



GSA/NP/09/12- "EGNOS Service Provision"

Tender Information Package

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The present Tender Information Package is intended to complement the information contained in the Contract Notice 2012/S 116-190837 providing to the Candidates further information on the procurement procedure and elements to allow them to prepare for the EGNOS Service Provision (ESP) procurement process.

1. Introduction

The European Geostationary Navigation Overlay Service (EGNOS) provides an augmentation signal to the Global Positioning System (GPS) Standard Positioning Service (SPS). Presently, EGNOS augments GPS using the L1 (1575.42 MHz) Coarse/ Acquisition (C/A) civilian signal function by providing correction data and integrity information for improving positioning and navigation services over Europe.

EGNOS has been designed to offer three high-performance navigation and positioning services:

- Open Service (OS)
- Safety-of-Life Service (SoL)
- Commercial Service or "EGNOS Data Access Server" (EDAS)

The Open Service is available since October 2009 and the Safety-of-Life Service is available since March 2011. The Commercial Service or EDAS is currently available on an experimental basis and will be deployed in the course of 2012.

As an European Union regulatory authority, the European GNSS Agency (GSA) manages public interests related to European GNSS programmes. GSA strategic objectives include the laying of foundations for a fully sustainable and economically viable system and its security.

The European Commission has concluded a Delegation Agreement with the GSA for management of procurement procedure and conclusion of the EGNOS operations and/or service provision legal instruments.

On the basis of this Delegation Agreement from the European Commission, the GSA is launching the present procurement procedure for the EGNOS Service Provision.

Please also note that Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems (COM(2011) 814 final) foresees an increased role of the GSA in the exploitation phase of the EGNOS programme.



EGNOS is currently operated, maintained and its services are provided by the ESSP SAS, a private company certified as Air Navigation Service Provider, under a service contract with the European Commission. This contract expires on 31 December 2013 and the objective of the present procurement is to procure subsequent service provision.

The provision of the EGNOS service will be implemented through the following three phases:

- PHASE-IN handover- which will last from kick-off meeting of this contract until 1 January 2014 when the new EGNOS Service Provider will take over EGNOS service provision from the current contractor. The purpose of this phase is to ensure a safe service provision transition (maximum 7 months);
- SERVICE PROVISION phase, which will start on 1 January 2014 upon successful completion of handover and shall run for 8 years.
- PHASE-OUT handover in 2022- which will last from end of service provision phase on 31 December 2021- date from which the contractor who is awarded the next EGNOS Service Provision contract will take over EGNOS service provision from the contractor of GSA/NP/09/12. The purpose of this phase is to ensure a safe service provision transition (maximum 12 months);

2. Scope and structure of ESP procurement

2.1. Scope

Under the EGNOS Service Provision contract, the EGNOS Service Provider will be responsible for the following tasks related to the EGNOS system:

- Work Package 0- Handover;
- Work Package 1- Service provision;
- Work Package 2- Operations and maintenance;
- Work Package 3- Infrastructure evolution and deployment;
- Work Package 4- Management.

Full description of tasks and related technical requirements is provided in the Statement of Work attached hereto as Annex B.



The EGNOS Service Provider is required to obtain and maintain-for the entire duration of the contract and without interruption - any licenses and certifications required for provision of any services related to the tasks under the contract, such as but not limited to the certifications required of Air Navigation Service Providers (ANSPs) for the provision of Communication, Navigation and Surveillance (CNS) services in the meaning defined under Article 2 of Regulation (EC) No 549/2004¹.

2.2. Structure

The tender will be carried out in three consecutive phases as described hereinafter:

Phase I - request for participation and selection of candidates

In Phase I the economic operators (including all individual legal entities involved) shall submit a duly filled-in and signed Non-Disclosure Agreements to the GSA in accordance with the procedure set out in section 4.2 below.

Following the counter-signature of the received Non-Disclosure Agreements by the GSA, the economic operators are required to build adequate structures following the requirements of section 4.3 below and submit a request to participate to the GSA in writing by physical mail (see section 8 below for the conditions of submission).

In Phase I any interested economic operators may submit their request to participate fulfilling all the requirements set in the Contract Notice and this Tender Information Package to the GSA. Requests for participation have to be submitted within the deadline specified in section 2.3 and satisfy the conditions of submission defined in section 8 of this document.

The evaluation committee will pre-select the candidates on the basis of the exclusion and selection criteria (section 7 below) and will invite the pre-selected candidates to submit an initial offer for Phase II by sending them the Tender Specifications and additional documents if necessary. The Non-Disclosure Agreement may be updated at this point for the release of additional documents.

