMI initiative will be based on enhanced communication capabilities, in particular the use of satellite communication technology and existing satellite infrastructures. The OPTIMI initiative concentrates on making the best use of existing technology and infrastructures, both regarding procedural aspects and business models. Nevertheless, to achieve the maximum benefit of the recommendations that may result from the OPTIMI initiative, it is necessary to avoid any lack of alignment between the current and planned capabilities of the satellite infrastructure and the use that could be made of it.

In order to fulfill its obligations and to progress on the above mentioned task, the SJU considers that launching a specific initiative on 'SATELLITE CAPABILITIES FOR OPTIMI' (hereinafter the "SAT-OPTIMI initiative") is the most adequate tool.

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<sup>1</sup> Call for tender ref. SJU/LC/0030-CFP Oceanic Position Tracking Improvement & Monitoring (OPTIMI), resulting in the signature of five service contracts (Lot 1 – Analysis of the current situation; Lots 2, 3 and 4 – Executing demonstrations, and Lot 5 – Elaboration of an initial business case). For information purposes, the terms of reference including detailed description of the services subject of the awarded contracts are attached to the present Invitation to tender as Annex I. Tenderers will find attached in addition the updated planning of the activities.

## **2 OVERVIEW OF THIS CALL FOR TENDER**

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### **2.1 DESCRIPTION OF THE CONTRACT**

The objective of this call for tender is to select a contractor or a consortium for the performance of a study aiming at identifying and presenting feasibility and options for the best use of satellite infrastructure and technology to ensure full deployment of oceanic tracking services in the Atlantic resulting from the OPTIMI initiative.

In addition, the study recommendations shall include the identification of any opportunities and/or constraints from potential future improvements of the satellite infrastructure and technology in view of its use in safety applications for tracking services in remote and oceanic airspace.

The considered period for operational service shall typically be from 2012 until 2020, although if deployment or operations plans are known outside of this period this information shall be included.

The services required by the SJU under the service contract to be awarded as a result of this call for tender are detailed in the Terms of Reference in Section 3 below.

### **2.2 TIMETABLE**

<b>Milestone</b>	<b>Deadline</b>
Launch of this call for proposal	7 May 2010
Deadline for requesting additional information/clarification from the SJU	No later than 15 calendar days before the closing date for submission of tenders
Last date on which clarifications are issued by SJU	No later than 6 calendar days before the closing date for submission of tenders
Closing date for submission of tenders	2 July 2010 at 12.00 noon (GMT + 1:00)
Notification of contract award	August 2010 (estimate)
Contract signature	After a standstill period of at least 14 calendar days following the date on which notification of the contract award decision is sent
Contract closure	By February 2011 (indicative)

### **2.3 PARTICIPATION IN THIS PROCUREMENT PROCEDURE**

#### **2.3.1 Target audience**

In performing the activities to be awarded as a result of this call, the following expertise is required:

Providers of satellite based communications services with knowledge of the technology/spectrum developments in the satellite communications market

In addition, tenderers must not be in any of the exclusion criteria indicated in section 5.2 below of these specifications and must have the legal, economic, financial, technical and professional capacity sufficient to participate in this tender procedure (see section 5.3 below).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the SJU during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties.

### **2.3.2 Participation of consortia (joint offers)**

Participation of consortia is allowed in the frame of this tender procedure.

All member(s) of a consortium (i.e., the coordinator and all other consortium member(s) shall be jointly and severally liable to the SJU. Therefore, offers stating that:

- one of the member of the consortium will be responsible for some part of the contract and another one for the other part, or
- 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 reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the call for tender specifications.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (see Sections 5.2 and 5.3 of these tender specifications).

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

The participation of an ineligible person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

### **2.3.3 Sub-Contracting**

Sub-contracting is allowed under this procedure.

The tenderer must indicate clearly which, if any, parts of the work will be sub-contracted.

Sub-contractors must satisfy the eligibility criteria applicable to the award of the contract.

If the identity of the intended sub-contractor(s) is already known at the time of submitting the proposal, the tenderer must furnish a statement guaranteeing the eligibility of the sub-contractor.

If the identity of the sub-contractor is not known at the time of submitting the tender, the tenderer who is awarded the contract will have to seek SJU's prior written authorisation before entering into a sub-contract.

Where no sub-contractor is given, the work will be assumed to be carried out directly by the tenderer.

## **2.4 CONTACTS BETWEEN THE SJU AND THE TENDERER**

### **2.4.1 Before the opening of the offers**

Upon request of the tenderer, the SJU may provide additional information solely for the purpose of clarifying the content of this call for tender. Any request for additional information must be made by e-mail at the following e-mail address: [procurement@sesarju.eu](mailto:procurement@sesarju.eu). Request for additional information should indicate the reference number of the call for proposal and its title.

Requests for additional information received after the date mentioned in the timetable (Section 2.2. here above) will not be processed.

The SJU may, on its own initiative, inform interested parties of any error, inaccuracy, omission or other clerical error in the text of the call for proposal.

