



Call for tenders

**“Support to the ERTMS
Deployment action plan as
baseline for Shift2Rail (IP2)
innovative solutions”**

Open Procedure

Ref: S2R.17.OP.04

Tender Specifications

SINGLE FRAMEWORK SERVICE CONTRACT

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1 INTRODUCTION

1.1 Acronyms and terminology

AWP	The S2R JU Annual Work Plan available at: http://shift2rail.org/about-shift2rail/reference-documents/
DG MOVE	Directorate-General for Mobility and Transport
DG RTD	Directorate-General for Research and Innovation
ERA	European Union Agency for Railways
ERTMS	European Rail Traffic Management System
ETCS	European Train Control System
CCS TSI	Control Command Signalling – Technical Specification for Interoperability
OBU	On-board unit
MAAP	The S2R JU Multi-Annual Action Plan available at : http://shift2rail.org/about-shift2rail/reference-documents/
MP	The S2R JU Master Plan available at : http://shift2rail.org/about-shift2rail/reference-documents/
MEP	Member of the European Parliament
PPP	Public Private Partnership
S2R JU	Shift2Rail Joint Undertaking (hereafter referred to as the S2R JU) was established by Council Regulation (EU) n° 642/2014 of 16 June 2014. The S2R JU is a public-private partnership, providing a platform for the key stakeholders of the European rail system to work together with a view to driving innovation in the years to come by implementing a comprehensive and coordinated research and innovation strategy.
Contracting Authority	S2R JU

2 THE S2R JOINT UNDERTAKING

2.1 Mission and objectives of the S2R Joint Undertaking

The Shift2Rail Joint Undertaking (hereinafter “the S2R JU”, “the Joint Undertaking” or “the Contracting Authority”), is a public-private partnership in the rail sector, established under Horizon 2020, to provide a platform for coordinating research activities with a view to driving innovation in the rail sector in the years to come. It was established on 7 July 2014, following the entry into force

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of Council Regulation (EU) No 642/2014 of 16 June 2014 establishing the Shift2Rail Joint Undertaking¹.

Shift2Rail is the first European rail initiative to seek focused research and innovation (R&I) and market-driven solutions by accelerating the integration of new and advanced technologies into innovative rail product solutions. Shift2Rail promotes the competitiveness of the European rail industry and will meet changing EU transport needs. R&I carried out under this Horizon 2020 initiative will develop the necessary technology to complete the Single European Railway Area (SERA).

2.2 The S2R JU Work Plan 2018: Support to ERTMS European Action Plan to pave the way for the deployment of the future S2R Innovative Solutions

As indicated in the S2R Work Plan 2018² this activity aim at supporting the ERTMS Deployment action as baseline for S2R JU (IP2) innovative solutions

Under the supervision of the JU and together with Commission Services (DG Move), inter alia, the contractor will perform tasks such as support the ERA Change Control Management process' and related update of specification documentation (including test specifications); Identification of the existing sets of engineering rules regarding transitions between systems; Contribution to the technical review of trackside deployment of ERTMS in cross-border sections; Contribution to the drafting/updating of technical specifications stemming from Research and Innovation activities. .

2.3 Purpose of this call for tender

Deployment of European Railway Traffic Management System is a horizontal priority aiming at ensuring interoperability of the EU railway system. The Action is a part of a Global Project on deployment of ERTMS in the European Union, as defined in the TEN-T Guidelines and the Memorandum of Understanding signed between the European Commission and the European Railway Associations in 2016. In parallel, the action fits in the Shift2Rail (IP2) programme dedicated to the evolution of ERTMS.

The action intends to 1) address topics described in the ERTMS Deployment Action Plan, issued by the European Commission in 2017³ 2) prepare the integration of the ERTMS Game Changers, coming from the activities on-going in Shift2Rail, inside a next release of the CCS TSI.

¹ OJ L 177, 17.6.2014, p. 9

² https://shift2rail.org/wp-content/uploads/2017/11/Decision-6_2017-AWP2018_signed.pdf

³ <https://ec.europa.eu/transport/sites/transport/files/2017-ertms-deployment-action-plan.pdf>

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2.4 Indicative timetable

Those milestones dates are for indicative purposes only and do not constitute any obligation for the contracting authority. The exact deadlines for the submission of tenders are indicated in the contract notice and in the invitation to tender.

