

Call for Tenders

18.CPS.OP.081

Service Contract for the provision of a study:
“Accommodation Validation for MALE-type RPAS
operations”

Open Procedure
TENDER SPECIFICATIONS & DRAFT CONTRACT

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INTRODUCTION TO THE EUROPEAN DEFENCE AGENCY

The European Defence Agency (EDA) governed by Council Decision (CFSP) 2015/1835¹ was established to “support the Member States and the Council in their effort to improve European defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy as it stands now and develops in the future”.

The European Defence Agency, within the overall mission set out in the aforementioned Council Decision, has three main missions:

- supporting the development of European defence capabilities and military cooperation;
- stimulating defence [Research and Technology](#) (R&T) and strengthening the European defence industry;
- acting as a military interface to EU policies.

EDA acts as a **catalyst**, promotes collaborations, launches **new initiatives** and introduces solutions to improve defence **capabilities**. It is the place where Member States willing to develop capabilities in cooperation do so. It is also a key facilitator in developing the capabilities necessary to underpin the Common Security and Defence Policy of the Union.

Further information can be found on the Agency’s web site at <http://www.eda.europa.eu>.

¹ Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency (Recast)
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1. TECHNICAL SPECIFICATIONS

Acronyms

ARF	Airworthiness Regulatory Framework
ATC/ATCO	Air Traffic Control/Controller
ATI	Air Traffic Integration
ATM/UTM	Air Traffic Management/Unmanned Aircraft System Traffic Management
C3	Command, Control and Communications link
CFSP	Common Foreign and Security Policy
DAA	Detect and Avoid
EASA	European Aviation Safety Agency
EDA	European Defence Agency
E-OCVM	European Operational Concept Validation Methodology
ESARR	EUROCONTROL Safety Regulatory Requirements
FL	Flight Level
ICAO	International Civil Aviation Organization
IFR/VFR	Instrumental/Visual Flight Rules
JARUS	Joint Authorities for Rulemaking on Unmanned Systems
MALE	Medium Altitude Long Endurance
MPR	Monthly Progress Reports
NATO	North Atlantic Treaty Organization
NDA	Non-disclosure Agreement
RBS	Risks Breakdown Structure
RMT	Rule Making Task
RPAS	Remotely Piloted Aircraft Systems
SAM/SAME	Safety Assessment Methodology /Safety Assessment Made easier
SEC	SES/SESAR Expert Community
SESAR	Single European Sky ATM Research
SJU	SESAR Joint Undertaking
VAT	Value Added Tax

1.1. GENERAL BACKGROUND

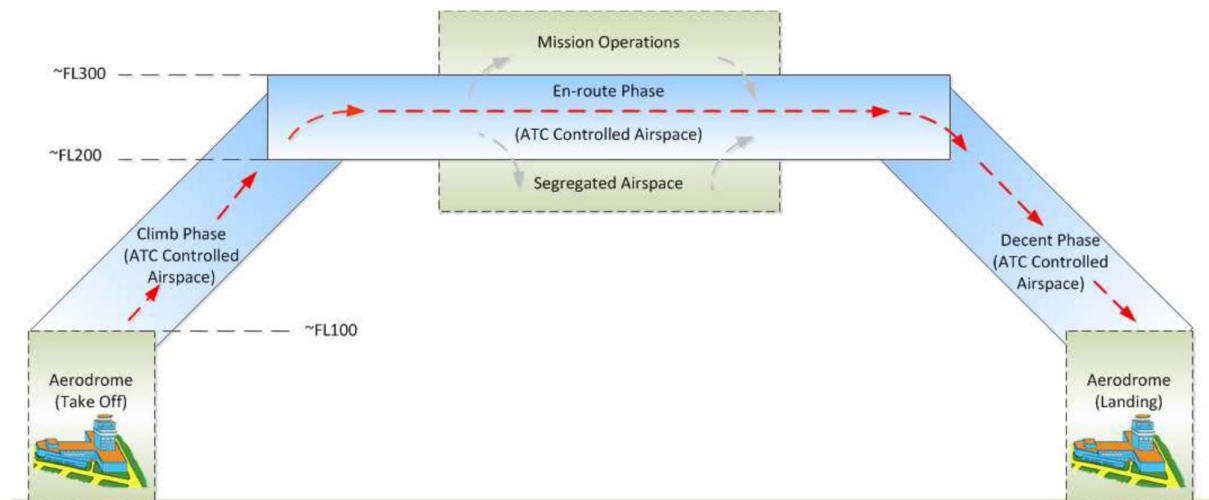
Remotely Piloted Aircraft Systems (RPAS) are identified as a key defence capability and their integration in the European non-segregated airspace is a priority for EDA and its Member States. The final goal consists of enabling the seamless integration of RPAS alongside manned aviation. Through dialogue with relevant military and civil stakeholders it has become clear that in order to achieve this final goal, a stepped approach may be required. In this perspective, an initial phase identified as “**RPAS Accommodation**” in which RPAS will operate with limited restrictions has been identified as a key stepping-stone.

RPAS Accommodation is defined by ICAO as “the condition when an RPAS can operate along with some level of adaptation or support that compensates for its inability to comply within existing operational constructs”². The “existing operational constructs” are not adapted to RPAS operation and until new operational constructs are in place (regulatory framework and required technology) all RPAS operations in European airspace will have a certain degree of segregation.

Accommodation also encompasses full segregation, which is the current approach in most European nations. However, full segregation imposes severe restrictions for operations and training purposes and there are several ongoing initiatives to enable a more flexible accommodation. For example, such an initiative is to start integrating, in a stepped way approach, RPAS traffic under Instrument Flight Rules (IFR) into a non-segregated airspace in some phases of the operation.

These initial Accommodation operations could be enabled following a Safety Assessment that identifies the operational limitations or specific arrangements to be implemented, in order to compensate the Ground risks and Air risks linked to non-compliance with operational requirements that exist for manned aircraft.

An EDA OB study for Accommodation, called, the “Accommodation of large-RPAS: scenarios and Safety Case”³, was launched at the beginning of 2018. This study is currently ongoing and developing safety case of this kind of operations using a tailored risk assessment.



Generic Flight Profile for the ongoing RPAS Accommodation Scenario (extract Accommodation study Deliverable 2 – in blue colour are the non-segregated areas of operations, in green the segregated areas out of scope of the Accommodation study)

² ICAO Remotely Piloted Aircraft System (RPAS) Concept Of Operations For International IFR Operations, March 2017

³ This initial study is referenced further in this document as the “ongoing” Accommodation study while the study corresponding to this call for tender is referenced as the “Accommodation Validation” project to avoid confusion.

At the end of 2018, this ongoing study will deliver “Standard Scenarios” validated by real-time simulations, i.e. one or more approaches to RPAS Accommodation, including the expected initial capability of the RPAS in terms of DAA, C3..., that could later be used to support initial MALE-type operations at national level. The two implementation scenarios, subject to Real Time simulations, are “Planned Cross Border Mission” and “Unplanned Cross Border Mission” (see the drawing at chapter 1.5.3.1 - both implemented in a maritime environment, as cross borders operations between the Netherlands and the United Kingdom).

1.2. GENERAL AND SPECIFIC OBJECTIVES

This project aims at performing Flight Test Validation of several RPAS Accommodation scenarios for MALE-type operations in non-segregated airspace and at having a first glance at national implementation of the validated scenarios. The scenarios were previously developed by EDA (coming from the ongoing Accommodation study) or shall be identified by the contractor in the framework of this project.

This project is a follow-up study and shall be based at least on “Safety Case” materials from the ongoing EDA study on Accommodation (Standard scenarios, Safety Case and real time simulations), used as foundation.

In addition, these flight tests could use the results, or be performed together with other MALE-type RPAS Accommodation flight trials in an/several EDA Member State(s).

Considering the MALE-type of RPAS, the output of the proposed Validation project shall include:

- The refinement of the scenarios proposed by EDA and the development of additional scenarios in function of Member States evolving needs (see Task 1 for details). The focus will be set on the Airspace risks to be tackled considering at least EUROCONTROL ESARR 4⁴ “Risk Assessment and Mitigation in ATM “, SAM/SAME⁵ “Safety Assessment Methodology”; or equivalent recognised methodology for ATM Risks assessment and on the Ground risks aspects (not validated during the ongoing Accommodation study);
- The Accommodation Validation via flight trials with a platform having MALE-type RPAS characteristics (see Task 2 for details) of the refined scenarios (including a range of equipment and including ATC/ATM procedures - in view of increasing “buy-in from the ATCos/Authorities”. “Buy-in from the ATCos and Authorities” corresponds to obtaining the acceptance/approval/recognition of the operations according the Safety Case (methodology)

⁴<http://www.eurocontrol.int/articles/esarr-4-risk-assessment-and-mitigation-atm>

⁵ <http://www.eurocontrol.int/articles/safety-assessment-methodology-sam>

performed for the scenarios including mitigations in place, without any additional/undue demonstration or case-by-case approval;

- Guidelines to EDA Member States on Accommodation implementation, including a gaps identification for pan-European Accommodation implementation and suggestions on how to progress in the future to full integration of MALE-type RPAS.

The validated scenarios and Safety Case will be at the disposal of EDA Member States to harmonize the Safety Assessment Processes in Europe and facilitate MALE-type RPAS operations approval either by national civil or military authorities, in the Accommodation phase. It could also be distributed to other stakeholders such as EUROCONTROL, EASA, SJU, or NATO.