Any additional information will be published on the SJU website: [http://www.sesarju.eu/public/standard\\_page/procurement.html](http://www.sesarju.eu/public/standard_page/procurement.html).

The tenderer must make regular visits to this website to check for updates.

#### **2.4.2 After the opening of the offers**

If, after the offers have been opened, some clarification is required in connection with a tenderer, or if obvious clerical errors in the submitted offer must be corrected, the SJU may contact in writing the tenderer. Such contact may not lead to any alteration of the terms of the submitted offer since the submitted offers will be considered by the SJU as final and will not be subject to change or negotiation. Any clarification to be provided in this context by the tenderer shall not involve substantial changes to the basic features of the tender submitted.

#### **2.5 PERIOD DURING WHICH THE TENDERS ARE BINDING**

The period of validity of the tenders, during which tenderers may not modify the terms of their tenders in any respect, is ninety (90) days after the deadline for the submission of tenders.

In exceptional cases and before the period of validity expires, the SJU may ask each tenderer to extend the period of validity of its tender for a specific number of days, which may not exceed forty (40) days.

The selected tenderer(s) must maintain its/ their tender(s) for a further sixty (60) days from the date of notification that its offer has been recommended for the award of the service contract.

The further period of sixty (60) days is added to the initial period of ninety (90) days irrespective of the date of notification.

#### **2.6 CONTRACT VALUE**

The activities under the service contract to be awarded as a result of this call for tender shall be co-funded.

The maximum available amount for co-funding is 100.000 € (one hundred thousand EURO), VAT excluded.

#### **2.7 CONTRACT PROVISIONS**

In drawing up its tender, the tenderer should bear in mind the provisions of the draft service contract (see Annex IV to these tender specifications), which details in particular the method and conditions for payment of the selected contractor.

Please note; the attached draft service contract has been developed to cover the specificities of the SESAR Programme and its Development Phase taking into consideration the Community Body status of the SJU. Therefore, the SJU reserves the right to reject offers stating that the provisions of the draft service contract are accepted subject to a number of conditions.

## **2.8 VARIANTS**

In the absence of any such indication in the terms of reference (see Section 3 below), the tender should not deviate from the services requested.

## **2.9 CONFIDENTIALITY, PROCESSING OF PERSONAL DATA AND PUBLIC ACCESS TO DOCUMENTS**

In the general implementation of its activities and for the processing of procurement procedures in particular, the SJU observes the rules established in:

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regards to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

### 3 TERMS OF REFERENCE

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The Terms of Reference will become part of the service contract that may be awarded as a result of this call for tender ref. SJU/LC/0043-CFT.

This project will aim at performance of a study aiming at identifying and presenting proposals for the best use of the evolving satellite infrastructure and technology to ensure the feasibility of a full deployment of oceanic tracking services in the Atlantic as resulting from the OPTIMI initiative. In addition, the study recommendations shall identify potential future improvements of the satellite infrastructure and technology in view of its use in aviation safety applications in remote and oceanic airspace.

Reporting to the SJU, the Contractor awarded with the execution of this project will ensure the timely execution of the tasks, the correct sequencing of them, and the delivery of the correspondent outputs. To this end, the Contractor will elaborate a work-plan for the tasks. This work-plan will be documented in a document issued by the Contractor and submitted to the SJU within one month from the date of the kick-off meeting (i.e. T0 + 1 month).

#### **3.1. SCOPE OF THE STUDY**

The project will follow the following sequence:

1. Delivery of a high-level work plan for execution of the project.
2. Capture of the OPTIMI initiative position tracking operational concept and main functional and non-functional requirements to achieve it (See inputs below).
3. Analysis of the adequacy of the current baseline in satellite service capabilities to meet the requirements before mentioned (OPTIMI initiative requirements) for Atlantic areas.
4. Assessment of the achievability of the OPTIMI initiative requirements considering the capability of the current and planned satellite service provision. Based on this assessment a proposed revision to the captured requirements shall be included if necessary.
5. Analysis of possible options to be taken, including:
  - Scenarios of compliance with the OPTIMI initiative requirements. 'The possible options'.
  - Possibility to prototype/demonstrate each option with cost estimates (although actual prototype/demonstrations are not included within this study).
  - Estimate of cost to implement each option.
  - Estimate of time needed to implement each option.
  - Performance and Security analysis associated with each option.
  - Estimate of the 'in-service' support costs and operating life for each option.
  - Estimate of the consequent service cost to users for each option.
  - Opportunities for extension beyond the Atlantic area to include remote, other oceanic or polar areas.
  - Scenario for "Business Model" and "Service Provision models" considering the proposed options.
  - Supporting spectrum (quantity, allocation) and any spectrum-related issues.
6. Indication of potential future improvements in satellite infrastructure and technologies that could affect the provision of services in Atlantic, remote, other oceanic or polar areas.