Milestone	Date
Dispatch of the contract notice to the Official Journal of the EU	04/12/2017
Deadline for requesting additional information/clarification from the S2R JU	No later than six working days before the closing date for submission of tenders
Last date on which clarifications are issued by S2R JU	As soon as possible and no later than 6 calendar days before the closing date for submission of tenders
Deadline for submission of tenders	02/02/2018 Tenders delivered by hand should be submitted not later than 17:00h Brussels time
Opening Session	09/02/2018 at 10 AM, Brussels time Maximum one legal representative per participating tenderer may attend the opening session. Tenderers shall inform the Joint Undertaking of their intention to attend, at least 5 working days prior to the opening session.
Notification of award	19/02/2018
Contract signature	01/03/2018

3 TECHNICAL SPECIFICATIONS AND MINIMUM REQUIREMENTS

3.1 Objective and scope of the contract

ERTMS is a major industrial program to harmonise the automatic train control and communication system and ensure interoperability throughout the rail system in Europe. As the differences among the large variety of national legacy train control systems constitute the single most important barrier to interoperability of the European rail system, deployment of ERTMS will provide the backbone for a digital, connected Single European Rail Area. ERTMS will also be the key enabler to introduce innovative technologies in an effective manner.

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The action intends to 1) address topics described in the ERTMS Deployment Action Plan, issued by the European Commission in 2017⁴ 2) prepare the integration of the ERTMS Game Changers, coming from the activities on-going in Shift2Rail, inside a next release of the CCS TSI.

3.2 Description of the tasks

Under the supervision of the S2R JU and together with Commission Services (DG Move), inter alia in order to achieve the objective stated under point 3.1 above, a set of tasks has been drawn up, as detailed below.

SECTION 1

- **Work to support a standardised OBU**
- **Support to the ERA CCS TSI Change Control Management process'**
- **Support on the updating of Eurobalise specifications**
- **Support on the updating of specification documentation**
- **Work to develop OBU Test Specifications**
- **Review of ERTMS cross-border deployment**
- **Addressing non-interoperable infrastructure**
- **Harmonisation of Engineering Rules**
- **Maintaining ERTMS in a reliable and consistent manner**

SECTION 2

- **Support to the integration of technical solutions developed in S2R (specifications) into the CCS TSI**

3.3 Indicative list of scope and deliverables

This section presents only an indicative list of scope and possible associated deliverables, which will be fully developed and specified as order forms or specific contracts.

Tasks	Tentative scope and deliverables
Work to support a standardised OBU	<p>Scope:</p> <ul style="list-style-type: none">- Gather evidence of harmonization of implementation of functions in the OBU of different manufacturers, and –if needed- to identify the reasons for discrepancy and define the corrective measures <p>Deliverables:</p> <ul style="list-style-type: none">- Definition of suitable strategy to set-up, interface and test

⁴ <https://ec.europa.eu/transport/sites/transport/files/2017-ertms-deployment-action-plan.pdf>

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	OBU's from different ETCS suppliers, definition of the test campaign boundary conditions.
Support to the ERA CCS TSI Change Control Management process':	<p>Scope:</p> <ul style="list-style-type: none"> - Analysis and correction of Change Requests (CR) and drafting of impact report of CR on existing products and projects. <p>Deliverables:</p> <ul style="list-style-type: none"> - Analysis, correction (solution) of 20 Change Requests per year (average estimate). - Impact report of the CR on existing products and projects.
Support on the updating of Eurobalise specifications:	<p>Scope:</p> <ul style="list-style-type: none"> - Study of the tolerances for the installation of (euro)balises based on the extensive result of experience , taking account of the technological evolution in on-board antennas and signal decoders (in view to possibly extend the area of applications for the Eurobalise). <p>Deliverables:</p> <ul style="list-style-type: none"> - Updated versions of: SUBSET-034; SUBSET-035; SUBSET-035; SUBSET-037; SUBSET-040; SUBSET-041; SUBSET-091.
Support on the updating of specification documentation	<p>Scope:</p> <ul style="list-style-type: none"> - Production of regular updates to the specification documents to incorporate the results of the CR error correction. <p>Deliverables:</p> <ul style="list-style-type: none"> - Report on the existing installations, analysis of margins and tolerances. - Updated specifications: SUBSET-036, SUBSET-085.
Work to develop OBU Test Specifications	<p>Scope:</p> <ul style="list-style-type: none"> - Address the relevant documents and database related to the ETCS test specifications for on-board. <p>Deliverables: Relevant updated documents and database of the SUBSET-076 test suite.</p>
Review of ERTMS cross-border deployment:	<p>Scope:</p> <ul style="list-style-type: none"> - When deploying ERTMS in cross-border sections, Member States have to ensure the full interoperability, by ensuring the compatibility of the systems and the transitions, if needed. Those projects are expected to apply the principles of the ERTMS Trackside Approval Process developed by ERA. <p>Deliverables:</p> <ul style="list-style-type: none"> - List of ERTMS functions, Issue Log (as defined by ERA), technical arrangements for the transitions to-from Class B systems.
Addressing non-interoperable infrastructure	<p>Scope:</p> <ul style="list-style-type: none"> - A key objective of ERTMS deployment is to have ERTMS infrastructure allowing the safe operation with an acceptable level of performance for all trains equipped with Baseline 3.