1.3.SCOPE

The study shall:

1. focus on Military RPAS operations flying under Instrumental Flight Rules in controlled European airspace (according ICAO Annex 2 and ICAO Annex 6⁶);
2. focus on MALE-type RPAS. The general assumption shall be a RPAS for which a Type Certificate would be required with an initial certification basis according to the Certification Specification for Very Light Aircraft (CS-VLA) or equivalent when applicable;
3. consider the EASA/EDA Military Conops for Military MALE-type of RPAS in non-segregated airspace (to be released end 2018) and more generally the EASA RMT02.30 deliverables⁷;
4. cover both technical and procedural risks mitigations feasible in the 2020-2025 timeframe;
5. take into consideration the relevant certification approaches currently under development by civil and military organisations. This should include but not be limited to the Notice of proposed Amendment (NPA) 2017-05 and JARUS standard scenarios under development. The study shall examine how to use the current trends in the specific operations acceptance by the Civil Aviation Authorities, to enable military MALE-type operations in the Accommodation phase;
6. be compliant with the European ATM Master Plan (2015 version and 2018 when/if available; Roadmap for the safe integration of drones into all classes of airspace – from 2017 campaign on drones);
7. be compliant to the maximum extend with current ATM Concept of Operation (“Global Air Traffic Management Operational Concept” ICAO 9854 , “Procedures for Air Navigation Services Air Traffic Management” ICAO 4444 and “Procedures for Air Navigation Services – Aircraft Operations” ICAO 8173), with “Safety Management Manual” ICAO 9859, with the ICAO RPAS Concept of Operations (March 2017), and the EUROCONTROL RPAS ATM Concept of Operations⁸ (February 2017);

⁶ ICAO documents are available on ICAO site: <https://www.icao.int/Pages/default.aspx>

⁷ <https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0230>

⁸ <https://www.eurocontrol.int/publications/remotely-piloted-aircraft-systems-rpas-atm-concept-operations-conops>

8. use the European Operational Concept Validation Methodology (e-OCVM⁹) as reference for maturity level of Accommodation operations and Safety aspects. Other e-OCVM aspects like Business Case or Security Case are outside the scope of the study;
9. integration of the population density factor when computing the Ground Risks (in view of quantitative assessment) shall be considered¹⁰. Integration of the traffic density when computing the Air Risks (in view of quantitative assessment) shall be considered, together with other ATM parameters to obtain a global ATM Risk Assessment.

The Accommodation Validation project shall not consider the RPAS to carry people. The Accommodation Validation project shall not consider the RPAS to carry payload which increases the Risks linked with the RPAS operations (e.g. weapons).

1.4.INPUT BY THE CONTRACTING AUTHORITY

The documents listed below will be provided to the tenderers following signature of a non-disclosure agreement. Tenderers shall send to EDA, to the following email address: procurement@eda.europa.eu a scan of the signed and dated Non-Disclosure Agreement (NDA) (available in Annex 4.8 to the tender specifications). Upon receiving the scanned signed NDA, EDA will communicate to the requesting tenderer the documents listed below:

- The ongoing study “Accommodation of MALE-type RPAS: scenarios and Safety Case” deliverables available at the time of request (during the tender period). All deliverables of the ongoing study “Accommodation of MALE-type RPAS: scenarios and Safety Case” will be available for the contractor during the contract execution.

1.5.REQUIREMENTS FOR THE SERVICES OR SUPPLIES

1.5.1. Guidance on Methodology

The figure below depicts the work logic that should be implemented. Tenderers may propose or amend this work logic should additional tasks be considered relevant in order to improve the outcomes of the study.

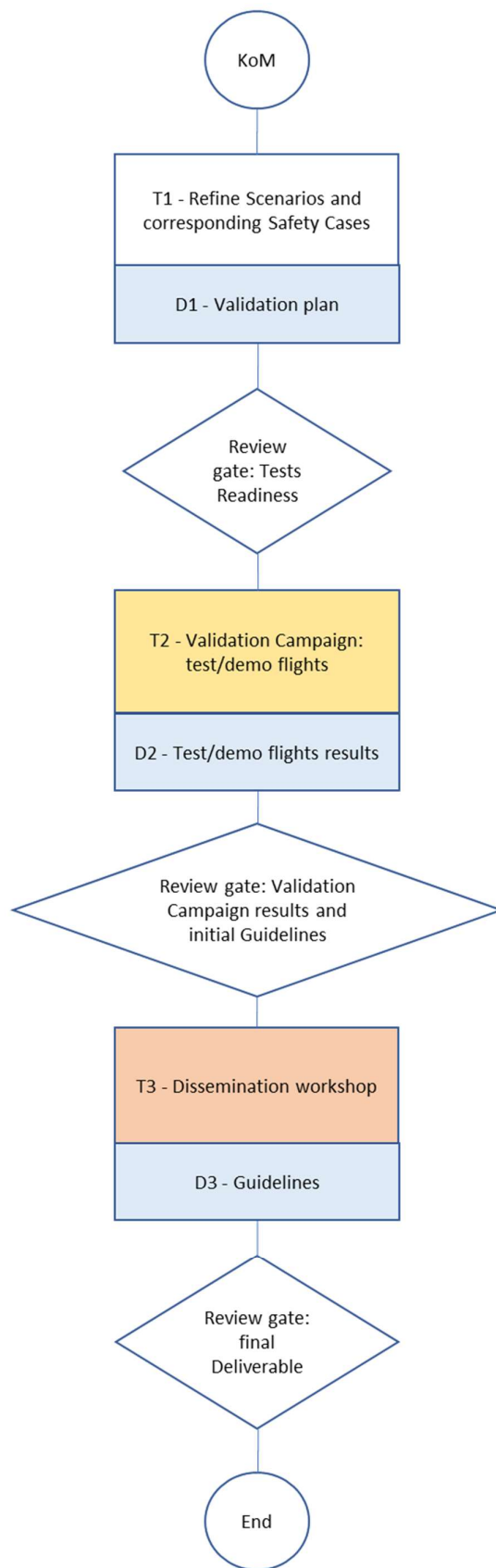
Standard project management tasks (e.g. administration) shall be conducted by the Contractor.

Inside EDA, there are different experts groups: the RPAS ATI SEC (SES/SESAR Expert Community - ATM experts) and the Airworthiness Regulatory Framework (ARF - Airworthiness experts) groups. The Contractor shall organize a Stakeholder Consultation Group and endeavour to engage experts from those two abovementioned groups, as well as EUROCONTROL, EASA, SJU and NATO. The Contractor shall

⁹ <http://www.eurocontrol.int/publications/european-operational-concept-validation-methodology-eocvm>

¹⁰ The study shall investigate if the Ground risks are fully covered by the RPAS Certification process, like for certified manned aircraft or if there are residual ground risks due to the specificities of the RPAS.

distribute the intermediate and final deliverables inside this Stakeholder Consultation Group for review.
The Stakeholder Consultation Group shall be invited to the Dissemination Workshop (Task 3).



1.5.2. Performance and Quality Requirements

The performance and quality requirements are included in the different Tasks descriptions below.

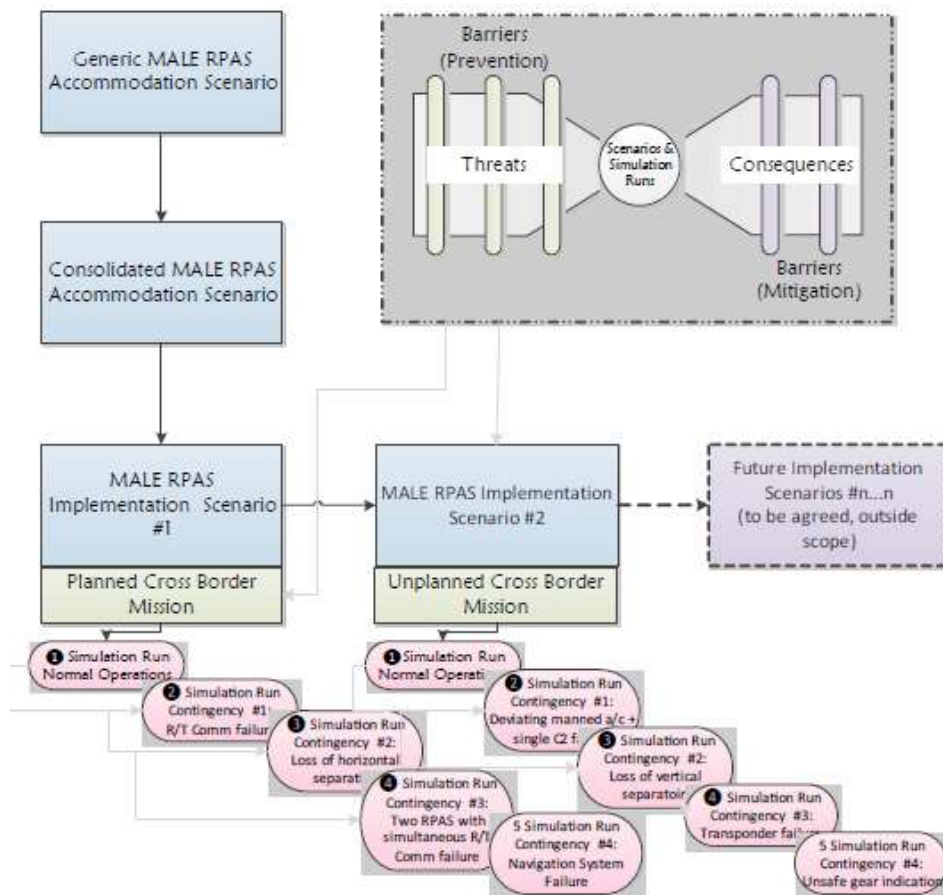
1.5.3. Tasks Description

1.5.3.1. Task 1 – Refinement of the Scenarios and corresponding Safety Cases

Input

The Task 1 will consider at least materials from:

- The Safety reference materials listed in this call for tenders to further refine the scenarios and Safety Case produced by the ongoing study and to validate additional scenarios and corresponding Safety Case;
- The ongoing Accommodation study deliverables, especially the recommended methodology for the Safety Assessment (Bow-tie is represented on the drawing below).