The unsuccessful candidates will also be notified.

Phase II - submission of initial offers and negotiations

¹ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky.



In Phase II the initial offers submitted by the tenderers are evaluated by the Evaluation Committee in accordance with the award criteria communicated in the Tender Specifications and negotiations are conducted on the subject matter of the procurement with the tenderers.

There will be at least one request for submission of an indicative offer followed by evaluation and negotiations. The GSA reserves the right of having further stages of negotiations and further indicative tendering.

The GSA reserves the right to further detail the award criteria based on the results of the negotiations, with the assumption that this will not in any way change the initial basis of the Tender Specifications and the evaluation criteria. Principles of equal treatment and non-discrimination will be strictly followed.

The GSA reserves the right to terminate negotiations with and eliminate any tenderer which initial offer did not fulfil the minimum requirements laid down in the award criteria.

Phase III - best and final offer phase and award of the contract

Following a final negotiation in Phase II, the tenderers will be requested to submit their Best And Final Offer (BAFO) taking into account the results of the previous Phase II.

The BAFO will be evaluated in accordance with the award criteria laid down in the Tender Specifications, and further detailed during Phase II if needed and as communicated to the tenderers.

The Evaluation Committee will evaluate the BAFOs and the award decision will be communicated to the tenderers.

Please note that the GSA's contractual obligation commences only upon signature of the contract with the successful tenderer. Up to the point of signature, the GSA may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation.



2.3. Timeline and conditions

| Phase | Action | Date | Applicable conditions and further comments |
|--------------------------------------------------------------------|------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Phase I - Request for participation and selection of candidates | Publication of Contract Notice in OJEU | 20/06/2012 | |
| | Deadline for candidates for request of access to documents (request for NDA) | By 09/07/2012 | <p>Please note that:</p> <ul style="list-style-type: none"> • Failure to request the signature of NDA in time will lead to non-admission to or exclusion from the procurement procedure; • Counter-signature by GSA will also take time therefore the requests are advised as early as possible. <p>The procedure for entering into the non-disclosure agreement is described in section 4.2 of this document.</p> |
| | Deadline for requests for clarifications | By 02/07/2012 | <p>Please note that contacts between the GSA and candidates are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:</p> <ul style="list-style-type: none"> • Any requests for additional information must be made in writing only to tenders@gsa.europa.eu. • Requests for additional |



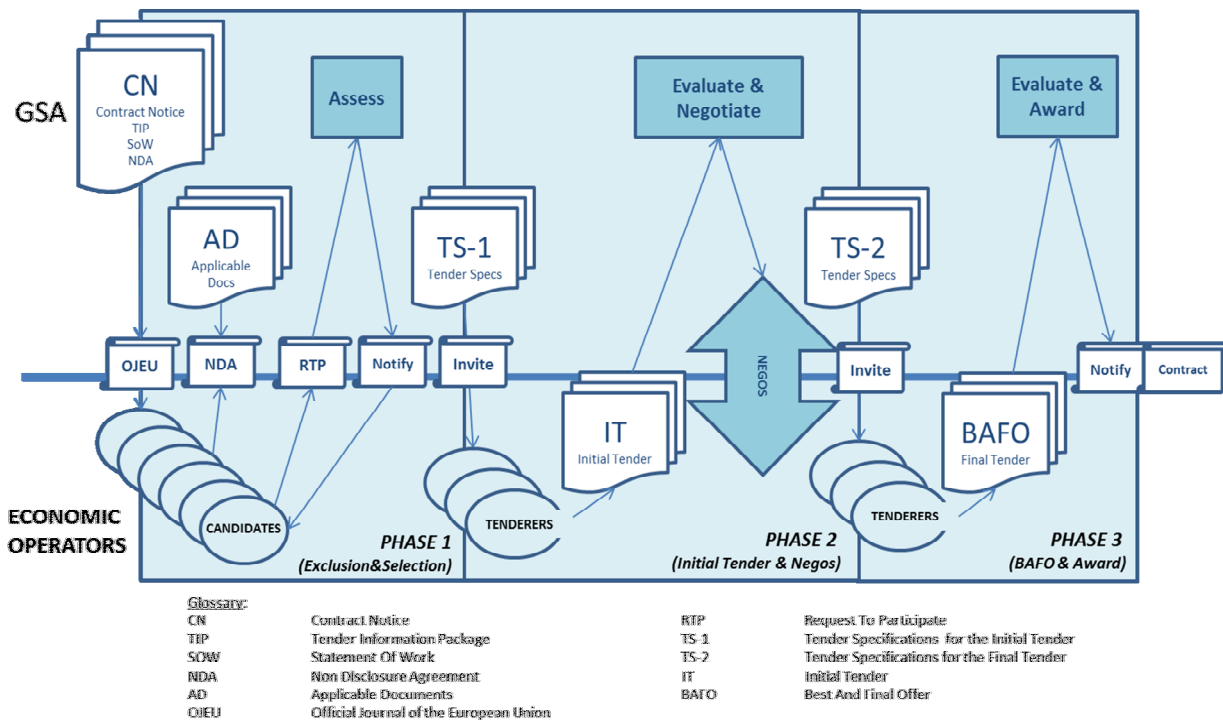
| | | | |
|--|---------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | <p>information received after date communicated hereby will not be processed (for practical reasons).</p> <ul style="list-style-type: none"> • The GSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the Contract Notice and additional documents. • Any additional information including that referred to above will be published in the form of "Clarification note" on the freely accessible http://www.gsa.europa.eu/go/gsa/procurement. • The name of the requesting party will not appear on the website. • Economic operators are invited to consult the above-mentioned procurement page of GSA on a daily basis. |
| | Last date of publications of clarifications | 09/07/2012 | All clarifications will be published on GSA procurement website: http://www.gsa.europa.eu/go/home/gsa/procurement/ |
| | Deadline for submission of requests to | 16/07/2012 | |