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	<p>The vast majority of lines in service today are based on pre-Baseline 3 specifications. Their specific implementations must be assessed against the Baseline Compatibility Assessment (BCA) report, and if necessary, the mitigation measures defined in the BCA must be implemented to ensure the compatibility with Baseline 3 trains.</p> <p>Deliverables:</p> <ul style="list-style-type: none"> - Completion of identification of non-interoperable lines. - Support on the development of strategy to address currently non-interoperable infrastructure, with buy-in from IMs and suppliers.
Harmonisation of Engineering Rules	<p>Scope:</p> <ul style="list-style-type: none"> - Avoid that in the same network different engineering rules are applied. This approach is defined in the draft Practical Arrangements and the draft EC Recommendation for the Fourth Railway Package “ERTMS trackside approval”. Infrastructure Managers are requested to develop generic rules that can be applied in all specific implementations. This will facilitate verification of conformity, testing and authorisation. The set of engineering rules that are already included in the application guide should be considered in this action and determined if they should be included as mandatory in the TSI. <p>Deliverables:</p> <ul style="list-style-type: none"> - Identification of the existing sets of engineering rules relating to transitions between systems (class B/ERTMS, ERTMS L1/ERTMS L2 etc.).
Maintaining ERTMS in a reliable and consistent manner	<p>Scope:</p> <ul style="list-style-type: none"> - The proposed strategy (on the short term) is to give priority to mitigation/correction measures on the trackside, avoiding modifications to the OBU. In addition, consolidated error corrections, leading to OBU software updates, will be scheduled at appropriate intervals in the future. <p>Deliverables:</p> <ul style="list-style-type: none"> - Supervision that the Agency’s Opinion is implemented. - Define the process of the role that ERA/EC can play to facilitate the process of ERTMS software releases. - Support the use of tender template (maintenance upgrade provisions).
Support to the integration of technical solutions developed in S2R (specifications) into the CCS TSI	<p>Scope:</p> <ul style="list-style-type: none"> - Review of draft specifications stemming from the work of S2R (IP2), analysis of their impact on the ERTMS/ETCS specifications, in light of their future integration in the CCS TSI (Annex A and Application Guide).Contribute to the drafting/updating of technical specifications for the next generation communication system for ERTMS and to the appraisal of the impact on interoperability of the rollout.

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	<ul style="list-style-type: none">- Provide support to the definition of harmonised specifications for ERTMS Level 3 and for the integration of ERTMS with Automated Train Operation. <p>Deliverables:</p> <ul style="list-style-type: none">- Reviewed deliverables and updated specifications (including impact on ETCS, ATO, train integrity, ERTMS Level 3, next communication system for ERTMS.
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Deliverables will be assessed by the S2R JU in close cooperation with the European Commission (DG MOVE) and the European Union Agency for Railways (ERA).

The execution of the tasks related to those deliverables will start on the date of signature of the order form or specific contract or on the date indicate therein. The S2R JU will communicate the exact dates of the schedule to the contractor after the signature of the order form or specific contract. The exact scope and deliverables will be detailed at that stage.

3.4 Human resources: roles and responsibilities

Future Contractors will set up a team combining all the know-how and experience necessary to carry out the tasks described in these specifications. All members of the team who are in contact with the S2R JU must be able to work in English. See section 6.3.3 for more details of the required technical and professional capacity.

The future Contractor must inform the S2R JU of any changes (departures, arrivals, promotions, etc.) in the composition of the team during the performance of the contract. He/she must ensure that the composition of the team complies with the present tender specifications throughout the full duration of the contract including providing an appropriate back-up person in case of absences. The future Contractor must provide the training programmes necessary to ensure a constant high quality of services of the team.

