

## INVITATION TO TENDER Ref. SJU/LC/0137-CFT

### Provision of web, intranet and email services for the SESAR Joint Undertaking

*(Open procedure 2017/111618)*

To whom it may concern,

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.
- 1bis. Participation in procurement procedures of the SJU is open to all natural and legal persons based in a member state of the European Union<sup>1</sup>. Further information is provided in section 4.1 of the tender specifications.

Please be aware that after the UK's withdrawal from the European Union, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force, candidates or tenderers from the UK could be rejected from the procurement procedure.

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 ~~Thursday 29 September~~ Friday 6 October 2017 at 11.30 a.m. (Brussels time).** The tenders have to be submitted to the following address:

**SESAR Joint Undertaking  
Legal and Procurement Sector  
Avenue de Cortenbergh, 100  
B-1000 Brussels  
BELGIUM**

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, and technical/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 offer.

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.

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<sup>1</sup> Article 119 of the FR on Rules on access to procurement

5. Tenders must be:
- written in English,
  - be perfectly legible so that there can be no doubt as to words and figures,
  - in the applicable parts, drawn up using the model reply form and
  - be submitted:
    - a) in **paper format**:
      - one (1) original of the cover letter,
      - one (1) original of the Administrative offer,
      - one (1) original and (1) copies of the Technical offer,
      - one (1) original of the Financial offer;
    - b) in **electronic format USB**: one copy of the offer, in PDF format - Please do not use CD rom 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/0137-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 cover letter, the offer in electronic format as well as three sealed envelopes, the first containing the Administrative offer, the second containing the Financial offer and the third containing the Technical offer together with its copies. Each of these envelopes must clearly indicate the content (i.e. "Administrative offer", "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 reference number of the SJU's call for tender
- Brief description of the Tenderer or, in case of consortia, of the Tenderer's composition (in bullet points) identifying the role or possible role (whether coordinator, member or subcontractor) of each participant to the consortium.
- The names, function and contact details (telephone, e-mail and addresses) of the following contact persons or responsible for:
  - i) Communications relating to this call for tender
  - ii) Technical matters during contract implementation
  - iii) Contract management (if different from the one in point i).
  - iv) Person empowered to sign the contract (if awarded).

**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 (for the Coordinator and for each Consortium Member, not needed for subcontractors), dully filled-in and accompanied by all the supporting documents requested therein, (please, use the form available on the following web page:  
[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm));
- Financial identification form (only for the Coordinator or the one responsible for payment matters) 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 and Selection Criteria and absence of conflict of interest (please refer to section 4.2. of the Tender specifications and to the template provided in Annexe); Supporting evidence of the Declaration will be requested from the Tenderer to which the contract is to be awarded in a further stage and in any case before the signature of the possible contract.
- Documentary evidence with respect to the selection criteria for the establishment of the legal capacity of the Tenderer (for the Coordinator and for each Consortium Member). Please refer to point 18.bis below and Section 4.3.1. of the tender specifications;
- Documentary evidence with respect to the selection criteria for the establishment of the economic and financial capacity of the Tenderer (for the Coordinator and for each Consortium Member). Please refer to point 18.bis below and Section 4.3.2. of the Tender specifications.

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

- Documentary evidence with respect to the ~~Exclusion and~~ Selection criteria for the establishment of the technical and professional capacity of the Tenderer (for the Coordinator and for each Consortium Member). Please refer to point 18.bis below and Section 4.3.3 of the Tender specifications.
- A **Technical offer** itself:
  - Description of how the Tenderer plans to address all matters laid down in Section 2 of the Tender specifications. This section should include models, examples, technical solutions to problems raised in the specifications, mention to IPR, licenses and possible pre-existing rights.
  - Response to each of the case studies relevant to the Lot for which the tenderer is submitting a tender.

**This description will be assessed against the award criteria set out in 4.4.1 of the tender specifications, which define those parts to which Tenderers should pay particular attention.**

*Nota bene:* Tenders presenting a **mere repetition of the tender specifications or source documentation** as part of a technical offer **will receive a score below the minimum required.**

**d) Volume 3 - Financial offer** must be drawn up on the form included in Annex 3.b to 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 flat rates inclusive of all costs and expenses directly and indirectly connected with the goods and services to be provided supplied.

The financial offer should be completely unambiguous. The offer will be disqualified if it contains any statements preventing an accurate and complete comparison of the offers (such as “to be discussed”, “depending on”, etc.).

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 as indicated in section 6 here above which must be clearly labelled “Financial offer”.**

**Please ensure that the information related to the financial quotation is given nowhere else in the offer other than in the case study.**

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 6 months 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 requests 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.

**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. *(Nature and duration of the contract)* The SJU will sign a direct contract with the successful tenderer. The contract will have an initial duration of 1 year as from the date of signature, and may be renewed up to 3 times, each for an additional period of 1 year. A draft 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**, it must be clearly indicated which parts of the services are intended to be subcontracted.

Subcontractor(s) must, as a general rule, satisfy the exclusion criteria as listed in section 4.2. of the Tender specifications. In case subcontractors are identified for the performance of critical tasks, the SJU reserves the right to request evidence on selection criteria as listed in section 4.3 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 identify the subcontractor(s) according to the provisions defined above.

Tenderers are required to identify subcontractors, if any, whose share of the contract is above 10%.

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

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 the purpose of a specific 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 duly filled in and 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 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 Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation.

For more information, see the Privacy Statement on:

[http://ec.europa.eu/budget/explained/management/protecting/protect\\_en.cfm](http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm)

20. You may submit any observations concerning the procurement procedure to the contracting authority using the contact means under point 10. If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within two years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>).

21. Within two months of notice of the award decision, you may launch an action for annulment of the award decision. Any request you may make and any reply from us, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment or to open a new period for launching an action for annulment. The body responsible for hearing annulment procedures will be indicated in Section VI.4.1 of the contract (award) notice.

Yours sincerely,

Mr Florian Guillermet  
Executive Director

Annexes: Tender specifications  
Draft direct services contract