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|-------------------------------------------------------------|-------------------------------------------------------------|----------------------------------|--------------------------------------------------------|
| | participate | | |
| | Notification of candidates not selected | By August 2012 Estimated | |
| | Dispatch of tender documents to the pre-selected candidates | By August 2012 Estimated | |
| Phase II - Submission of initial offers and negotiations | Deadline for reception of initial offers | By November 2012 Estimated | Deadline will be defined in the tender specifications. |
| | Period of evaluation of initial offers and negotiations | By February 2013 Estimated | |
| | Invitation to submit Best And Final Offers (BAFOs) | By February 2013 Estimated | |
| | Submission deadline for final offers | By March-April 2013 Estimated | |

| | | | |
|---------------------------------------------------------------------|-------------------------------|------------------------------|--|
| Phase III - Best And Final Offer phase and award of the contract | Evaluation and Award decision | April-June 2013 Estimated | |
| | Signature of contract | June 2013 Estimated | |
| | Kick-off meeting | June 2013 Estimated | |

The following figure illustrates the procurement process.





3. Legal framework of ESP procurement and input documents

3.1. Legal acts

Participation to the tender and subsequent performance of the contract to be awarded is subject to applicable legal restrictions and obligations. The reference documents include:

- Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo);
- Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council;
- Commission Regulation (EC) No 622/2003 of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security;
- Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation);
- Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) Amended by: Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009;



- Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation);
- Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation);
- Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services;
- Commission Regulation (EC) No 915/2007 of 31 July 2007 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security;
- Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005;
- Commission Regulation (EC) No 668/2008 of 15 July 2008 amending Annexes II to V of Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services, as regards working methods and operating procedures;
- Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system;
- Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services and Corrigendum;



- Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010.

The procurement procedure will be carried out in accordance with the rules of:

- Council Regulation No 1605/2002 amended by Council Regulation No 1995/2006 – Financial Regulation applicable to the general budget of the European Communities;
- Commission Regulation No 2342/2002 last amended by Commission Regulation No 478/2007 laying down detailed rules for the implementation of the Council Regulation (EC, EURATOM) 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

In the general implementation of its activities and for the processing of tendering procedures in particular, regarding confidentiality and public access to documents, the GSA observes the following rules:

- 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 regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, and;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

3.2. Documents to be released in Phase I

In Phase I of this procurement procedure the following documents will be available for economic operators:

- Contract Notice



- Tender Information Package (ref: GSA-2012-D-644220) with its annexes:
 - Template Non-Disclosure Agreement with its annexes
 - Statement of Work (ref: GSA-EGN-SOW-001) with its appendices
 - Template Identification sheet of candidate
 - Template Declaration of Honour relating to Exclusion Stage
 - Template for financial statements relating to the Selection Stage
 - Template SAL Core Compliance Matrix relating to Selection Stage

3.3. Documents to be released in Phase II

In the second phase of the procurement process, GSA will deliver to the pre-selected candidates (tenderers) the tender specifications, draft contract and the supporting documents.