Derivation of the Implementation Scenarios & Simulation runs in the ongoing Accommodation study (extract from Deliverable 2)

The Accommodation Validation project shall further validate via test/demo flights the 2 implementation scenarios from the ongoing Accommodation study (it is “Planned Cross Borders” and “Unplanned Cross Borders” missions – as visible on the drawing above).

As depicted on the drawing above in a dotted box, other implementation scenarios of Accommodation must be validated (e.g. flight above mainland in rural environment, flight above mainland in urban environment or over crowd, with/without high traffic density in the airspace; with/without cross borders operations, with different platform equipage available in the 2020-2025 timeframe).

The Accommodation Validation project shall validate some of the remaining scenarios via test/demo flights.

Description

The Task 1 shall refine the 2 scenarios from the ongoing Accommodation study, additional scenarios and adapt them as required for the platform and environment of the test/demo flights. This adaptation shall include at least:

- The selected platform characteristics and capabilities for the test/demo flights;
- The EDA/EASA CONOPS for Military MALE-type RPAS integration (to be published at the end of 2018);
- The National practices and procedures as shared by the experts inside the Stakeholders Consultation Group;

The tenderer shall detail the scenarios that he plans to validate via test/demo flights (ground/air environment, platform type¹¹ and range of platform equipage¹² as a minimum). The instantiation of the scenarios (including normal, simulated non-normal and simulated emergency operations) shall in the same way be detailed by the tenderer (e.g. how to play the Lost C2 Link event, even if, for safety reasons, it is the remote pilot who “flies” the RPA according to the ConOps).

The tenderer shall identify scenarios that he does not plan to validate via test/demo flights and any mitigations proposal for the validation of those uncovered scenarios.

Output

Deliverable D1 - Validation Plan.

It includes the refined scenarios and corresponding Safety Case to be further validated by the test/demo flights (varying parameters like population density, traffic density, environment, equipage...).

The Validation Plan will also include at least:

¹¹ The platform characteristics shall be as close as possible to the characteristics of the future European MALE RPAS (www.occar.int/programmes/male-rpas).

¹² Platform equipage description includes as a minimum a description of DAA options and C2/3 link used (secured/non-secured).

- Validation information as validation needs, validation schedule, level of maturity targeted, actors involved, ...;
- Any distributed material to the remote pilots/ATCos in view of preparation of the test/demo flights (e.g. procedures and phraseology for normal, non-normal and emergency situations if any);
- Any epistolary exchange between the Contractor and the National Safety Aviation Authorities in view of the approval of the Validation Campaign (e.g. ConOps applied), and the approval from the Authorities of the test/demo flights scenarios, including the mitigations means to meet the Safety requirements for operations, possibly including any restrictions/national specificities.
- The tenderer shall provide reference(s) of previous coordination with National Authorities performed in the framework of flight trials acceptance;
- Detailed flights information (per flight performed: scenarios and corresponding Safety Case, ATC flight plan, expected airspace and traffic characteristics).
- A repository for the scenarios identified as relevant for MALE-type operations in Europe which will not be validated in the scope of the current validation campaign and how the validation of those scenarios could be covered or how the planned validation campaign could facilitate later validation of those scenarios of operations.

D1 will be reviewed by the Stakeholders Consultation group experts, EUROCONTROL, EASA, SJU, NATO and their comments considered during the “Test Readiness” review Gate. The updated document post review gate will be reviewed by EDA for approval.

1.5.3.2. Task 2 - Validation Campaign: test/demo flights

Input

D1 - Validation Plan (amended version, post “Test Readiness” review Gate).

Description

The Demonstration/Validation campaign will consist of several flight trials with a MALE-type RPAS platform (or equivalent flight performance RPAS platform or equivalent flight performance optionally piloted aircraft) of the refined scenarios. EDA experts and selected members of the Stakeholders Consultation Group, EUROCONTROL, EASA, SJU and NATO will be invited by the contractor/EDA to join an Open Day session during the test/demo flights campaign (mission at visitors’ costs).

The test/demo flights scenarios will include a range of equipment and ATC/ATM procedures in view of increasing buy-in from the Air Traffic Controllers/National Authorities in MALE-type RPAS operations, as detailed in Task 1.

The flight trials may be combined with “real operational missions” of the platform operator: there is no requirements on performing dedicated flight limited to the trials, as long as the mission segment (possibly in segregated areas) is shown not impacting the results of the Validation flight trials.

Operations in a cross-border environment¹³ would be a plus and assessed as such during the tenders’ evaluation.

The number, variation and relevance of the different scenarios validated by test/demo flights will be considered during the tenders’ evaluation.

Output

Deliverable D2 - Test/demo flights results.

The D2 includes the Validation Campaign results and the initial Guidelines for the Accommodation of MALE-type RPAS.

The Validation Campaign results shall include at least:

- An update of the information included in D1, with in addition the feedback from Remote pilots and ATCos, any tactical changes (like routing change, level capping versus flight plan), any simulated /non-simulated non-normal/emergency situations) and their impact assessment;
- Analysis from the contractor of the data gathered during the test/demo flight trials;
- Lessons learned and communication materials (e.g. executive summary, videos of the flight plotting, radar screens, 3D view on traffic - and factsheets);
- In their technical proposal, the tenderer shall detail the envisaged communication materials and provide reference(s) of communication materials that he shall produce in the framework of flight trials validation.

The initial guidelines shall include at least:

- Validated refined generic and instantiation Accommodation scenarios with corresponding Safety Case;
- Draft guidelines on how to operate nationally and cross-borders MALE-type RPAS operations in non-segregated airspace;
- Gap identification for pan-European implementation of MALE-type RPAS operations in non-segregated airspace (e.g. particular national regulation identified as “slowing” Accommodation implementation).

¹³ “Cross-border” meaning going from one State to another one, international operations (which is different than operating in a cross-border area CBA)

The D2 will be reviewed by the Stakeholders Consultation group experts, EUROCONTROL, EASA, SJU, NATO and their comments considered during the Quality Review Gate. The updated document post review gate will be reviewed by EDA for approval.

1.5.3.3. Task 3 – Dissemination workshop

Input

D2 - Test/demo flight results (amended version, post quality review Gate) and necessary communication materials to facilitate/stimulate the participation to the dissemination workshop.

Description

During a (maximum one-day) workshop, the contractor shall present the Deliverable D2 (amended version post Quality review Gate) to the Stakeholder Consultation Group, EUROCONTROL, EASA, SJU and NATO, EDA Member States and any other interested parties invited by the Contractor/EDA.

The workshop will take place at EUROCONTROL's Headquarter in Brussels. The mission costs to attend the workshop will be cover by the participants.

The tenderer shall provide the description on how he plans to organise this workshop.

The D2 content (version post Quality review gate) shall be explained during the workshop and attendees shall be invited to assess its level of maturity, in accordance with the e-OCVM criteria. The contractor shall endeavour to reach at least the level of maturity "V3" set by e-OCVM. The maturity level of the scenarios and Safety Case will be assessed by the participants to the workshop in view of implementation/deployment of the validated operations scenarios.

The following questions provide an indicative basis for the assessment done by the workshop attendees:

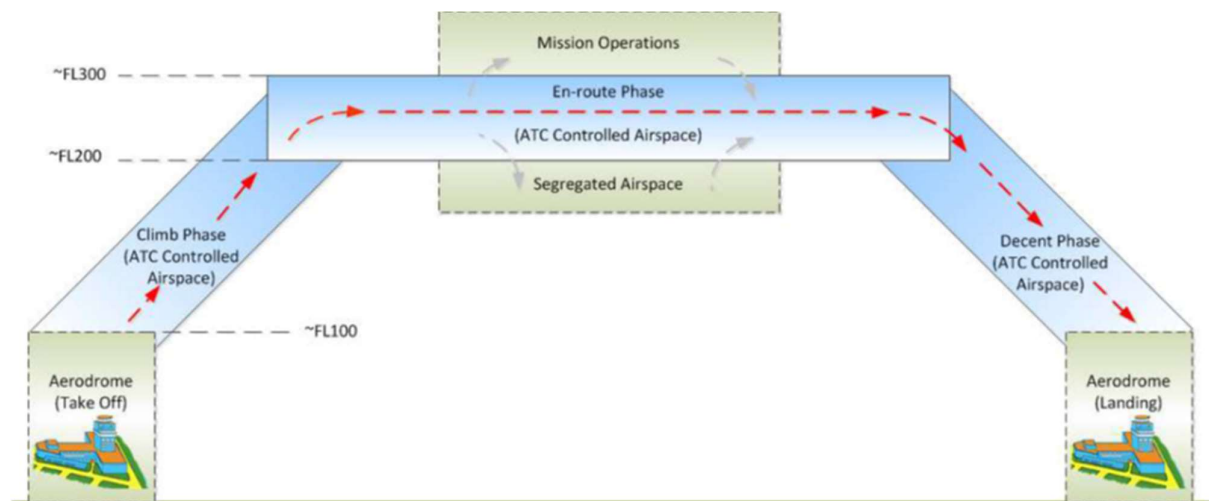
- Have all major Safety-related issues found during the assessments been adequately addressed, by modifying the concept/scenario and/or supporting technical enablers and validating the results? Is the scope of the assessment sufficiently wide?
- Are the (current and future) related ATM Safety performance needs and constraints identified?
- Is the potential context of application (e.g. airport, Terminal Area, etc.) well defined and adequate to permit the identification of the safety issues?
- Is the potential deployment context (local/regional/pan European use) well defined and adequate to permit the identification of the safety issues?
- Have the potential effects on Safety been identified for all relevant stakeholder groups?
- And any other questions considered relevant by the Contractor to reach the expected maturity of the deliverable.