The S2R JU reserves the right to request the replacement of any member of the team whose experience and/or competence deems to be inadequate, stating its reasons. Special attention will be paid to the approach proposed by the future Contractor for managing subcontractors. The future Contractor will be required to indicate the kinds of work, which they plan to subcontract and the name of any companies to which they are already intending to subcontract a part of the work.

3.4.1 Contract management

A project manager should be assigned to manage assignments and respond to S2R JU requests. The project manager should participate in progress meetings with the S2R JU and contribute to the reporting duties for the activities.

The project manager shall be the main contact point with the S2R JU and will be in charge of overseeing the overall contract and related project activities, including among others:

- Liaising with other future Contractor/s to manage any possible hand-over;

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- Responding to S2R JU requests;
- Participating in progress meetings with the S2R JU;
- Carrying out the reporting duties on all activities.

3.4.2 Team members

Selected **team members** should have the necessary qualifications to carry out the tasks described in Section 3.2 - See section 6.3.3 for more details of the required technical and professional capacity.

4 INFORMATION ABOUT THE CONTRACT TO BE AWARDED

4.1 Nature

The contract that will be signed is a single service framework contract. There will be one contractor who will be awarded this framework contract and it will execute the tasks according to the specific contracts or order forms which will be signed

A draft of the framework contract which will be concluded is provided. It specifies the rights and obligations of the contractor. No changes can be accepted by the Contracting Authority (S2R JU).

In submitting a tender, the tenderer accepts all terms and conditions specified in the invitation to tender, the present tender specifications and the draft framework service contract.

4.2 Duration

The duration of the framework contract is 12 months, which may be renewed for up to a total duration of 48 months (see Article I.3.5 of the draft contract).

4.3 Value

The maximum amount for the total duration of the framework contract (48 months), excluding VAT and including all possible renewals and the reimbursable expenses shall be **EUR 8 000 000**. This amount shall also cover any contingencies.

However, these estimates do not constitute any obligation on the volume to be purchased and are given for information purposes only and without any commitment.

In accordance with Article 134 paragraph (1), point (e) and paragraph 4 of Delegated Regulation (EU) No 2015/2462 of 30 October 2015 amending Commission Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (hereinafter “Rules of Application”), the contracting authority may use a negotiated procedure without prior publication of a contract notice for the award of new services consisting of the repetition of similar services entrusted to the economic operator awarded the initial contract by the same contracting authority. It is possible to use this procedure only during the performance of the initial contract and during a maximum period of three years after its signature.

4.4 Implementation of the framework contract and the specific contracts

For the implementation, Article I.4.3 of the framework contract applies.

A framework contract is a legal agreement between two parties - in this case, the S2R JU and the contractor. It acts as the legal basis for the possible future purchase of services by the S2R JU. The framework contract defines, amongst others, the scope of services that can be purchased, methodology for implementation, timing and fees to be respected by the contractor. The framework contract itself is not an order for services and does not constitute a financial commitment.

Services will be requested (i.e. ordered) under “specific contracts” (or “order forms”) linked to particular activities, over a given period.

The S2R JU intends to issue individual and successive specific contracts over the period of validity of the framework contract and shall take the form of one of the documents provided under Annex III (models for specific contracts and order forms) to the draft framework contract. Either format may be used for implementation of the framework contract, depending on the S2R JU’s needs.

4.4.1 Request for services

As an estimation, the S2R JU intend to issue a request for services and sign a specific contract/order form every year and per type of activity indicated in section 3.2.

4.4.2 Specific contract’s deliverables

Each request for services will specify the deliverables to be provided during the execution of each specific contract and the timetable for its execution. An indicative list of deliverables is set out in each task in section 3.3.

4.4.3 Activity reports for the framework contract

The following reports must be produced on all the work carried out in the performance of the Framework Contract by the contractor, who must supply S2R JU with one copy by electronic mail.

4.4.3.1 Progress reports

If requested by the S2R JU progress reports presenting the progress recorded in the execution of the tasks foreseen by the framework contract shall be drawn up in English (maximum 20 pages, while additional information may be included in annexes).