**Inputs:** OPTIMI initiative results of LOT 1 (T0 Dependant) to be provided by the SJU to the successful contractor upon signature of the resulting contract.<sup>2</sup>

**Outputs:** The deliverable will consist of a duly documented report addressing the points indicated above and described in the context of the material from the Introduction (1) and Description of Contract (2.1) sections of this document. The deliverable shall also contain an executive summary of the report.

**Time schedule:** This Project shall be completed by T0<sup>3</sup> + 5 months

Title of the document	Due date
HIGH-LEVEL WORK PLAN FOR EXECUTION OF THE ACTIVITIES	T0 + 1 month
ANALYSIS OF SATELLITE SERVICE PROVISION FOR OPTIMI – Draft Report	T0 + 3 months
ANALYSIS OF SATELLITE SERVICE PROVISION FOR OPTIMI – Final Report	T0 + 5 months

### **3.2. PLACE OF EXECUTION OF THE CONTRACT**

The tasks will be performed at several sites as required by the nature of the task. Meetings between the Contractor and the SJU shall be held at the SJU's premises in Brussels (unless stated otherwise).

Progress teleconferences will be organised between the SJU and the Contractor on a monthly basis. Indicatively, the following meetings shall be held:

<b><i>Kick-off meeting following contract signature</i></b>	T0
<b><i>Initial Review meetings</i></b>	T0 + 1 month
<b><i>Progress Review meeting</i></b>	T0 + 3 months
<b><i>Final Review meeting</i></b>	T0 + 5 months

### **3.3. DURATION OF THE CONTRACT**

The contract will be concluded for a maximum duration of **five (5) months** with effect from the date of project kick-off (expected to be a short duration after the date the contract is signed by the parties).

<sup>2</sup> Please note that the description of the activities subject of the OPTIMI Contract for Lot 1 ("Analysis of the current situation"), is attached to the present Specifications as Annexe 1.

<sup>3</sup> T0 – Kick-off meeting following contract signature.

## 4. FORM AND CONTENT OF THE OFFER

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### 4.1. GENERAL

The offers must be presented in the requested format and include all the documents necessary so as to enable the SJU Proposal Analysis Board (PAB) to properly assess them.

Failure to respect these requirements will constitute a formal non-compliance and may result in the rejection of the offer.

#### 4.1.1. Format of the offers

Offers must be **written in English** and shall include the following:

- in paper format
  - one (1) original and four (4) copies of the cover letter,
  - one (1) original of Volume 1 – Administrative Proposal,
  - one (1) original and four (4) copies of Volume 2 – Technical Proposal,
  - one (1) original of Volume 3 – Financial Proposal, and
- in **electronic format**: one (1) CD-ROM containing the electronic version of the offer (i.e., cover letter and the three volumes), in PDF format.

Offers must be clear and concise, with continuous page numbering, and each volume assembled in a coherent fashion (e.g., bound or stapled, etc.).

#### 4.1.2. Identification of the original offer

**The original paper copy of the offer must be marked “ORIGINAL” and signed by the tenderer.**

#### 4.1.3. Practical procedure

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

- 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/0043-CFT).**
  - the name of the tenderer
  - the indication *“Offer - Not to be opened by the internal mail service”*
- The inner envelope must contain the following elements:
  - One (1) CD-ROM containing the information as described in section 4.1.1 above
  - The five (5) paper copies as described in section 4.1.1 above

## **4.2. STRUCTURE OF THE OFFER**

All offers must include a cover letter (see section 4.2.1 below) and three separate volumes, i.e.:

- Volume 1 – Administrative Proposal (see section 4.2.2 below)
- Volume 2 – Technical Proposal (see section 4.2.3 below)
- Volume 3 – Financial Proposal (see section 4.2.4 below)

### **4.2.1. Cover letter**

The cover letter shall be signed and contain the following elements:

- The names, telephone, fax numbers and email 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, telephone number as well as email address of the contact person to whom all communications relating to this call for tender should be addressed,
- A reference number for the offer, identical throughout all parts of the offer,
- The reference number of the SJU call for tender,
- The name of the person empowered to sign a potential contract with the SJU, and
- The tenderers acceptance of the proposed contractual terms and conditions.

### **4.2.2. Volume 1 - Administrative Proposal**

This section must provide the following information, set out in the standard identification form attached to these tender specifications:

- Legal Entity form (template available in PDF format on the SJU website at the following address: [www.sesarju.eu](http://www.sesarju.eu)),
- Bank Account form (template available in PDF format on the SJU website at the following address: [www.sesarju.eu](http://www.sesarju.eu)), and
- If applicable, power of attorney (joint offers) or letter of intent (subcontracting).

All tenderers must also provide:

- **Proof of registration**, as prescribed in their country of establishment, on one of the **professional or trade registers**, or a declaration or certificate;
- Two references of similar experience;
- A **declaration on their honour** (see model in Annex II), duly signed and dated, stating that they are not in one of the situations referred to in Section 5.2 below.