The comments from the participants to the dissemination workshop will be gathered and addressed to update D2 (maturity level confirmation) as basis to produce the final deliverable D3 called “Guidelines for the Accommodation of MALE-type RPAS”. D3 shall cover the objectives of the study detailed in chapter 1.2.

In addition, in D3, the next steps to Integration shall be provided:

- Suggestions shall be provided on how to progress from demonstrated Accommodation phase to full integration of MALE-type RPAS, reducing gradually the segregated part of the flight to zero, to maximize the operations in non-segregated airspace;
- Suggestions shall be provided on how to cover the “mission” segment of the flight also in non-segregated areas in the future (e.g. Surveillance, Reconnaissance, Target Acquisition “missions” having different flight patterns – altitude, routing, duration);
- Suggestions shall be provided on how to integrate Airports operations in the future (e.g. possibly with referring to other studies).

It corresponds to a roadmap to gradually minimize the areas in green on the drawing below (green means segregated areas while blue means non-segregated airspace).



Output

Deliverable D3 - Guidelines for the Accommodation of MALE-type RPAS.

The D3 will be reviewed by the Stakeholders Consultation group experts, EUROCONTROL, EASA, SJU and NATO and their comments considered during the Final Review Gate.

The updated document post final review gate will be reviewed by EDA for approval during the final meeting.

1.5.4. Delivery Time and Meetings

During the contract implementation, the following meetings will take place, where the contractor's presence will be required.

Time-line	Meetings	Reports/ Deliverables	Milestones (corresponding to payments)	Location
T0	Kick-Off Meeting	As per contract technical proposal: updated management plan, updated consultation strategy, updated project timeline, updated resource management, updated quality management, updated risks management	-	At EDA (Maximum 1 day)
T0+5m	Review Gate 1	Tests Readiness review gate of D1 deliverable – “Validation Plan”.	-	By teleconference
T0+8m	Review Gate 2	Quality review gate of D2 deliverable – “Test/demo flights results”	M1	At EDA (Maximum 1 day)
T0+10m	Dissemination workshop	To review the D2 - Test/demo flight results report in a wider panel in view of producing the final version of the guidelines		At EUROCONTROL headquarter (Maximum 1 day)
T0+11m	Review Gate 3	Final review gate for the Proposed D3 - Guidelines for the Accommodation of MALE-type RPAS	-	By teleconference
T0+12m	Final Meeting	Acceptance of final report D3 - Guidelines for the Accommodation of MALE-type RPAS	M2	By teleconference

The duration of the project is 12 months. The tasks shall be planned as below:

- Task 1 is planned to start just after the Kick-Off Meeting.
- Task 2 and Task 3 are planned to start in sequence: the Validation campaign at time T0+6 or 7 and Dissemination workshop at time T0+10.

1.5.5. Intellectual property rights

The Contractor shall ensure that the interim/final deliverables contain no pre-existing Intellectual Property Rights.

1.6.DELIVERABLES

1.6.1. Intermediate outputs and deliverables

Ref.	Title	Submission
	Monthly Progress Report	T0 + n (every month without deliverable or gate review)
D1	Validation Plan (see Task 1 description)	T0 + 4 months
D2	Tests/demo flight results (see Task 2 description)	T0 + 8 months
D3 pre-final review gate	(Proposed) Guidelines for the Accommodation of MALE-type RPAS (see Task 3 description)	T0 + 11 months

Monthly Progress Reports (MPR)

During the contract execution, the contractor shall provide, within the first five working days of each month, the MPR, a concise status report including at least:

- Activities Performed during the period
- Problems Encountered and Corrective Actions
- Risk Management
- Planned Activities for Next Period

The contractor shall notify EDA of any critical risk that may arise, analysing the cause, assessing the potential impacts on the project in terms of time, objectives and scope and formulating in the shortest possible time a mitigation strategy. Risks already identified and not completely resolved shall be addressed in a specific paragraph in the MPR together with the associated mitigation strategy.

The Contractor shall ensure that the provided services and deliverables meet the specific risk management requirements specified hereafter.

Risk Management

The Contractor shall provide, maintain and follow a risks management plan including an identification of a Risks Breakdown Structure (RBS) for the project.

The Contractor shall provide in accordance with the abovementioned RBS, a description of the main project's risks, analysing the cause, assessing the potential impacts on the project in terms of time, objectives and scope and formulating in the shortest possible time a mitigation strategy. The contractor

shall inform and report to EDA on risks in its monthly reports or within 24 hours after a major risk was identified.

1.6.2. Final output and deliverable

Ref.	Title	Submission
D3 post final review gate	Final Report: Guidelines “Accommodation Validation of MALE-type RPAS operations” (see Task 3 description)	TO + 12 months

1.6.3. Approval Process for the Deliverables

The deliverables are to be submitted via e-mail for approval to the EDA Project Officer identified in the contract one month before the review gates. For each of the above listed deliverables EDA will be entitled to ask for clarification of the elements and conclusions of the deliverables. EDA and the Stakeholders Consultation Group shall have two weeks to submit comments. The contractor must provide such clarification in writing or to incorporate the comments within two weeks (= one day before the review gate meeting). The result of a Review gates described below can be “Passed” or “Failed”. In case a deliverable does not pass the review gate, the revision procedure will be repeated until the content of the deliverables is consistent with the contract requirements mentioned either in the technical specifications or in the contractor’s tender.

The following review gates are planned as a minimum:

- Tests Readiness review gate for D1 - Validation Plan (see Task 1 description)
- Validation Campaign results and initial guidelines Review Gate of D2 – Test/demo flights results (see Task 2 description)
- Final Deliverable review gate for D3 - Guidelines for the Accommodation of MALE-type RPAS (see Task 3 description)

1.6.4. Structure and Graphic Requirements of the Final Deliverables

All deliverables and associated documentation to be produced in the frame of present contract shall be provided in English, and both in electronic and hardcopy formats (only for the final deliverables).

All studies produced for EDA must conform to the corporate visual identity of EDA.

A final study report shall include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English;

- the following standard disclaimer:

“This study was commissioned by the European Defence Agency in response to the invitation to tender No. 18.CPS.OP.081. The study does not, however, express the Agency’s official views. The views expressed and all recommendations made are those of the authors.

This study as well as any other results and rights obtained in performance of the ensuing contract, including copyright and other intellectual or industrial property rights, shall be owned solely by the Agency, which may use, publish, assign or transfer them as it sees fit, without geographical or other limitation, except where industrial or intellectual property rights exist prior to the contract being entered into force.”

If the Contractor intends to communicate or to transfer in any form to a third party or to develop for a later use the information gathered in the process of this study, it has to seek the prior written authorisation from EDA, who reserves the right to refuse the authorisation and the right to participate in exploitation of the subsequent products.

Any video-clip produced by the Contractor will have to follow the look & feel of EDA’s videos (e.g. <https://www.youtube.com/watch?v=eMsShRHggAc>, <https://www.youtube.com/watch?v=UWZdNURGpws> – other examples are available from EDA on request).

1.7. MANAGEMENT OF THE CONTRACT

The Tenderer is expected to appoint for this contract a project manager (serving as the main point of contact for EDA), who shall work closely with EDA for the execution of the present contract. The project manager shall ensure the overall management, coordination and appropriate reporting during the contract.

2. THE CONTRACT

The draft contract is included in annex to the present Tender Specifications.

2.1. NATURE OF THE CONTRACT

The contract to be awarded is a direct contract for the provision of services.

2.2. STARTING DATE OF THE CONTRACT AND DURATION OF THE TASKS

The contract shall enter into force *on* the date on which it is signed by the last contracting party (expected to be signed in Q4 2018).

The duration of the contract shall not exceed **12** months.

The execution of the tasks may not start before the contract has been signed by both parties. The period of execution of the tasks will start from the day of the Kick-off meeting and may be extended, only with the written agreement of the contracting parties, before the end of the period originally stated in the contract.

2.3. MAXIMUM VALUE OF THE CONTRACT

The maximum value of the contract is EUR 190 000.

In accordance with Article 11.1 (e) Annex I FR of Regulation (EU, Euratom) No 2018/1046 of the European Parliament and the Council, EDA may recourse to the negotiated procedure without prior publication of a contract notice for additional contracts involving services similar to those assigned to the tenderer that was awarded this contract.

2.4. TERMS OF PAYMENT

Payments shall be made in accordance with Articles I.5 and I.6 of the Special Conditions and Article II.21 of the General Conditions of the draft contract in annex to the tender specifications.

The payment scheme will consist of:

- *one interim payment of 40 % upon receiving of an invoice and subject to the approval of the D2 deliverable – “Test/demo flights results” during the Quality review;*
- *and the balance of 60 % upon receiving of an invoice and subject to the approval of the Final Report: Guidelines “Accommodation Validation of MALE-type RPAS operations” during the Final Review Gate.*

2.5. PLACE OF PERFORMANCE

The place of performance of the tasks shall be the Contractor's premises or any other place indicated in the tender specifications. Meetings shall normally be held at EDA premises, unless otherwise indicated in this document or agreed between the two parties.

2.6. SUBCONTRACTING

Subcontracting is defined as the situation where a contract has been or is to be established between EDA and a contractor and where the contractor, in order to carry out that contract, enters into legal commitments with other legal entities for performing part of the service. However, EDA shall have no direct legal commitment with the subcontractor(s).