The report will describe concisely and precisely the progress achieved over the reporting period in the implementation of the framework contract; include analysis, best practices, lessons learnt and recommendations for the following period based on the experience with the task during the

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reporting period; include a section about possible problems when carrying out the contract's work, mitigating measures implemented and impact; include a financial table, showing budgetary consumption against total budget.

The progress report shall be submitted within 60 days of the end of the reference period. Within one month of the submission, S2R JU will approve the report or request modifications in order to improve its quality and completeness.

4.4.3.2 Final progress report

The contractor shall deliver the final progress report at the end of the framework contract. The final progress report shall include all the information requested for the progress report (see above). The final progress report shall be submitted by month 48, and then has to be approved by S2R JU within two month. S2R JU may request modifications in order to improve its quality and completeness.

4.5 Place of performance and delivery

The implementation of the services will be undertaken at the contractor's premises.

The main place of delivery shall be at S2R JU premises in Brussels, Belgium. Nevertheless, in some specific cases, delivery may also take place in Valenciennes or Lille (ERA headquarters/facilities) at the request and presence of the JU.

4.6 Communication

Communication between the tenderer and the S2R JU must be possible by phone, electronic mail, fax, normal and registered mail, and a communications solution such as video conference systems or equivalent.

4.7 Language services

The working language of the S2R JU is English. The English language shall be used throughout the project duration for all communication, reports and other documentation.

4.8 Meetings

When face-to-face meetings between the S2R JU and the contractor are needed, these will take place at the S2R JU's premises in Brussels.

Where possible, meetings between the S2R JU and the contractor can be made by utilising modern technologies such as video conference systems.

In some specific cases, some meetings may also take place in Valenciennes or Lille (ERA headquarters/facilities) at the request and presence of the JU.

4.9 Payments terms

The payment arrangements are laid down in the draft framework contract for services (Article I.6).

5 INFORMATION ON TENDERING

5.1 Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons established in a third country which has concluded a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Public Contracts⁵ concluded within the framework of the World Trade Organisation is applicable, participation in the procurement procedure shall also be open to all natural and legal persons established in the states which have ratified this agreement, under the conditions laid down therein.

5.2 Variants

Variants, any equivalent alternatives to the model solution of the contracting authority, are prohibited.

In addition, tenderers may not submit tenders for only part of the services required.

5.3 Compliance with environmental, social and labour law

The tenderer must respect the applicable obligations under environmental, social and labour law established by Union law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU⁶.

5.4 Identification of the tenderer

The tenderer must fill-in all the information requested in the **Tender Submission Form (Annex I)**, signed by an authorised representative, presenting the name of the tenderer (including all entities in case of consortia or joint tender) and identified subcontractors (if applicable), and the name of the single contact point (leader) in relation to this procedure.

The tenderer (and each member of the group in case of consortia or joint tender) must also declare whether it is a Small or Medium Size Enterprise in accordance with Commission Recommendation 2003/361/EC⁷. This information is used for statistical purposes only.

⁵ See http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

⁶ 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).

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:124:0036:0041:en:PDF>

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All tenderers (including all members of the group in case of consortia or joint tender) must provide a signed **Legal Entity Form** with its supporting evidence. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the leader in case of consortia or joint tender) must provide a **Financial Identification Form** with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial-id_en.cfm

5.5 Consortia and Joint tenders

A group of two or more economic operators may submit a tender ("consortium" or joint tender). A joint tender will be treated in the same way as any other type of tender, being assessed on its own merits in the light of the criteria set out in these specifications. A joint tender may include subcontractors, in addition to the joint tenderers.

Any change in the composition of the group during the procurement procedure may lead to rejection of the tender, except with the prior written authorisation of the Shift2Rail Joint Undertaking. Any change in the composition of the group after the contract has been signed and without the prior written authorisation of the Shift2Rail Joint Undertaking may result in the contract being terminated.

The group must provide the data requested in the Tender Submission Form (Annex I), stating clearly the identity and the separation of tasks among the members of the group. The group shall appoint (through a power of attorney signed by each member) a legal entity ("leader") with full authority to bind the group and each of its members vis-a-vis the Contracting Authority for submission of a tender and the signing of the contract.

Following the award, the contract will be signed between the contracting authority and the 'leader'.

The duly authorised 'leader' will be also responsible for administration of the contract (order forms or specific contracts), invoicing, receiving payments, etc.) on behalf of other members of the group.

In the case of a consortia or joint tender, all the members of the group are jointly and severally liable for the performance of the contract.