In case of an offer submitted by a consortium, each consortium must specify the company or person heading the project (the “Coordinator”) and must also submit a copy of the document authorising this company or person to submit an offer.

The SESAR Joint Undertaking reserves the right, however, to request additional evidence in relation to the bid submitted for evaluation or verification purposes within a time-limit stipulated in its request.

### **4.2.3. Volume 2 - Technical Proposal**

#### **4.2.3.1. General**

The assessment of the technical quality will be based on the ability of the tenderer to meet the purpose of the contract as described in section 3 above. To this end, the technical proposal shall contain the following information to allow evaluation of the offers according to the award criteria mentioned in section 5.4 below.

Since tenderers will be judged exclusively on the content of their written offers, they must make it clear that they are able to meet all the requirements of the specifications set under Section 3

#### 4.2.3.2. Tenderer understanding of the call for tender

The offer shall contain any comments on the terms of reference (see section 3 above) of importance for the successful execution of the contract, thus demonstrating the tenderers degree of understanding of:

- The proposed draft contract,
- The objectives of the contract, and
- The needs and requirements of the SJU.

The tenderer shall give in its Technical Proposal an opinion on the key issues related to the achievement of the contract objectives and expected results as well as an explanation of the risks and assumptions affecting the execution of the contract.

#### 4.2.3.3. Expertise of the proposed project team

The tenderer shall provide:

- Information on the relevant experience of the companies to be involved in the execution of the contract;
- CV's of key members of staff involved in the execution of the contract.

#### 4.2.3.4. Preliminary draft work plan for this project

The tenderer shall present a work breakdown structure which details the way the tenderer intends to answer to the SJU requirements, and which contains a complete list of all items that are to be delivered for the project with their corresponding dates of delivery, in accordance with Section 3 above.

#### 4.2.3.5. Organisation and management of the activities

The tenderer shall provide:

- A description of the proposed approach to the Contract so that the work outlined in section 3 above (terms of reference) is carried out as efficiently as possible in terms of cost, timescales and quality;
- A detailed description of the proposed team, detailing the role and responsibilities of each team member and how the contract will be managed in general;
- With regard to day-to-day contract management, the tenderer must show how it will be able to work closely with the responsible services of the SJU;
- A description of the proposed progress reporting and deliverable review planning;
- A description of the input from each of the tenderer members (i.e. members of the consortium in case of joint offers, and/or subcontractors) and the distribution and interaction of tasks and responsibilities between them;
- A description of sub-contracting arrangements foreseen, if any, with a clear indication of the tasks that will be entrusted to a sub-contractor<sup>4</sup>; A description of the procedure allowing the tenderer to ensure the timely execution of the tasks, the correct sequencing of them, and the delivery of the correspondent outputs.

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<sup>4</sup> A statement by the contractor or, where applicable, the consortium guaranteeing the eligibility of any sub-contractor (in accordance with the in accordance with the principles listed in section 5.2 below) shall be included as well, in case the subcontractor/s are not known at the moment of the tender submission.

#### **4.2.4. Volume 3 - Financial Proposal**

##### **4.2.4.1. General**

All offers must contain a separate financial proposal detailing the price of each task.

Prices must be quoted in EURO, including the countries which are not in the EURO-area. Where applicable, the tenderer chooses the exchange rate and assumes all risks for opportunities relating to the rate fluctuation.

The price must be clearly indicated and broken-down per task. It shall be fixed and inclusive of all costs (including project management) and expenses (e.g. companies' management, secretariat, social security, salaries, travel and subsistence, etc.) directly or indirectly connected with the contract.

All prices must be quoted exclusive of all taxes and dues:

- VAT
- No fee (profit) shall be allowed under this call for tender;
- The type of price is defined in the Draft Contract attached to this call (see Annex IV).

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

## 5. ASSESSMENT AND AWARD OF THE CONTRACT

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### 5.1. GENERAL

The assessment will be strictly based on the content of the received offers and in the light of the criteria set out hereunder.

The assessment procedure will be carried out in three consecutive stages:

- Stage 1 – assessment in the light of exclusion criteria (see section 5.2 below),
- Stage 2 – assessment in the light of selection criteria (see section 5.3 below) and
- Stage 3 – assessment in the light of award criteria (see section 5.4 below).

The aim of each of these stages is:

- To check on the basis of the exclusion criteria, whether tenderer can take part in the tendering procedure;
- To check on the basis of the selection criteria, the technical and professional capacity and economic and financial capacity of each tenderer;
- To assess on the basis of the award criteria each bid which has passed the exclusion and selection stages.

### 5.2. STAGE 1 – ASSESSMENT IN THE LIGHT OF EXCLUSION CRITERIA

To be eligible for participating in this contract award procedure, none of the components of the tenderer can be in any of the following exclusion grounds:

- (a) They are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) They have been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- (c) They have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) They have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed.