Individual external experts, not part of the tenderer's staff, foreseen to execute a part of the work are to be considered subcontractors.

At the level of the liability towards EDA, tasks provided for in the contract may be entrusted to subcontractors, but the contractor retains **full responsibility and liability towards EDA for performance of the contract as a whole.**

Accordingly:

EDA will treat all contractual matters (e.g. payments) exclusively with the contractor, whether or not the tasks are performed by a subcontractor.

EDA will solely have direct contacts with the contractor, who is responsible for executing the contract.

Under no circumstances can the contractor avoid liability towards EDA on the grounds that the subcontractor is at fault. The contractor remains fully responsible for timely execution.

A contract which includes subcontracting is subject to certain general conditions - in particular the provisions on subcontracting, checks and audits, and confidentiality. Where justified by the subject matter of the contract, a statement of confidentiality may be required to be submitted to EDA. The subcontracting arrangement between the contractor and subcontractor is to render directly applicable to the subcontractor all those contractual obligations with regard to EDA.

Consequently, the tender shall clearly identify the subcontractor(s) and document their willingness to accept the tasks and their acceptance of the terms and conditions set out in the tendering specifications and in particular article II.24 of the standard service contract by returning the Subcontractor Letter of Intent in annex to the tender specifications, filled in and signed (insert in e-Submission under: *'Attachments'* section -> *'Technical and professional capacity'* tab).

Tenderers shall inform the subcontractor(s) and include in their sub-contracting documents that Article II.24 of the draft contract may be applied to sub-contractors.

Once the contract has been signed, Article II.10 of the above-mentioned service contract shall govern the subcontracting.

Special attention of tenderers is brought to Article II.10.4 of the draft contract according to which EDA may request the contractor to replace a subcontractor found to be in a situation provided for in points (d) and (e) of Article II.18.1 of the draft contract.

Tenderers are required to identify all subcontractors whose share of the contract is above 10% and whose capacity is necessary to fulfil the selection criteria.

Any change in subcontracting during the procurement procedure may lead to the rejection of the tender. Any change in subcontracting after the signature of the contract may lead to the termination of the contract. During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written authorisation of EDA.

2.7. JOINT TENDERS

A joint tender is a situation where a tender is submitted by a group of tenderers. Joint tenders may include subcontractors in addition to the members of the group. If awarded the contract, the tenderers of the group will have an equal standing towards EDA in executing a supply, service or works contract.

EDA will not request consortia to have a given legal form in order to be allowed to submit a tender, but reserves the right to require a consortium to adopt a given legal form before the contract is signed if this change is necessary for proper performance of the contract. This can take the form of an entity with or without legal personality but offering sufficient protection of EDA's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The documents required and listed in the present specifications must be supplied by every member of the grouping, the checklist in annex to the tender specifications will help verifying the level of information to be provided according to the role of each entity in the tender.

In case of joint tender, all members of the group assume joint and several liability towards EDA for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, one member of the consortium must be designated as lead partner ("consortium leader"). The consortium leader will have full authority to bind the consortium and each of its members, and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) as well as operational management of the contract on behalf of all other entities.

To this end all members of the consortium shall sign a power of attorney (in annex to the tender specifications). This document must be scanned and included in the offer (insert in e-Submission under: 'Attachments' section -> 'Technical and professional capacity' tab).

The expression "consortium leader" in the e-Submission application is equivalent to "Group Leader" or "Group Manager" in the document of power of attorney.

The offer (Tender Report) has to be signed by the consortium leader (hand signature).

After the award, EDA will sign the contract with the consortium leader on behalf of all members of the group, authorised by the other members via powers of attorney.

Statements, saying for instance: "that one of the partners of the joint tender will be responsible for part of the contract and another one for the rest", or "that more than one contract should be signed if the joint tender is successful", are thus incompatible with the principle of joint and several liabilities. EDA will disregard any such statement contained in a joint tender and reserves the right to reject such tenders without further evaluation, on the grounds that they do not comply with the tendering specifications.

Any change in the composition of the group during the procurement procedure may lead to the rejection of the tender. During contract performance, any change in the composition of the group may lead to the termination of the contract.

An economic operator can only participate once as a tenderer, whether as single tenderer, lead organisation in a consortium/joint tender or partner in a consortium. The economic operator may however agree to act as a subcontractor in a distinct tender from which it is participating as either of the aforementioned options. However, such a situation is not advisable for the high potential of conflicts of interest it may generate.

2.8. SECURITY STANDARDS

In the general implementation of its activities and for the processing of tendering procedures in particular, EDA observes the Council's security rules set out in Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information.

The overall classification of the present contract is unclassified.

2.9. GUARANTEES

Not applicable.

3. THE PROCUREMENT PROCEDURE

These specifications follow the publication of a contract notice in the Official Journal of the European Union S series.

This procurement procedure is governed by Regulation (EU, Euratom) No 2018/1046 of the European Parliament and the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union.

3.1. PREPARATION OF TENDERS

EDA shall not reimburse expenses incurred in preparing and submitting tenders.

3.1.1. Contents of the tender

3.1.1.1. Structure of the tender

All tenders shall consist of five sections as indicated hereafter:

Section	Where to insert in e-Submission
Section one: Administrative information	'Attachments' section ->'Legal and regulatory capacity' tab
Section two: Exclusion and selection criteria form	'Required fields' section'
Section three: Evidence relating to the selection criteria	'Attachments' section ->'Economic and financial capacity' tab 'Attachments' section ->'Technical and professional capacity' tab
Section four: Technical Proposal – Addressing technical specifications and award criteria	'Tender Data' section ->'Technical tender' tab
Section five: Financial Proposal	'Tender Data' section ->'Financial tender' tab

Detailed provisions regarding the content of each proposal are provided in section 3.5 below.

3.1.1.2. Conformity of the tender

Tenders shall be prepared in accordance with the terms and conditions set out in this invitation to tender, in the tender specifications and in the draft contract. Non-conformity with the minimum requirements described in section 1 will result in rejection from award. EDA will also reject tenders where no technical proposals or financial proposals are proposed.

Tenderers are to note that variants are not allowed.

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU¹⁴.

Contact between the tenderer and EDA before the final date for submission of tenders

Tenders shall also be prepared duly taking into account the clarifications and/or corrections issued by EDA, as indicated hereafter. With regard to clarifications or corrections, contacts between EDA and the tenderers before the final date for submission of tenders may take place only in exceptional circumstances and under the following conditions only:

* EDA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or other clerical error in the text of the procurement documents.

This information will be published solely on the eTendering website under the eTendering link used to access the procurement documents.

* Potential tenderers may request clarifications with regard to the procurement documents and the nature of the contract.

Any request for additional information must be made in writing only through the eTendering website in the “questions and answers” tab by clicking “create a question” (registration on TED e-Tendering is required to be able to create and submit a question).

Insofar as it has been requested in good time, the additional information will be made available to all economic operators interested in this call, on the eTendering website indicated above, as soon as possible and no later than six days before the submission deadline of tenders.

Potential tenderers are encouraged to formulate, at least six working days before the time limit to submit tenders, any remark, complaint or objection they would have in relation to all aspects of these procurement documents in order that EDA can evaluate the need for corrective measures and implement them before the submission of tenders.

The answers to the requests for additional information will be published solely on the eTendering website under the eTendering link used to access the procurement documents. The website will be updated regularly. It is the responsibility of the tenderer to check regularly for updates and

¹⁴ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

modifications or to subscribe to the call for tenders in order to automatically receive notifications for any updates of the tendering documentation/publication of new documents.

Any additional information or clarification provided by EDA, through the eTendering website, before the final date for submission of tenders shall be considered part of the minimum requirements of the procurement documents.

EDA is not bound to reply to requests for additional information made less than six working days before the deadline for submission of tenders.

Any other contacts are prohibited and can lead to the exclusion of the tenderer.

3.1.2. Form of the tender

- Tenders shall be perfectly legible so that there can be no doubt as to words and figures.
- Tenders shall be clear and concise. They must be complete and consistent with all the requirements and instructions laid down in the tender specifications.
- Tenders shall be written in one of the official languages of the European Union. The contract (and its deliverables) will be implemented in English. Tenderers are requested to submit a copy of their technical proposal in English.
- Tenderers shall include all the information and documents requested by EDA in order to assess the tender. In order to help tenderers presenting a complete tender, a checklist of the documents to be submitted is provided in annex to the tender specifications. This checklist does not need to be included in the tender, but we encourage to use it in order to ease the assessment of the tenders.

3.2.SUBMISSION OF TENDERS

3.2.1. How to submit a tender

Tenders shall be solely submitted electronically via the e-Submission application through the eTendering link used to access the procurement documents. Offers sent on paper, by e-mail or by fax will be non-admissible.

In order to submit a tender using e-Submission, tenderers (each member of the group in the case of a joint tender) will need to register in the European Commission's Participant Register - an online register of organisations participating in EU calls for tenders or proposals. On registering each organisation obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found in the PIC-management Quick Guide

for Economic Operators. Tenderers already registered in the Participant Register shall reuse their existing PICs when preparing tenders in e-Submission.

Information about the e-Submission application as well as a step by step guide on how to access it and submit a tender is provided in the document “Quick e-Submission guide for Economic Operators” found under link below:

<https://eda.europa.eu/docs/default-source/procurement-library/quick-e-submission-guide-for-economic-operators-applicable-for-call-for-tenders-published-as-of-22-03-18.pdf>

The deadline for the receipt of tenders (“Receipt Time Limit”) is 08/11/2018, at 17h00 (Brussels time)

The tender (including the scanned copy of the signed Tender Report and all documents) must be fully uploaded and received within the "Receipt Time Limit" indicated above.