The precise list of these documents will be defined at the Phase II of the procurement procedure.

3.4. Input documents available as EGNOS background

Background documents on EGNOS will be made available to tenderers in Phase I and Phase II of the procurement process subject to signature of the Non-Disclosure Agreement.

These documents are listed in Appendix 1 of Annex B - Statement of Work, and they are deemed the relevant ones for the ESP tender.

In particular, the following documents will be provided during Phase I:

- Key Performance Indicators (KPI) Definition Document
- EGNOS Mission Requirements Document (MRD)
- Product Support Services (PSS) catalogue



- List of Incumbent and Mandatory Subcontractors
- European GNSS Project Security Instruction (PSI)
- Technical Notes on EGNOS GEO Satellites roadmap.

Documents listed in this section are free from industrial IPRs so they will be made available to candidates on that basis.

Tenderers will be invited to build on these technical input documents to elaborate the technical solution they propose in their bid.

The list presented in Appendix 1 of Annex B - Statement of Work - may not be final. It can be modified at the later stage of the procurement procedure.

4. Contractual aspects

4.1. Form of contract

The aim of this procurement is to sign one direct service contract covering all Work Packages.

4.2. Non-Disclosure Agreement procedure

The procedure of signature of Non-Disclosure Agreement will be the following:

- Each economic operator (including all individual legal entities involved) should send a formal request for the reference documents (Annex A.1 of the NDA) by deadline set in section 2.3 to the following e-mail address: tenders@gsa.europa.eu.
- In their request, each economic operator/entity shall indicate the name and address of the economic operator/entity and the name of its Local Security Officer.
- The request shall be accompanied by:
 - duly filled in and signed Legal Entity Form with supporting documents (Annex A.2 of the NDA) and



- o proof that the Local Security Officer is appointed² in this position by the economic operator/entity (will become Annex A.3 of the NDA. However no template is applicable),
- o a scanned copy of the signed Non-Disclosure Agreement, that can be downloaded at:
<http://www.gsa.europa.eu/go/home/gsa/procurement/> for the countersignature of the GSA.

In parallel to the above, the economic operator/entity shall send 2 (two) signed originals of the Non-Disclosure Agreement for GSA's countersignature to:

European GNSS Agency

Ref: Procurement GSA/NP/09/12- 'ESP'

Rue de la Loi 56,

B-1049 Brussels

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The following restrictions apply:

- Failure to request the signature of NDA in time will lead to non-admission to or exclusion from the procurement procedure;
- Only economic operators who have entered into the NDA with the GSA may submit a request to participate. Non-compliance with this requirement will lead to non-admittance or exclusion from the procurement procedure;
- Previously signed NDAs giving access to the same proprietary information to economic operators shall not be regarded as fulfilling the NDA requirements under the present procurement procedure;

² For formal reasons in Phase I, for the purpose of release of classified information in Phase II.



- Only after the successful conclusion of the Non-Disclosure Agreement, the economic operators may receive the proprietary information (listed in Annex A.1 of the NDA);
- Proprietary information documents will not be disclosed to entities that cannot claim to meet the conditions laid down in relevant conditions of section 4.3 of this document.

4.3. Organisational/structural requirements for candidates

- Participation in this procurement procedure is open on equal terms to all legal entities having their principal place of operation, and, if any, their registered office in one of the EU Member States or Norway.
- The services under Annex IIB to Directive 2004/18/EC and the R&D services listed in category 8 of Annex IIA to that Directive are not covered by the Plurilateral Agreement on Government Procurement (the GPA Agreement) concluded within the WTO. In the context of this call for tenders, it is considered necessary, in order to protect the essential interests of the security of the European Union and/or its Member States:
 - a) to limit the participation of the present procurement to legal persons established in one of the Member States of the European Union or Norway.
 - b) to require that all subcontractors being involved in the manufacturing of goods or provision of services which present aspects relevant to EU and/or national security to be established in the territory of one of the Member States of the European Union or Norway. In exceptional circumstances related to the nature and the availability of specific goods or services, falling within this category, the GSA may authorize the use of subcontractors established outside the territory of one of the Member States of the European Union or Norway established in the States which are parties to:
 - § the Agreement on Government Procurement (GPA), namely Armenia, Canada, Hong Kong China, Iceland, Israel, Japan, Korea, Liechtenstein, the Netherlands with respect to Aruba, Norway, Singapore, Switzerland, Chinese Taipei, United States;
 - § the Agreement on the European Economic Area (EEA), namely Iceland, Liechtenstein and Norway;



§ other bilateral agreements on public procurements, namely Switzerland, Chile and Mexico; under the conditions laid down in those agreements.

c) to reserve the right to impose, during the negotiations in Phase II, the requirement that all or some of the goods or services included in the contract originate in Member States of the European Union.