*Nota Bene:*

The tenderer to which the contract is to be awarded shall provide, within 15 days following notification of award and preceding the signature of the contract, the following documentary proofs to confirm the declaration referred to above:

- For points a) and b) above a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.
- For point d) recent certificates issued by the competent authorities of the States concerned.

Where the document or certificate referred to above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made

by the interested party before a judicial or administrative authority, a notary or a qualified professional body in its country of origin or provenance.

### **5.3. STAGE 2 – ASSESSMENT IN THE LIGHT OF SELECTION CRITERIA**

The tenderer must have the overall capabilities (legal, economic, financial, technical and professional) to perform the contract.

If one of the selection criteria listed below is not positive, the offer may not be further evaluated.

#### **5.3.1. Legal capacity**

Any tenderer is asked to prove that it is authorised to perform the contract under the national law as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

The tenderer (or the Coordinator in case of Consortium) shall provide a dully filled in and signed **Legal Entity Form** (see template available on the SJU website) accompanied by the documents requested therein, for each of its components.

#### **5.3.2. Economic and financial capacity**

In order to prove its sufficient economic and financial capacity to perform the contract, the tenderer will be asked to present the following documentation for each of its components:

- Evidence of professional risk indemnity insurance;
- Balance sheets (or extracts from balance sheets) for at least the last two years for which accounts have been closed;
- Statement of overall turnover and turnover concerning the services/supplies to be covered by the contract(s) during the last three financial years;
- If the tenderer relies on the capacity of other entities (e.g. partners in a joint offer or subcontractor(s)), a written undertaking on the part of those entities confirming that they will place the resources necessary for performance of the contract, at the tenderers disposal.

If, for some exceptional reason which the SJU considers justified, the tenderer is unable to provide the references requested here above, the tenderer may prove its economic and financial capacity by any other means which the SJU considers appropriate.

#### **5.3.3. Technical and professional capacity**

Tenderer are required to prove that they have sufficient technical and professional capacity to perform the contract.

To that end, they are requested to present the following documentation:

- A detailed account of the main current activities of the components of the tenderer,
- A brief presentation of the structure of each of its companies and the structure of the extended group, ideally by means of charts which clearly show the work to be undertaken by each company;
- Evidence of the tenderers expertise and experience delivering similar services (e.g. list of main contracts achieved in the past three years, specifying the value, dates, recipients of the supplies and/or services of the type required in these tender specifications;
- Evidence of the expertise of the tenderer in:

Provision of satellite communications services.

Satellite equipment technology/spectrum developments in the satellite communications market.

Aviation related communication applications using satellite communication technologies.

Elaboration and/or review of safety and security documentation concerning the above indicated type of activities.

- The declaration of absence of Conflict of Interest using the template attached in Annex III.

#### **5.4. STAGE 3 – ASSESSMENT IN THE LIGHT OF AWARD CRITERIA & EVALUATION IN TERMS OF QUALITY & PRICE**

Only the offers meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price for the award of the contract. The evaluation in light of the award criteria and evaluation in terms of quality and price will be performed for each lot respectively.

The contract will be awarded according to the specific criteria given below, on the basis of the **economically most advantageous offer of activity**.

##### **5.4.1. Technical evaluation – Quality assessment**

The quality of each technical offer will be evaluated in accordance with the award criteria and the associated weighting detailed in the table below:

<b>N°</b>	<b>Award criteria</b>	<b>Weighting</b>
<b>1.</b>	Understanding of SESAR, the SJU framework and the ATM context. In particular how satellite service offerings can enable the cost-effective delivery of tracking services over oceanic and remote areas.	20
<b>2.</b>	Relevant experience and expertise of the proposed project team on; - Satellite communication service provision (40%), - Technology/spectrum developments in the satellite communications market (40%), - Aviation communication applications over satellite (20%).	60
<b>3.</b>	Adequacy of the proposed management of the activities and programme of work and in particular adequacy regarding coordination and management of multinational technical projects as project leader	20
<b>Total number of points</b>		<b>100</b>

For all tenderer the quality of the offer will be scored against the specific award criteria listed above for each lot, given the scope of the offer made.

##### **5.4.2. Financial evaluation and Recommendation of award of the contract**

Only tenderer scoring 70 points or more of a maximum of points 100 against the technical award criteria will have their financial proposal evaluated.

The Proposal Analysis Board (PAB) then identifies the most economically advantageous offer by applying the following formula:

$$\text{Ratio quality/price for offer "Y"} = \text{lowest price} / \text{price of offer "Y"} \times \text{total quality score for offer "Y"}$$



# **ANNEX I – Terms of reference for the OPTIMI initiative (part of call for tender ref. SJU/LC/0030-CFP)**

## **1. TERMS OF REFERENCE**

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The Terms of Reference will become part of the contract that may be awarded as a result of this call for tender ref. SJU/LC/0030-CFP.

This project will aim at identifying and testing the possibility of implementing oceanic flight tracking service based on existing ADS-C technology and initial CPDLC, by means of:

- Performing all necessary analysis to document current situation and expected evolution of equipment, procedures and services associated to the initiative, including certification approaches.