Please note that the tenderer is responsible to ensure that their full tender (all required documents and evidence) reaches the destination in due time. To avoid any difficulties with regard to late receipt/non-receipt of tenders within the deadline, tenderers are advised to initiate their tender submission (in eSubmission) as early as possible. The time it takes to submit the tender and upload all your documents may vary considerably depending on the number of concurrent submissions by other economic operators, the size of your tender and the type of internet service you are using.

Evidence of timely receipt will be constituted by the timestamp in the ‘*Tender Reception Confirmation*’ which will be sent to your e-Submission mailbox.

Receipt after the deadline shall lead to the non-admissibility of the tender and its exclusion from the award procedure for this contract.

Make sure you submit your tender on time: tenderers are advised to start completing their tender early and not to wait until the last moment (Receipt Time Limit) to submit their tenders. To avoid any complications with regard to late receipt/non-receipt of tenders within the deadline, please ensure that your tender is submitted several hours before the deadline.

The time it takes to submit the tender and upload all your documents may vary considerably depending on the number of concurrent submissions by other economic operators, the size of your tender and the type of internet service you are using.

In case of any problems with the submission of the electronic tender, we recommend that you call the call the helpdesk in reasonable time before the time limit for receipt. The contact details of the helpdesk are as follows:

- ☎ +(32) 229 71063
- ✉ DIGIT-EPROCUREMENT-SUPPORT@ec.europa.eu

Please note that the support line is open from 8:00 until 18:00 (Brussels time), on all EDA working days.

After submitting a tender, but before the deadline for receipt of tenders, a tenderer may definitively withdraw its tender, or withdraw it and replace it with a new one¹⁵. In these cases the tenderer must send a withdrawal/replacement notification, clearly specifying the call for tender's reference and the e-Submission ID of the tender¹⁶ being withdrawn/replaced. The notification must be dated, signed by the tenderer or the group leader in case of a joint tender and sent as follows:

-by e-mail sent before the deadline for receipt of tenders to the contracting authority's e-mail address: procurement@eda.europa.eu;

3.2.2. Acceptance of terms and conditions

Submission of a tender implies acceptance of the terms and conditions set out in this invitation to tender, in the tendering specifications and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

3.2.3. Period of validity of the tender

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 submitting tenders.

3.3. OPENING OF TENDERS

The received electronic tenders will be opened on **09/11/2018 at 10h00** Brussels time, at the following location:

European Defence Agency (EDA) Rue des Drapiers 17-23 B-1050 Brussels, Belgium

An authorised representative of each tenderer may attend the opening of the tenders. Companies wishing to attend are requested to notify their intention by sending an e-mail to procurement@eda.europa.eu at least 48 hours in advance. This notification shall be signed by an authorised officer of the tenderer and specify the name of the person who will attend the opening of the tenders on the tenderer's behalf. On the day of opening the representatives of tenderers shall

¹⁵ To submit a new version, the tenderer must create a new tender in e-Submission and include all the information and documents required in the procurement documents with the submission of a tender, even if some of them have already been included in the replaced tender.

¹⁶ The e-Submission ID of the tender can be found on the left-hand side of the screen of the tender in e-Submission as well as in the tender reception confirmation.

present the '*Tender Reception Confirmation*' sent by the e-Submission application in order to be allowed to attend the opening meeting.

3.4. PROCESSING OF TENDERS

3.4.1. Protection of Personal Data

If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed by EDA in accordance with Article 31 of Council Decision (CSFP) 2015/1835 which establishes that the rules laid down in Regulation (EC) No 45/2001¹⁷ shall apply to the processing of personal data by EDA.

Unless indicated otherwise, your replies to the questions and any personal data requested to evaluate your tender in accordance with the specifications of the invitation to tender will be processed solely for that purpose by the responsible staff members of EDA. Details concerning processing of your personal data are available in the privacy statement at the page:

<http://www.eda.europa.eu/docs/default-source/procurement/privacy-statement.pdf>

You are informed that for the purposes of safeguarding the financial interest of the Union, your personal data may be transferred to Internal Audit, to the College of Auditors or to any other body to ensure the adequate implementation of Checks and Audits (Article II.24 of the draft contract in annex to the tender specifications).

Data of economic operators which are in one of the situations of exclusion, referred to in Article 136 of the Regulation (EU, Euratom) No 2018/1046 of the European Parliament and the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, may be included in a central database and communicated to the designated persons of EDA, other institutions, agencies, authorities and bodies. 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, by sending a request by e-mail to procurement@eda.europa.eu.

¹⁷ 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.

3.4.2. Protection of EU Classified Information

EDA will process any information in accordance with the rules of the classification level indicated in the section “Security Standards” above. Several obligations for tenderers and the Contractor derive from this classification.

3.4.3. Confidentiality of Tenders

Once EDA has accepted the tender, it shall become the property of EDA and shall be treated confidentially.

3.4.4. Correction or clarification of information in the tenders

Contact between the tenderer and EDA after the opening of tenders

Contacts between EDA and the tenderers after the opening of tenders may take place only in exceptional circumstances and under the following conditions only:

- If clarification or additional evidence in relation to the exclusion and selection criteria is required.
- If clarification is requested or if obvious clerical errors in the tender need to be corrected, provided that the terms of the tender are not modified as a result.

In the above cases, the contracting authority may contact the tenderer and request a response within a time-limit stipulated in its request.

Any other contacts are prohibited and can lead to the exclusion of the tenderer.

3.5. EVALUATION OF TENDERS

The assessment will be based on the information provided in the tender. EDA reserves the right to use any other information from public or specialist sources.

This assessment will be performed by applying the criteria set out in these specifications. To award the contract, the assessment of admissible tenders will be carried out in five successive stages. Only tenders meeting the requirements of one stage will be examined in the next stage.

The aim of each of these stages is:

- To verify, in the first stage, that the tenderer has access to the procurement procedure of EDA.
- to verify, in the second stage (exclusion criteria), whether tenderers can take part in the tendering procedure and, where applicable, be awarded the contract;

- to verify, in the third stage (selection criteria), the economic and financial capacity and technical and professional capacity of each tenderer who has passed the exclusion stage;
- to verify, in the fourth stage, compliance with the minimum requirements specified in the procurement documents;
- to assess, in the fifth stage, on the basis of the award criteria the technical and financial tenders and establish a ranking list, by order of merit, of all tenders having passed the above stages, as well as the quality thresholds set for the assessment of the award criteria.

3.5.1. Stage 1 – application of eligibility criteria (access to the procedure)

Tenderers shall be excluded if they do not have access to the procurement procedure, in accordance with the provisions laid down here.

Participation in EDA's public procurement procedures is open on equal terms to all natural and legal persons coming within the scope of the EU Treaties. When applying the rules of access to the market, it is the country where the tenderer is established which is to be considered. As regards a natural person, it is the State in which the person has his domicile.

EDA procurement procedures are not covered by the WTO Multilateral Government Procurement Agreement (GPA). Tenderers established in third countries (non-EU countries) do not have the right to participate in procurement procedures unless international agreements in the field of public procurement grant them the right to do so. In case there is no such agreement, or the agreement does not apply to the kind of contracts put out to tender, tenderers of third countries are not entitled to participate.

The relevant international agreements in the field of public procurement are the Stabilization and Association Agreements (SAA) and the European Economic Area Agreement (EEA). Currently, the following countries have signed and ratified the above Agreements and therefore economic operators established in Iceland, Liechtenstein, Norway, FYROM, Albania, Montenegro, Serbia, Kosovo, Bosnia and Herzegovina also have the right to participate in EDA's public procurement procedures.

For contracts with overall classification RESTREINT UE/EU RESTRICTED or above (see section Security Standards) the following rule shall apply. In accordance with Annex V (21) of the Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information, tenderers shall not include in their proposals subcontracting to industrial or other entities registered in a non-EU Member State which has not concluded a security of information Agreement with EDA. Currently, Norway has concluded a security of information Agreement with EDA.

Evidence relating to the identity of the tenderer (Section One - Administrative Information)

Tenderers may choose between presenting a joint tender (see section “Joint Tenders”) and introducing a tender as a sole contractor, in both cases with the possibility of having one or several subcontractors (see section “Subcontracting”).

Whichever type of tender is chosen, the tender shall stipulate the legal status and role of each legal entity in the tender proposed and the monitoring arrangements that exist between them and, failing this, the arrangement they foresee to establish if they are awarded the contract.

- A. In the e-submission application, under ‘*Identification of the Tenderer*’ section Click ‘Add new’ to identify each entity participating in the tender (please refer to p. 5-6 of the “Quick e-Submission Guide for Economic Operators Applicable for Call for Tenders Published as of 22-03-18” available under the link: <https://eda.europa.eu/docs/default-source/procurement-library/quick-e-submission-guide-for-economic-operators-applicable-for-call-for-tenders-published-as-of-22-03-18.pdf>).

In addition, to identify himself the tenderer shall fill in a Legal Entity Form and a Financial Identification Form:

- B. The Legal Entity Form is to be signed by a representative of the tenderer authorised to sign contracts with third parties.

The form needs to be printed, filled in, signed and then scanned and uploaded together with the supporting evidence to the section ‘*Attachments*’ -> ‘*Other documents*’ tab.

A standard template in each EU language is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

The Legal Entity Form shall be accompanied by all the information indicated in the form. When neither this form nor the evidence to be attached to them includes the following information, the tender shall include:

For private and public entities:

- a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment shall be evidenced.

For Individuals:

- Where applicable, a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number. In case of a joint tender, all tenderers part of a consortium must provide their legal entity files as well as the necessary evidence.
- C. The Financial identification form shall be duly filled in and signed by an authorised representative of the tenderer and his or her banker.