- At the time of submission of their final Tender, the contractor has to be a certified ANSP for CNS under the applicable Regulations referred to in section 3.1 above in order to perform the services subject to the contract.
- The contractor cannot be a consortium³.
- ESP contract includes incumbent and mandatory sub-contractors. Explanations on and requirements of sub-contracting are provided in Annex B-Statement of Work.

4.4. Security Aspect Letter requirement

As part of their request to participate, economic operators shall fill in the Compliance Matrix to the core requirements of the Security Aspect Letter (SAL) (Annex F to this document). Non-compliance with these requirements will lead to exclusion from procurement procedure.

4.5. Asset management

4.5.1. Tangible assets

The tangible assets of EGNOS system belong to the European Union.

The inventory of tangible assets will be provided in Phase II of procurement procedure.

³ Consortium means any grouping of natural and/or legal entities jointly applying for participation in the procurement process in order to submit a tender and to perform the contract vis-à-vis the contracting authority with joint responsibility regardless of their legal structure.



4.5.2. Intangible assets

The draft contract that will be delivered to tenderers in Phase II will define the applicable rules on intellectual property rights (IPRs).

5. Price

The maximum budget for the contract has been estimated to be up to €75,000,000 (seventy-five million euro) per year in average during the service provision phase, excluding procurement of minor evolutions but including the management of integration of minor evolutions (more detailed in Annex B- Statement of Work).

Part of this budget is dedicated to the mandatory sub-contractors. The sub-contracting requirements are provided in Annex B-Statement of Work.

Any tenders submitted in Phase II exceeding this maximum allocated budget may be dismissed outright.

Please note that due to the rules governing EU budget and its execution the contract will initially be signed for the duration corresponding to the €25,300,000 (twenty five million three hundred thousand euro). This initial duration shall be proposed and justified based on its costs profiles by the tenderer, and finalised during the negotiations in later phases of this procurement procedure.

As will be reflected in the draft contract to be made available to the selected tenderers in later phase of the procurement procedure, the execution of the contract will be subject to the availability of EU funds allocated to EGNOS service provision.

6. Place of performance

The place of performance of the tasks shall be the Contractor's premises, having to be located within a Member State of the EU and the premises where EGNOS assets are located or any other place indicated in the tender specifications, with the exception of the GSA's premises.



The EGNOS assets are located in the principal locations specified in the List of Incumbent and Mandatory Subcontractors document that is made available to candidates as proprietary information during Phase I after entering into Non-Disclosure Agreement.

7. Assessment of tenders

The assessment of the requests to participate/tenders will take place in three Stages described below, divided between three Phases (described in section 2 above).

7.1. Exclusion Stage (in Phase I)

The candidate (all entities involved, including sub-contractors other than incumbent and mandatory ones defined in Annex B-Statement of Work) will have to sign the Declaration of Honour (annex D). The supporting evidence requested therein shall be delivered with the initial tender in Phase II. Failure to do so will lead to exclusion from the procurement process.

7.2. Selection Stage (in Phase I)

The selection of candidates will be based on the information requested below.

7.2.1. Legal aspects relating to Selection Stage

Candidates, (including all sub-contractors), are asked to prove that they are 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.



Candidates shall provide a duly filled in and signed Legal Entity File (see Annex A.2) accompanied by the documents requested therein⁴.

Where a candidate has already signed another contract with GSA, he may provide instead of the Legal Entity File and its supporting documents a copy of the legal entity file provided on that occasion, unless a change in his legal status occurred in the meantime or the legal entity file or its supporting documents are older than one year.

7.2.2. Security aspects relating to Selection Stage

The candidate will have to prove its compliance with each and every requirement of the Compliance Matrix to the Core Requirements of the Security Aspect Letter (Annex F) and submit any additional information requested therein. Failure to do so will lead to exclusion from the procurement process.

7.2.3. Financial, economic, professional and technical aspects relating to Selection Stage

The information submitted in the Request to Participate will be evaluated against the following selection criteria.

Note on overall EGNOS Service Provision Capacity

The candidate shall provide sufficient proof of its capacity to provide in a safe, efficient, continuous and sustainable manner consistent with any reasonable level of overall demand for provision of the EGNOS services being the Open Service, the Safety-of-Life Service and the Commercial Service or "EGNOS Data Access Server" (EDAS).