- Executing demonstrations involving commercial flights.

- Elaboration of an initial business case of the initiative and support for obtaining a regulatory opinion.

Reporting to the SJU, each tenderer awarded with the execution of a Lot will ensure the timely execution of the tasks of the correspondent WPs, the correct sequencing of them, and the delivery of the correspondent outputs.

### **3.4. SCOPE OF THE STUDY**

The project will have special regard to the current baseline in this field. In this aspect, it has to be taken into account that ADS-C has been already successfully put into service by air navigation service providers of some States in the remote or oceanic areas under their jurisdiction. This information could facilitate, through the appropriate ATS procedures, a rapid intervention of the SAR if needed.

There is a small percentage of aircraft logging on in-flight for air navigation services dependent on satellite communications. The cause seems to be the high cost of the contracts with the satellite communications providers without perceived associated benefits. The project should therefore take into account not only the technical issues, but also the economic issues. Another potential mechanism to increase the benefits of this technology is to complement the use of ADS-C with the use of CPDLC.

Flight tracking and data link communications are not technically very far from the currently used communication systems between aircraft in flight and their operation centres on the ground (AOC). There is nevertheless a regulatory difference between airline communications and communications provided by an ANSP. AOC do not need to be certified; the ANSP communications are subject to certification, in accordance to Regulation (EC) 550/2004.

The activities to be launched by the SJU will aim at the monitoring of **oceanic flight tracking service based on existing ADS-C technology and initial CPDLC.**

### 3.5. DETAILED LOTS

The indicative schedule and dependencies between the lots is shown below, where T0 is defined as the start of the work.

T0												
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
<b>Lot 1</b> WP1												
<b>Lot 1</b> WP2												
<b>Lot 2</b>												
<b>Lot 3</b>												
<b>Lot 4</b>												
<b>Lot 5</b>												

Time is essential for this contract, therefore the timescales proposed for deliverables within each lot here above are fixed except for lot 5 where the timescales shall be considered as guidance as the activities under lot 5 which may start earlier in accordance with the selected contractor(s)' offer(s).

The deliverables shall be provided to the SJU in English language in 3 paper copies and in electronic format (Microsoft Office format).

#### 3.2.1. Lot 1. Analysis of the current situation

The tenderers should detail how they propose to access the relevant information or expertise coming from airlines, ANSPs, Sat Com providers and industry to support the analysis in the following Work Packages:

##### 3 3.2.1.1. Work Package 1 - Analysis of baseline

Several tasks are expected to be done within this Work Package. These tasks can be summarized as follows:

##### Task 1: Technical and Operational analysis

Current technical and operational situation.

Status of ADS-C services.

Levels of equipage in affected airspace for the considered fleet. In this respect, FDR and CVR equipment shall also be considered by the tenderers.

##### Task 2: Social and Economical analysis

Current COM charges.

Current economic impact of COM service provision in the overall cost of ADS-C services.

Possible commercial models to interact with COM providers.

Potential social issues (ATCOs, Flight crew). In this respect, down linking of safety data (e.g., from FDR and CVR) shall also be considered by the tenderers.

##### Task 3: Regulatory analysis

Current applicable regulatory framework

Current applicable standards framework

Current regulatory approval mechanisms -predominantly safety and economic fields

Regulatory and standards framework.

**Inputs:** A technical meeting could be called for by SJU to gather initial inputs

**Outputs:** The deliverable resulting of this WP will consist in a duly documented report addressing the following information:

- Equipped aircraft levels
- ANSP equipage and service provision
- Use of Company data link (AOC)
- Union agreements regarding exchange of information
- Current levels of use of CPDLC
- Status of applicable ICAO Data link standards
- Outline of deployment plans (NAT /EUR / AFI / SAT)

**Time schedule:** This WP should be finished at T0 + 1 month (not later than January 2010)

Title of the document	Due date
ANALYSIS OF BASELINE	T0 + 1 month (January 2010)

#### 3.2.1.2. Work Package 2 – Feasibility analysis of implementation of flight tracking service

Several tasks are expected to be done within this Work Package. These tasks can be summarized as follows:

Task 1: Technical and Operational analysis

Analysis of impact of flight tracking service on ATS procedures

Analysis of impact of CPDLC on ATS procedures

Analysis of impact of flight tracking service on aircraft operations

Analysis of impact of CPDLC on aircraft operations

Analysis of ground equipment availability

Analysis of on-board equipment availability

Analysis of procedural connections between ATS services and SAR services based on flight tracking services and/or use of CPDLC

In their analysis of ground equipment availability, on-board equipment availability and procedure connections between ATS services and SAR services, tenderers are also requested to consider in their proposal the possibility to download safety data stored in FDR and/or CVR to the ground. This downloading could be triggered by predetermined ranges of values of certain parameters. The type of safety data to be downloaded, the triggering parameters and values, as well as the correspondent coordination procedures between ATS and SAR shall also be included in the analysis.