The form needs to be printed, filled in, signed and then scanned and uploaded together with the supporting evidence to the section 'Attachments' -> 'Other documents' tab.

The form is available at the following Internet address:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_fr.cfm

In case of a joint tender or a tender presenting subcontracting, only the consortium leader is obliged to return the financial identification form (i.e. only one financial identification form per tender is required).

Economic operators already registered as a legal entity in EDA's files (i.e. they are or have been contractors of EDA) are not obliged to provide the evidence requested in the forms (except for the official document proving that the person who signs on behalf of the Tenderer is duly authorised to do so), on condition that they: i) indicate in their tender the references of the procedure for which this evidence was already provided and ii) confirm that there has been no change to the entity's details. This applies to tender procedures launched by EDA during the same year

3.5.2. Stage 2 – application of exclusion criteria (grounds for disqualification)

In accordance with Article 141 of the Regulation (EU, Euratom) No 2018/1046 of the European Parliament and the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, a contract for a given procedure may not be awarded to an economic operator who:

- is in an exclusion situation established in accordance with Article 136;
- has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;

- was previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.

If a member of a consortium is subject to exclusion, the rest of the consortium may be excluded. If a subcontractor is subject to exclusion, the tender may be excluded.

Evidence relating to the exclusion criteria (Section Two)

Tenderers or their representatives shall provide a declaration on their honour, duly signed and dated in which they:

1. state whether or not they are in one or more of the situations referred to in Articles 106 and 107 of the Financial Regulation and detailed in the form;
2. state whether they fulfil the selection criteria;
3. undertake to submit to EDA any additional document relating to the exclusion/selection criteria, that EDA considers necessary to perform its checks, within fifteen calendar days following the receipt of EDA's request.

To this end, tenderers shall fill in and sign the declaration in annex to the tender specifications.

This declaration(s) must be filled in, signed by an authorised representative, scanned and uploaded to the e-Submission application under 'Attachments' section -> 'Declaration on honour'.

Where the tender involves more than one legal entity (including subcontractors), each entity shall provide the form.

3.5.3. Stage 3 - application of selection criteria (selection of tenderers)

Tenderers must prove their economic and financial and technical and professional capacity to carry out the work subject to this call for tenders.

In order to prove their economic and financial and technical and professional capacity, tenderers (in case of joint tender, the combined capacity of all members of the consortium and the identified subcontractors) must comply with the following minimum levels of capacity.

<u>SELECTION CRITERIA</u>	
1. ECONOMIC AND FINANCIAL CAPACITY	
1.1	The tenderer must have a minimum annual turnover for the last three financial years for which accounts have been closed of 190 000 EUR

2. TECHNICAL AND PROFESSIONAL CAPACITY

Minimum capacity level relating to tenderers:

2.1 The tenderer shall demonstrate experience of at least three years in the field of Aviation Safety Case Development, Air Traffic Management and MALE-type RPAS operations, with at least two projects delivered in the last three years in the abovementioned fields.

2.2 The tenderer shall demonstrate capacity to draft reports in English with a minimum of two projects delivered in the last three years.

2.3 The tenderer shall demonstrate that he has already coordinated/operated/participated in RPAS flights (e.g. real operational flights, tests flights, demonstration flights) of MALE-type platform (or equivalent flight performance platform).

Minimum capacity level relating to the team delivering the service:

2.4 The tenderer shall demonstrate its capacity to provide a team including at least the following qualifications/expertise:

Project Manager: At least 5 years' experience in activities such as project coordination, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size;

Experts: Relevant higher education degree and 3 years' professional experience in:

- Aviation Safety Case development;
- Air Traffic Management;
- MALE-type RPAS operations, including real operations;
- Simulation and/or test/demonstration flights organisation.

An economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case, evidence shall be provided that it will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those entities to place those resources at its disposal.

If the economic and financial selection criteria are fulfilled by relying on a third party, the contracting authority may demand, if that tender wins the contract, that this third party signs the contract (becomes a contractor) or, alternatively, provides joint and several first-call guarantees.

If the third party chooses to sign the contract, the contracting authority shall ensure that it is not in exclusion situation and it has access to the market.

If several service providers are involved in the tender, each of them must have the professional and technical capacity to perform the tasks assigned to them in the tender and the necessary economic

and financial capacity. However, a consolidated assessment will be made to verify compliance with the minimum capacity levels.

This rule applies to all legal entities once they have chosen to be tenderers. If the tender includes subcontractors, EDA reserves the right to request evidence of their economic and financial capacity if the tasks subcontracted represent a substantial part of the contract.

The selection criteria remain applicable throughout the whole performance of the contract. Therefore, when replacing a subcontractor or a member of the team delivering the service the contractor must ensure that the proposed subcontractor or team member complies with the relevant minimum capacity levels set above.

Evidence of the economic and financial capacity of the service provider(s) (Section Three)

Tenderers (in case of joint tender, the relevant members of the consortium) each member of the group in case of a joint tender) shall provide proof of their economic and financial capacity by submitting the following documents:

- The duly completed and signed Financial and Economic Capacity Overview Form in annex to the tender specifications.

Documents certifying financial and economic capacity must be uploaded to the e-Submission application under: 'Attachments' section -> '*Economic and financial capacity*' tab.

If, for some exceptional reason which EDA considers justified, a tenderer is unable to provide the above document, he or she may prove his or her economic and financial capacity by any other document which EDA considers appropriate. In any case, EDA shall at least be notified of the exceptional reason and its justification in the tender. EDA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

EDA may waive the obligation of a tenderer to submit the documentary evidence referred to above if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that it complies with the requirements of the present call for tenders. In such a case, the tenderer shall indicate in the tender reference to the contract for which the evidence has been provided, in order to allow EDA services to check this evidence. This applies to tender procedures launched by EDA during the same year.

Evidence of the technical and professional capacity of the service provider(s) (Section Three)

Tenderers (each member of the group in case of a joint tender and subcontractors) shall provide evidence of their technical and professional capacity by submitting the following documents:

This evidence refers to selection criterion 2.1:

- A list of relevant projects in the past three years, shall be submitted by the tenderer, including a summary of the projects to demonstrate the requirements on Aviation Safety Case Development, Air Traffic Management and MALE-type RPAS operations expertise.

This evidence refers to selection criterion 2.2:

- A list of relevant projects in the past three years, shall be submitted by the tenderer.

This evidence refers to selection criterion 2.3:

- A list of relevant project(s) shall be submitted by the tenderer, providing evidence of tenderer's coordination/operation/participation in RPAS flights of MALE-type platform (or equivalent flight performance platform).

This evidence refers to criterion 2.4:

- The CVs of experts detailing the educational and professional qualifications and experience. The Europass curriculum vitae format¹⁸ shall be filled in. Each CV provided shall indicate the intended function in the delivery of the service. The precise contractual link with the tenderer has also to be described.

For all selection criteria above:

- Information on which parts or tasks of the assignment will be assumed by a consortium partner or a subcontractor. The respective subcontractor or consortium partner should be specified for each part or task.
- Any other document which could demonstrate tenderer's technical and professional capacity according to the requirements set in this section.

Proof of technical and professional capacity must be uploaded to the e-Submission application under: 'Attachments' section -> 'Technical and professional capacity' tab.

¹⁸ <http://europass.cedefop.europa.eu/en/home>

By submitting a tender, each legal entity involved therein accepts the possibility of a check being carried out by EDA on its technical capacities.

In addition, all tenderers are informed that they may be asked to prove that they are authorised to perform the contract under national law, as evidenced by inclusion in a professional or trade register or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.

3.5.4. Stages 4 and 5 – verification of compliance with the minimum requirements and application of award criteria (assessment of tenders)

The contracting authority will verify compliance of the tenders with the minimum requirements specified in the procurement documents. The tenders that will be considered compliant will be admitted to the award stage.

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method.

3.5.4.1. Technical Award Criteria

The quality of the tender will be evaluated based on the following criteria:

No	Qualitative award criteria	Weighting (maximum points)
1	<p><u>Quality of the proposed methodology (to address the technical specifications)</u> This criterion assesses the relevance, completeness and viability of the proposed methodology and manner in which the tasks will be executed. Each of the three tasks described in Section 1.5.3 shall be addressed distinctly in the technical proposals.</p> <p>1.1 <u>For Task 1</u> (in addition to the above, the quality of the proposed approach to refine the scenarios from the previous Accommodation study and further develop the Safety Case in function of the Task 2 goals): up to 10 points;</p> <p>1.2 <u>For Task 2</u> (in addition to the above, the relevance of the proposed flight environment e.g. platform available, location of the flights, number and relevance of flights): up to 40 points;</p> <p>1.3 <u>For Task 3</u> (in addition to the above, the method proposed to assess the results of the tests/demo flights, the quality of the proposed promotion material): up to 10 points.</p> <p>Furthermore, this criterion will also assess positively any additional information/tasks proposed that can improve the results of the study.</p>	60
2	<p><u>Quality of the proposed schedule management</u> This criterion will assess the proposed work breakdown structure with regard to tasks, deliverables, milestones etc.</p>	10
3	<p><u>Quality of the proposed resource management</u> This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender shall provide details on the allocation of time and resources and the rationale behind the choice of this allocation.</p>	10
4	<p><u>Quality of the proposed quality management</u> This criterion will assess the quality system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a team member. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.</p>	10
5	<p><u>Quality of the proposed risk management</u> This criterion will assess the Identification of risks and mitigation measures applied to this system applied to the service foreseen in this tender specification.</p>	10
Total Number of Points for Technical Quality Score		100

The selected tender is assessed according to the above qualitative award criteria and the weighting applicable to each criterion.