Considering that EGNOS is a unique European infrastructure in particular with regard to its space elements providing services in many areas of application exceeding air traffic, the following capacity requirements, while largely oriented on the requirements under the respective Annexes of Commission Implementing Regulation (EC) No 1035/2011 will be evaluated not merely on the submission or on the capacity to obtain a valid ANSP certificate for CNS but will take into account

⁴ In NDA phase described in section 4.2



the requirements specific for the operation and provision of services of the EGNOS system.

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| S.1 | <p><u>Certification as ANSP for CNS services</u> (technical and professional capacity)</p> <p>The candidate shall submit either:</p> <ul style="list-style-type: none"> - a valid non-derogated Air Navigation Service Provider Certificate for Communication, Navigation and Surveillance services issued under the EU Single European Sky regulations, - or a credible ANSP CNS Certification Plan demonstrating the capacity of the candidate to obtain this certificate prior to the submission of their final tender (Best And Final Offer – BAFO) including at least: <ul style="list-style-type: none"> • a presentation of the current status of readiness of the candidate with respect to the ANSP CNS certification process and requirements; and • a detailed plan of work and schedule of activities with the associated tasks description, deliverables, milestones and interactions with the National and/or European certification authorities. |
| S.2 | <p><u>Management organisation capacities</u> (technical and professional capacity)</p> <p>The candidate shall demonstrate their background and experience in:</p> <ol style="list-style-type: none"> 1) providing service from multi-site integrated systems and managing the associated infrastructure maintenance and evolution, according to a proven quality standard; 2) managing at least one project with a total number of at least 10 subcontractors per that project. <p>In particular the information provided shall cover:</p> <ol style="list-style-type: none"> (a) a summary description of the system and services relevant to this criterion; (b) the authority, duties and responsibilities of the nominated post holders, in particular of the management personnel in charge of safety, quality, security, finance and human resources related functions; (c) the relationship and reporting lines between different parts and processes of the organisation; (d) the list of sub-contractors the candidate has had to manage; |



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| <p>S.3</p> | <p><u>Staff Competences</u> (technical and professional capacity)</p> <p>The candidate shall submit information proving that it employs appropriately skilled personnel.</p> <p>To this end the candidate shall submit proof of employment of individual personnel being available to him and allowing to fulfil at least 6 out of the following 12 key management roles specified in the Annex B- Statement of Work:</p> <ul style="list-style-type: none"> • Service Provision Overall Manager; • Operations Manager; • Product Support Manager; • Quality Manager; • Safety Manager; • Security Manager; • Certification Manager; • HR Manager; • External Services Manager; • Product Evolution Manager; • Design Manager; • Procurement Manager. <p>Respective staff members shall evidence the required capacities by submission of Europass CV forms (http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions)</p> |
| <p>S.4</p> | <p><u>Financial and Economic Capacity</u></p> <p>The candidates shall submit evidence of their economic and financial capacity to meet their financial obligations under the EGNOS Service Provision contract, including, but not limited to fixed and variable costs of operations.</p> <p>To this end all candidates shall submit :</p> <p>(a) Duly filled-in and signed financial statements form (Annex E) consisting of an extract of the concerned legal entities' annual accounts (balance sheet, profit and loss account, notes on the</p> |



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| <p>accounts and auditors' remarks when applicable) of the last two years, as approved by the general assembly of the company and, where applicable, audited and/or published. These documents must be signed by the authorised representative of the candidate.</p> <p>(b) A statement of (i) overall turnover and (ii) turnover concerning the tasks, supplies or services of CNS or GNSS related activities for the last three financial years;</p> <p>(c) Appropriate statements from banks or evidence of professional risk indemnity insurance, for legal entities facing the impossibility to fully present evidence a).</p> <p>Minimum requirements to be evidenced with the documents above:</p> <ul style="list-style-type: none">• Annual turnover regarding point (b) (i) above shall be at least € 10,000,000 (ten million euro);• Annual turnover regarding point (b) (ii) above shall be at least €5,000,000 (five million euro). <p>If, for some exceptional reason which the contracting authority considers justified, a candidate is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the contracting authority considers appropriate. In any case, the contracting authority must be notified of the exceptional reason and provided with justification in the request to participate. The contracting authority reserves the right to request any other document enabling it to verify the candidate's economic and financial capacity.</p> |
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7.3. Award Stage (in Phases II and III)

Award criteria will be communicated to the selected Tenderers with the invitation to Phase II of the procurement procedure, as part of Tender Specifications. Tenders will be assessed against award criteria in Phases II and III. The award will take place in Phase III.