Task 2: Economic analysis

Analysis of ground equipment impact on the economic assessment

Analysis of on-board equipment impact on the economic assessment

Analysis of the business model with satellite COM providers

Tenderers should also consider in their proposal the economic implications for all parties (including satellite COM providers) of the potential downloading of safety data stored in FDR and/or CVR to the ground.

Task 3: Regulatory analysis

Precise definition of flight tracking service  
Required regulatory framework  
Required standards framework  
Definition of simple certification in order to avoid the bureaucratic burden

Tenderers shall also consider in their proposal the prospective impact on regulations and standards of the downloading of safety data stored in FDR and/or CVR to the ground.

**Inputs:** "ANALYSIS OF BASELINE" document delivered under Work Package 1 of Lot 1

**Outputs:** The deliverable resulting of this WP will consist in a duly documented report addressing the following information:

- ANSP and airspace user business requirements for flight tracking services
- Airspace user business requirements for flight tracking services
- Definition of potential solutions for a SAR cooperation (airlines - ANSPs)

Possible deployment scenarios

**Time schedule:** This WP should be finished at T0 + 3 month (not later than March 2010)

Title of the document	Due date
IMPLEMENTATION FEASIBILITY ANALYSIS	T0 + 3 months (March 2010)

### 3.2.2. Lots 2, 3 and 4. Demonstrations

Demonstrations will be organized in order to:

Assess added value of ADS-C based flight tracking service, by testing new coordination procedures making use of this technology (ATS-ATS coordination, A/C – ATS coordination, ATS – SAR coordination, A/C – SAR coordination)  
Assess added value of use of CPDLC in oceanic airspace, by testing new coordination procedures making use of this technology (ATS-ATS coordination, A/C – ATS coordination, ATS – SAR coordination, A/C – SAR coordination)  
Support safety assessment elaboration  
Support Economic assessment elaboration

3 parallel demonstrations will be organized with the following criteria:

Each demonstration will be performed in a different Atlantic regions (NAT, EUR, AFI)  
It is foreseen the participation of commercial flights in the projects  
Integrated approach for the participation of different stakeholders groups will be required  
Each demonstration should involve at least 1 airline and 1 ANSP

If considered necessary by the tenderer awarded with the corresponding Lot, the proposed demonstration activities may be supported by short and focused simulations or other necessary preparatory work.

Several tasks are expected to be done within each of these three lots. For each lot, these tasks can be summarized as follows:

Task 1: Project set-up:

Elaboration of demonstration protocol  
Elaboration of demonstration plan

Task 2: Performance of demonstrations

Task 3: Analysis of results

**Inputs:** "IMPLEMENTATION FEASIBILITY ANALYSIS" delivered under Lot 1, Work Package 2

**Outputs:** The result of each of these lots will be documented as follows:

- Task 1: Demonstration protocol, Demonstration Plan
- Task 2 & 3: Demonstration Report

**Time schedule:** Lot 2 should be finished at T0 + 6 month (not later than June 2010). Lot 3 should be finished at T0 + 7 month (not later than July 2010). Lot 2 should be finished at T0 + 8 month (not later than August 2010).

Title of the document	Due date
DEMONSTRATION PROTOCOL LOT 2	T0 + 2 months (February 2010)
DEMONSTRATION PROTOCOL LOT 3	T0 + 3 months (March 2010)
DEMONSTRATION PROTOCOL LOT 4	T0 + 4 months (April 2010)
DEMONSTRATION PLAN LOT 2	T0 + 4 months (April 2010)
DEMONSTRATION PLAN LOT 3	T0 + 5 months (May 2010)
DEMONSTRATION PLAN LOT 4	T0 + 6 months (June 2010)
DEMONSTRATION REPORT LOT 2	T0 + 6 months (June 2010)
DEMONSTRATION REPORT LOT 3	T0 + 7 months (July 2010)
DEMONSTRATION REPORT LOT 4	T0 + 8 months (August 2010)

### **3.2.3. Lot 5. Elaboration of an initial business case**

Several tasks are expected to be done within this Lot. These tasks can be summarized as follows:

Task 1: Initial Business Case elaboration:

An initial business case shall performed by contractors. This preliminary business case will include:

The safety assessment

The economic assessment

Possible approaches to final business case

In the light of the outcome of the activities under Lot 1, the contractor selected for the performance of the initial business case (i.e., Lot 5) shall give due regard to any consideration arising from the possibility of transmitting to the ground safety data stored in FDR and/or CVR.

Task 2: Support to SJU regulatory review:

The SJU will seek regulatory opinion from NSAs on the elements of the initial business case through established mechanisms. Contractors shall prepare the necessary documentation and support the SJU as needed to allow the SJU to obtain this regulatory opinion.

**Task 3: Support to SJU recommendation:**

As a result of the outcome of this initiative, SJU will issue a recommendation on early implementation of oceanic flight tracking service based on ADS-C. Contractors shall prepare the necessary documentation and support the SJU as needed to allow SJU to present this recommendation.