Tenders scoring

- * less than 70 % in the overall points total or
 - * less than 50 % in the points awarded for a single criterion
- will be excluded from the rest of the assessment procedure.

3.5.4.2. Technical Proposal (Section Four)

Tenderers shall include in their tenders the technical proposal addressing all aspects detailed in the technical specifications set out in section 1. The technical proposal shall comply with the technical specifications and provide, as a minimum, the information specifically requested.

Tenders will be assessed against the above-listed qualitative award criteria. Tenders should be structured consistently with the pre-set award criteria and should include all detailed information and documentation to allow the Evaluation Committee to assess all the qualitative award criteria mentioned above. Due consideration shall be given to the award criteria and method stipulated above.

Tenders shall elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressively covered by the tender, EDA may decide to give a zero mark for the relevant qualitative award criteria specified in the above section. The following aspects should in particular be taken into consideration when drafting a tender:

Proposed methodology.

- **A draft Management Plan¹⁹** on the planning and methodology to be used to execute all the services and deliverables described in Section 1. The draft Management Plan shall include as a minimum:
 - a Work Break Down Structure illustrating efforts distribution and interactions thereof.
 - evidence that the tenderer takes responsibility for the general objectives of the contract, demonstrates a good understanding of the subject matter, the scope and that the required results will be produced;
 - any potential relevant modification in the logic of the services and deliverables to improve the expected results.

¹⁹ The final version of the Management Plan shall be finalised and delivered by the Contractor in an electronic version two weeks after the kick-off meeting, having endorsed all issues/comments raised by EDA during the kick-off meeting. The Management Plan shall be updated as required over the duration of the contract.

- A **draft Consultation Strategy**²⁰ shall contain an explanation of how the tenderer intends to identify, access and exploit sources of information relating to the contract objectives and how the stakeholders, institutions, organisations, experts will be consulted, shall be provided.

Advice on how EDA could realise and measure benefits expected from the project.

Proposed timescale for delivering the project.

- A Work Schedule in the format of a Gantt Chart (to be submitted electronically and ideally MS Project) that depicts project phases and their associated tasks and work packages together with key milestones and deliverable points;
- The **timetable**, structure and preparation of initial, periodic update and end-of stage meetings/presentations/workshop (for both internal and external parties) planned within the duration of the contract, and;
- An explanation of the **reporting and monitoring regime** to ensure appropriate decisions and outputs are reported / monitored in due time, including appropriate interaction with EDA and its representatives.

Proposed Resource Management

- A description of the **resources** requirements to deliver the project including:
 - The level of resource proposed;
 - The composition of teams assigned to each project phase;
 - Inputs from any third parties (not out-sourced activities)
 - Activities to be out-sourced to sub-contractors and the % contribution to achievement of the relevant deliverable to be out-sourced
 - A breakdown of workshare if activities are outsourced to multiple sub-contractors;
- A description of key **technologies** that will be employed to achieve deliverables and their level of maturity;

²⁰ The Consultation Strategy shall be an **integral part of the tender** along with the Management Plan and be updated as necessary. The **final version of the Consultation Strategy** shall be delivered with the final Management Plan **two weeks after the kick-off meeting**. The Contractor should avoid **over-burdening EDA's stakeholders with questionnaires**. The use of viable alternative methods should be considered (e.g. separate meetings with pMS and other stakeholders). The Tenderer has responsibility for all phases of the implementation of the Management Plan and the Consultation Strategy to report in written form to the Agency in a proper timing through regularly e-mailing the responsible EDA's Project Officer. This should be timely and taking into consideration possible technical or managerial problems or obstacles (i.e.: delay of possible EDA's stakeholders responses needed) that may affect its capability to undertake the contract deliverables according to the terms of the contract, together with a contingency plan.

Proposed quality management

- An outline of the **quality** events to be undertaken within a task or work package, as relevant, and that may include any reviews, inspection points, testing, pilots and acceptance points, as relevant, to achieve and assure the functional and technical specifications required for each deliverable.

Proposed risk management

- An **analysis of risks** that have been identified and assessed, the level of tolerance established;
- for key risks and actions to manage them, particularly response plans for any risks that require mitigation;
- Safeguards to preserve intellectual property and adherence to security classification, as relevant.

The technical proposal needs to be uploaded to the section '*Tender Data*' -> '*Technical tender*' tab.

Please note that, to grant equal treatment of all tenders, it is not possible to modify tenders after their submission in relation to the technical and financial proposals. Incomplete technical or financial proposal may have a considerable negative impact on the evaluation on award criteria. Please note also, that tenders deviating from the technical specifications and/or not meeting the minimum requirements set in the procurement documents shall be considered as irregular and consequently be rejected.

The technical specifications and the tenderer's tender shall be integral parts of the contract and will constitute annexes to the contract.

3.5.4.3. Financial Award Criterion

Financial award criterion	
Financial score: Price of the lowest admissible tender received	
$\frac{\text{Price of your tender}}{\text{Price of the lowest admissible tender received}} \times 100$	

! Tenders presenting a price superior to the maximum amount of € 190 000 shall be automatically excluded from the rest of the assessment procedure.

3.5.4.4. Financial Proposal (Section Five)

Tenderers shall use the model financial proposal form in annex to the tender specifications to formulate their financial proposal.

The complete financial proposal needs to be uploaded to the section '*Tender Data*' -> '*Financial tender*' tab.

The tenderer's attention is drawn to the following points:

- Prices shall be expressed in euros.
- Prices shall be quoted free of all duties, taxes and other charges, i.e. also free of VAT. EDA is exempted from such charges in the EU in accordance with Article 27.3 of Council Decision (CFSP) 2015/1835 of 12 October 2015.
- Prices shall not be conditional and be directly applicable by following the technical specifications.
- Tenders involving more than one legal entity (including subcontractors) must specify the amounts for each legal entity.
- Prices shall be fixed and not subject to revision.
- The price quoted shall be all inclusive, namely reflecting all direct and indirect costs relating to the provision of the services as described under section 1.
- A Cost Breakdown Structure (CBS) shall be submitted by the tenderer to show what efforts and at what unit prices (i.e. number of man-days, experts' daily fees, travel and accommodation costs if applicable) have been used to elaborate the financial offer.
- The reference price for the award of the contract shall consist of the total cost of the assignment, including all associated expenses.
- Incomplete submission of the financial proposal or any alteration of the model form may result in the rejection of the tender.
- The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

3.5.4.5. Final Evaluation

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below.

Final Evaluation
Final Score: (Technical quality score x 0.7) + (financial score x 0.3)

EDA will reject tenders where no technical offers or financial offers are proposed. Non-compliance with the minimum requirements in section 1 will also result in rejection from award.

EDA reserves the right, however, to request clarification of the tender after the opening. It may furthermore require (additional) evidence in relation to the administrative information, exclusion and selection criteria. The information required shall be provided within a time-limit stipulated in its request and under the conditions explained in section 3.4.4

3.6.AWARD OF THE CONTRACT AND NOTIFICATION TO TENDERERS

EDA will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to recommence the procedure.

EDA will inform all rejected tenderers of the reasons for their rejection and all tenderers, who are not in an exclusion situation and whose tender is compliant with the requirements of the procurement documents, of the characteristics and relative advantages of the selected tender and the name of the successful tenderer.

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.

All tenderers will be informed of the outcome of this procedure by e-mail. The notification will be sent to the e-mail address provided in the e-Submission application for the tenderer (group leader in case of a joint tender) under the section *Tender Contact Info*. The same e-mail address will be used by the contracting authority for all other communications with the tenderer. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly. Please make sure that the communication from EDA is not classified as spam mail.

The procurement procedure is concluded by a contract signed by the parties. In this case, the General Terms and Conditions applicable to contracts referred to above shall apply.

After the period of validity of the tender has expired, conclusion of the contract shall be subject to the tenderer's agreement in writing.

EDA shall not sign the contract with the successful tenderer until a standstill period of 10 calendar days has elapsed, counting from the day after simultaneous dispatch of the notification by electronic means to all tenderers (successful and unsuccessful).

After the award, during standstill period, EDA will request to the tenderer (and to the consortium members when applicable) proposed for award the evidence on exclusion criteria referred to in the

Exclusion-Selection Criteria Form in annex to the tender specifications. If this evidence was not provided or proved to be unsatisfactory EDA reserves the right to cancel the award procedure or to change the award decision to the benefit of the next best ranked tenderer on condition that he satisfies with the provision of the evidence on exclusion.

The tenderer to whom the contract is to be awarded shall provide, within the 10 calendar days following the receipt of the letter informing him of the proposed award of the contract and preceding the signature of the contract, the evidence confirming the declaration on honour (see directly the text of Exclusion-Selection Criteria Form in annex to the tender specifications):

EDA may waive the obligation of a tenderer to submit the documentary evidence referred to in the first two points if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided to EDA in a previous procurement procedure and confirm that no changes in his situation have occurred. He shall indicate in its tender all the references necessary to allow EDA services to check this evidence.

The e-Certis web-site lists the certificates available in EU Member States:
<http://ec.europa.eu/markt/ecertis/login.do>

This invitation to tender is in no way binding on EDA. EDA'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. This decision shall be substantiated, and the tenderers notified. No compensation may be claimed by tenderers whose tender has not been accepted, including when EDA decides not to award the contract.

4. ANNEXES

(Enclosed as separate documents)

- 4.1. Checklist of Documents to be Submitted in the E-Submission Application
- 4.2. Subcontractor – Letter of Intent
- 4.3. Power of Attorney
- 4.4. Exclusion and Selection Criteria Form
- 4.5. Financial and Economic Capacity Overview Form
- 4.6. Model Financial Proposal Form
- 4.7. Draft contract
- 4.8. Non-Disclosure Agreement