Exclusion criteria (see point 5.2 below) will be assessed in relation to each member of the group individually. Selection criteria (see points 5.3 below) will be assessed in relation to the group as a whole.

For each consortium or group member, the tenderer must, at the time of tender submission⁸:

⁸ See also section 7.1 and Annex I – Tender Submission Form – for a summary / overview of documents to be submitted as part of the tender.

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- Specify the company or person heading the project (the leader) and submit, a copy of the document authorising this company or person to submit a tender on behalf of the consortium (e.g. power of attorney);
- Submit the Declaration on the honour on exclusion and selection criteria using the template in **Annex II**. To this end, each member of the group must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.
- Submit the required evidence for selection criteria – legal capacity (see section 6.3.1).
- For the selection criteria - economic & financial capacity (see section 6.3.2) and technical and professional capacity (see section 6.3.3) the evidence should be provided by each member of the consortium, but will be checked to ensure that the consortium as a whole fulfils the criteria (e.g. not every consortium member needs to fulfil each of the criteria individually – but rather as a whole).

5.6 Subcontracting

Subcontracting is permitted but the contractor shall retain full liability towards the contracting authority for performance of the contract as a whole.

Tenderers are required to identify subcontractors whose share of the contract is **above 15% (in value or in tasks to be subcontracted)**. For each identified sub-contractor, the tenderer must, at the time of tender submission⁹:

- Indicate clearly which parts of the work will be sub-contracted (including freelances, consultants, experts etc.) and to what extent (proportion in %).
- Submit the Declaration on the honour on exclusion and selection criteria. To this end, they must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.
- Submit a duly signed and dated (by the sub-contractor) “Letter of intent” using the template provided in **Annex III** - confirming its unambiguous undertaking to collaborate with the tenderer if they are awarded the contract and detailing the resources that they will put at the tenderer’s disposal for the performance of the contract.
- Proof of Technical & Professional Capacity: Submit the required evidence for technical and professional capacity (see section 6.3.3). Please note the evidence provided by each sub-contractor, for those applicable criteria, will be checked only to ensure that the tenderer as a whole fulfils the criteria.

All subcontracting must be approved by the contracting authority, either by accepting the tender, or, if proposed by the Contractor after Framework Contract signature, by prior agreement of the contracting authority. In the latter case, the modification may be accepted only in exceptional circumstances when the contracting authority considers sub-contracting to be necessary to

⁹ See also section 7.1 and Annex I – Tender Submission Form – for a summary / overview of documents to be submitted as part of the tender.

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complete the project and when it does not lead to distortion of competition. Where no sub-contracting is indicated in the tender the work will be assumed to be carried out directly by the tender.

6 EVALUATION AND AWARD

6.1 Introduction

The evaluation will be based solely on the information provided in the submitted tender by the tenderer and in the light of the criteria set out hereunder.

The evaluation procedure will be carried out in four consecutive stages:

- Stage 1 – Verification of non-exclusion of tenderers on the basis of the exclusion criteria (see section 6.2 below),
- Stage 2 – Selection of tenderers on the basis of selection criteria (see section 3.3 below)
- Stage 3- Verification of compliance with the minimum requirements set out in these tender specifications (see section 6.4 below)
- Stage 4 – Evaluation of tenders on the basis of the award criteria (see section 6.5 below).

The tenders will be evaluated in the order indicated above. Only tenders meeting the requirements of one step will pass to the next step.

6.2 Verification of non-exclusion of tenderers on the basis of the exclusion criteria

Tenderers must provide a declaration on their honour (**Annex II**), dated and signed by a duly authorised legal representative, stating that they are not in one of the situations referred to in Articles 106 and 107 of Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (hereinafter “the Financial Regulation”).¹⁰

In case of consortia or joint tender, each member of the group must provide the declaration on honour signed by an authorised representative. To this end, each member of the group must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.

In case of subcontracting, all subcontractors whose share of the contract is above 15 % and all subcontractors whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative. To this end, they must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

¹⁰OJ L 286, 30.10.2015, p. 1-29.

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The exclusion criteria will be applied to each member of the group and each subcontractor concerned individually.

Supporting document: declaration on honour on exclusion and selection criteria (**Annex II**).