8. Content and conditions of submission of request to participate

8.1. Disclaimers

- This invitation to submit a request to participate is in no way binding on the GSA. The GSA's contractual obligation commences only upon signature of the contract with the successful tenderer. Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure, without the Tenderers being entitled to claim any compensation. This decision must be substantiated and the Tenderers notified.
- Submission of a request to participate implies acceptance of the terms and conditions set out in the Contract Notice of this procurement procedure, Tender Information Package and its annexes.

8.2. Visits to premises or briefing

Visits to GSA's or EGNOS premises or briefings during the Phase I of the tendering process are not foreseen.

8.3. Preparation costs of requests to participate

Costs incurred in preparing and submitting the request to participate are borne by the Candidates and will not be reimbursed.

8.4. Language

The requests to participate should be drafted in one of the official languages of the European Union, preferably English.



The working language of the Agency is English. The contractor's staff allocated to the performance of the ESP contract shall therefore demonstrate a very good command of English at working level.

8.5. Presentation of the request to participate

Requests to participate must be submitted in accordance with the double envelope system.

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

- the ref. number of the procurement procedure GSA/NP/09/12
- the project title "EGNOS Service Provision"
- the name of the candidate
- the indication "Tender - Not to be opened by the internal mail service"
- the address for submission of tenders (as indicated in section 8.7)
- the date of posting (if applicable) should be legible on the outer envelope

8.6. Content of request to participate

The outer envelope must contain two (2) inner envelopes, namely, Envelope 1, and Envelope 2. Content of each of them must be as follows:



ENVELOPE 1 – ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and FINANCIAL AND ECONOMIC SELECTION CRITERIA

- The duly filled in, signed and dated identification sheet of the candidate using the template in Annex C⁵.
- A cover letter, dated and signed by the candidate or by any other duly appointed representative, declaring acceptance of the conditions in this invitation to submit a request to participate; the candidate's undertaking to provide the services proposed in the request to participate and listing all the documentation included/enclosed in the request to participate.
- A statement containing the name and position of the candidate's authorised representative/signatory and official documentary evidence proving the representative's legal authority to validly sign on behalf of the organisation.
- In case of sub-contractors, a signed and dated Declaration of Intent.
- The duly filled in, signed and dated Declaration(s) of Honour⁶ relating to Exclusion Criteria using the standard template in Annex D.
- Financial and economic capacity documents as requested in section 7.2 of this Tender Information Package, including duly filled in financial statements template in Annex E.

⁵ One per Candidate (presenting all the legal entities involved)

⁶ One per legal entity (i.e. Candidate, all sub-contractor(s))



ENVELOPE 2 – TECHNICAL DOCUMENTATION

One (1) signed original, three (3) copies (identical in full to the original) and one (1) electronic copy (identical in full to the original) of the documents listed below.

The original tender must be marked "ORIGINAL", and the copies signed in the same way as the original and marked "COPY".

- Executive Summary (max 2 pages) on the request to participate.
- Duly filled in, signed and dated Compliance Matrix to the Core Requirements of SAL using the standard template in Annex F.
- Either a copy of a valid non-derogated Air Navigation Service Provider Certificate for Communication, Navigation and Surveillance services.
OR
- an ANSP CNS Certification Plan including at least:
 - a presentation of the current status of readiness of the candidate with respect to the ANSP CNS certification process and requirements; and
 - a detailed plan of work and schedule of activities with the associated tasks description, deliverables, milestones and interactions with the National and/or European certification authorities.
- Technical request to participate, demonstrating candidate's capacity to satisfy the technical and professional selection criteria, including at least the following:
 - a) One chapter presenting the industrial organisation of the candidate, describing the prime contractor and those subcontractors which are essential in order for the candidate to be in a position to meet the selection/exclusion criteria, and a concise but complete description of the organisation including the role and responsibilities of the respective entities;
 - b) One chapter providing the evidence of the candidate's background and experience in: (1) providing service from multi-site integrated systems and managing the associated infrastructure maintenance and evolution, according to a proven quality standard; (2) managing at least one project with a total number of at least 10



subcontractors per that project.

- c) One chapter providing the candidate's management organisation and the CVs of the Key personnel.

It is strictly required that requests to participate be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the request to participate.