**Inputs:** "ANALYSIS OF BASELINE"; "IMPLEMENTATION FEASIBILITY ANALYSIS" delivered under Lot 1, Work Package 2; "DEMONSTRATION(S) REPORT(S)" delivered under Lots 2, 3 and 4

**Outputs:** The deliverable resulting of this WP will consist in a duly documented report addressing the following information:

- Task 1: Initial Business Case
- Task 2: Initial Business case folder for regulatory review
- Task 3: Draft SJU recommendation

**Time schedule:** This WP should be finished in accordance with the following schedule:

- Task 1: T0 + 7 months (not later than July 2010)
- Task 2: T0 + 9 months (no later than September 2010)
- Task 3: T0 +12 months (no later than December 2010)

Title of the document	Latest due date
INITIAL BUSSINESS CASE	T0 + 7 months (July 2010)
FOLDER FOR REGULATORY REVIEW	T0 + 9 months (September 2010)
DRAFT SJU RECOMMENDATION	T0 + 12 months (December 2010)

### 3.6. PLACE OF EXECUTION OF THE CONTRACT

The tasks will be performed at several sites as required by the nature of the task. Meetings between the consortia and the SJU shall be held at the SJU's premises in Brussels (unless stated otherwise).

Progress meetings will be organized between the SJU and the Contractor on a monthly/quarterly basis. Indicatively, the following meetings shall be held:

	Lot1 WP1	Lot1 WP2	Lot2	Lot3	Lot 4	Lot5
<i>Kick-off meeting following contract signature</i>	T0	T0	T0	T0		T0
<i>Initial Review meetings</i>		T0 + 2 months	T0 + 3 months (*)	T0 + 3 months (*)	T0 + 3 months (*)	T0 + 7 months
<i>Progress Review meetings</i>			T0 + 4 months (*)	T0 + 4 months (*)	T0 + 4 months (*)	T0 + 9 months
<i>Progress Review meetings</i>			T0 + 5 months (*)	T0 + 5 months (*)	T0 + 5 months (*)	T0 + 10 months
<i>Final Review meetings</i>	T0 + 1 months	T0 + 3 months	T0 + 7 months	T0 + 7 months	T0 + 7 months	T0 + 12 months T0 + 9 months (**)

(\*) Meetings to be held at a convenient site

(\*\*) SJU position regarding the delivered draft will be discussed in this meeting.

## Updated indicative planning for the activities in the frame of the OPTIMI initiative

	<u><a href="#">Lot1 WP1</a></u>	<u><a href="#">Lot1 WP2</a></u>	<u><a href="#">Lot2</a></u>	<u><a href="#">Lot3</a></u>	<u><a href="#">Lot 4</a></u>	<u><a href="#">Lot 5</a></u>
<i>KOM</i>	<b>2<sup>nd</sup> February 2010</b>					
<i>Initial Review meetings</i>		<b>ATC Global 8-9 March</b>				<b>September 6th</b>
<i>Progress Review meetings</i>			<b>4 – 5 May</b>	<b>4 – 5 May</b>	<b>June 8<sup>th</sup></b>	<b>Lot 5 Workshop October 14<sup>th</sup></b>
<i>Progress Review meetings</i>						
<i>Final Review meetings</i>	<b>ATC Global 8-9 March</b>	<b>Expert Focus Group April 23<sup>rd</sup></b>	<b>July 23<sup>rd</sup></b>	<b>September 6th</b>	<b>July 23<sup>rd</sup></b>	<b>Closing meeting December 17<sup>th</sup></b>

## ANNEX II- DECLARATION ON HONOUR

*To be completed and signed by each Consortium member*

*The undersigned:*

*Name of the individual/company/ organisation:*

*Legal address:*

*Registration number/ID Card No.:*

*VAT number:*

Declares on oath that the individual/company/organisation mentioned above is not in any of the situations mentioned below:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the SJU can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

I the undersigned understand that contracts may not be awarded if during the procurement procedure the individual/company/organisation mentioned above:

- is subject to a conflict of interest;
- is guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information;

Full name:

Date & Signature:



## ANNEX III- DECLARATION OF ABSENCE OF CONFLICT OF INTEREST

*<Letterhead of the Consortium>*

I, the undersigned ..... *[name]* acting as *[title/position]* representing *[company/consortium]*, being the authorised signatory for the above-mentioned *[company/consortium]* for the tender SJU/LC/0043-CFT “*Satellite Capabilities for OPTIMI (SAT- OPTMI)*”.

I hereby solemnly declare that our *[company/consortium]* is not in any situation which could give raise to a conflict of interest in what concerns the execution of the contract.

In the event of the contract being awarded to our *[company/consortium]*, we commit ourselves to act with complete impartiality and in good faith in what concerns its performance and technical/operational/commercial outcome.

.....  
Date and Signature

## **ANNEX IV – DRAFT SERVICE CONTRACT**