The GSA reserves the right to request further information or proof regarding any capacity requirement from the candidate relating to any assessment stage of this procurement procedure.

8.7. Submission

Please be advised that the GSA has both a postal address and a physical address:

Requests to participate sent by post mail are to be sent not later than on date indicated in section 2.3 above , in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the following physical address:

European GNSS Agency
Legal Department
Rue de la Loi 56
B-1049 Brussels
Belgium

Requests to participate sent by express mail, commercial courier or hand-delivered should be addressed to the following postal address at the European Commission's central mail department:

European GNSS Agency
Legal Department
L56
Avenue du Bourget 1
B-1140 Brussels (Evere)



Belgium

not later than 17.00 on date indicated in section 2.3 above. In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the European Commission's central mail department who took delivery. The department is open from 08.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays and European Commission holidays.

Please pay particular attention to the different addresses and especially post codes used for each of the delivery means, as failure to respect this can lead to undelivered request to participate.

8.8. Period of validity of request to participate

Period of validity of the requests to participate, during which candidates may not modify the terms of their requests in any respect: six (6) months from the closing date for the reception of requests to participate.

9. Data protection

Processing the information submitted by candidates within this procurement procedure as a whole will involve the recording and processing of personal data (such as your 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, the information submitted and any personal data requested are required to evaluate your request to participate in accordance with the specifications of the tender and will be processed solely for that purpose by the GSA. You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to the GSA. You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data.



You are informed that for the purposes of safeguarding the financial interest of the Communities, your personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).

Data of economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation⁷ may be included in a central database and communicated to the designated persons of the European Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of the Financial Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, upon request to the accounting officer of the European Commission.

10. Further information

Contacts between the contracting authority and candidates are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of requests to participate:

- At the request of the candidate, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the procurement procedure.
- Any requests for additional information must be made in writing only to tenders@gsa.europa.eu. The subject line of the e-mail has to quote the reference of the procurement procedure: GSA/NP/09/12 'ESP'.
- Requests for additional information received after deadline specified in section 2.3 will not be processed (for practical reasons).
- The GSA 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 will be published in the form of "Clarification" on the freely accessible <http://www.gsa.europa.eu/go/gsa/procurement> website.

⁷ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 (OJ L 248 of 16.09.2002), as amended by Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390 of 30.12.2006)



- Economic operators are invited to consult the above-mentioned procurement page of GSA on a daily basis. The name of the requesting party will not appear on the website.

After the opening of requests to participate:

- If, after the requests to participate have been opened, some clarification is required in connection with a request, or if obvious clerical errors in the submitted request must be corrected, the GSA may contact the candidate, although such contact may not lead to any alteration of the terms of the submitted request to participate.

Information for candidates

- The GSA will inform candidates of decisions reached concerning the Phase I of the procurement procedure in due course, including the grounds for any decision.
- If a written request is received, the GSA will inform all rejected candidates of the reasons for their rejection.
- However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

11. List of Acronyms

Nota bene: technical list of acronyms is provided in Annex B.3.

| | |
|------|--------------------------------------------|
| ANSP | Air Navigation Service Provider |
| BAFO | Best And Final Offer |
| CN | Contract Notice |
| CNS | Communication, Navigation and Surveillance |
| DSA | Designated Security Authority |
| EEA | European Economic Area |



| | |
|------|----------------------------------------|
| FSC | Facility Security Clearance |
| GPA | Agreement on Government Procurement |
| IPR | Intellectual Property Right |
| IT | Initial Tender |
| LSO | Local Security Officer |
| NDA | Non-Disclosure Agreement |
| NSA | National Security Authority |
| OJEU | Official Journal of the European Union |
| OLAF | European Anti-Fraud Office |
| RTP | Request To Participate |
| SAL | Security Aspects Letter |
| SCG | Security Classification Guide |
| TIP | Tender Information Package |
| TS | Tender Specifications |
| VAT | Value Added Tax |

12. Annexes of TIP

A. Template Non-Disclosure Agreement with its annexes:

1. Annex I- List of Proprietary Information
2. Annex II- Template Legal Entity File
3. Proof of Local Security Officer Appointment

B. Statement of Work with its appendices:

1. List of Applicable and Reference Documents



2. List of Documents deliverables
 3. Acronyms and Definitions
- C. Template Identification sheet of candidate
 - D. Template Declaration of Honour relating to Exclusion Stage
 - E. Template for financial statements relating to the Selection Stage
 - F. Template Compliance Matrix to the Core Requirements of Security Aspects Letter relating to Selection Stage