Evidence: In accordance with Article 141 of the rules of application of the Financial Regulation, the successful tenderer will be asked to submit evidence as defined in the declaration, before the signature of the framework contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of consortium or joint tender. It also applies to all subcontractors whose share of the contract is above 15% and to all subcontractors whose capacity is necessary to fulfil the selection criteria. The successful tenderer, referred as “the person” here below and in the declaration, must submit:

For situations described in (a), (c), (d) or (f) of the declaration,

- a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country where the person is established, showing that these requirements have been met.

For situations described in (a) or (b),

- recent certificates issued by the competent authorities of the State concerned are required. These documents must provide proof of payment of all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.
- Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or a notary or, failing that, by a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

A tenderer (or a member of the group in case of consortia or joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

If the tenderer is unable to provide the documents requested within the period specified by the contracting authority and cannot therefore prove that he is not in one of the situations of exclusion, the tender may be rejected and the contracting authority reserves the right to sign the contract with another tenderer.

A tenderer (or a member of the group in case of joint tender or consortia, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

Please refer to the following web page for additional information regarding the relevant requirements and model documents under national laws of the EU Member States: <https://ec.europa.eu/growth/tools-databases/ecertis/>

6.3 Selection of tenderers on the basis of selection criteria

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

All the requirements listed below must be met in order to enter the next phase of the assessment in the light of award criteria.

Please note that in the selection phase, assessment focuses on the experience and capacity of the tenderer, and not on the quality of the (technical) offer submitted. The latter is to be assessed in the light of the award criteria. Therefore, the evaluation of the selection criteria will be made on a YES/NO basis.

Supporting document: For the selection criteria, the tenderer (sole tenderer or leader in case of consortia or joint tender) must provide the declaration on honour (by filling in section VII of Annex II) stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria, for which a consolidated assessment will be carried out. This declaration is part of the declaration used for exclusion criteria (see section 6.2) so only one declaration covering both aspects should be provided by each concerned entity.

Evidence: Please note that all the supporting documents listed below (sections 6.3.1 to 6.3.3) must be provided with the tender and within the deadline for submission as proof of the declaration on the honour on the selection criteria referred to in the annex II. This requirement applies to each member of the group in case of consortia or joint tender and to subcontractors whose capacity is necessary to fulfil the selection criteria.

6.3.1 Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of consortia or joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, 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 applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

Evidence:

- Tenderers shall provide a dully filled-in **Legal Entity Form**, including all associated supporting documentation:
http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm#en
- If required under applicable law, evidence of inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

6.3.2 Economic and financial capacity criteria

The tenderer must demonstrate sufficient economic and financial resources to perform the contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

- 1) Criterion. Turnover.** The average annual turnover of the last two financial years for which accounts have been closed must be above **EUR 3 200 000**. This criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of consortia or joint tender and subcontractors.

Evidence

- Proof of economic and financial capacity shall be furnished by completing **Annex IV.a – Economic & Financial Capacity** and providing the balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed (where publication of the balance sheet is required under the company law of the country in which the economic operator is established).
- Failing that, appropriate statements from banks.

If, for some exceptional reason which the contracting authority considers justified, the tenderer is unable to provide the required evidence, it may prove its economic and financial capacity by any other document which the contracting authority considers appropriate. In any case, the contracting authority must at least be notified of the exceptional reason and its justification. The contracting authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

In the case of consortia or group each member will have to provide the information required above. In the case of subcontractors performing a share of the contract representing more than 15 % of the total value of the Framework Contract, the information requested above must be provided separately for each subcontractor.

NB: Public bodies and higher education establishments are not subject to a verification of their economic and financial capacity.

6.3.3 Technical and professional capacity criteria

Tenderers must demonstrate that they have sufficient technical and professional capacity to perform the contract by complying with the following criteria:

6.3.3.1 Tenderer's experience in the field of the contract

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The tenderer (in case of a consortia or joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below and provide the requested evidence (supporting documents)¹¹.

- 1) **Criterion. Professional experience.** Tenderer's proven experience in the subject of the contract, and in particular in areas such as ERTMS/ETCS specifications, Euroradio, ATO, Moving Block, Satellite Positioning, Eurobalise, IOP testing and Safety analysis and in projects that involved more than one EU Member state.

Evidence:

- The tenderer should provide references for at least three (3) projects delivered and successfully completed in the fields indicated above over the last five (5) years and in projects that involved more than one EU Member state.
- The tenderer must complete and sign the **Annex IVb-Technical and professional capacity template**- Tenderer's experience in the field of the contract and provide the supporting documents indicated above.

- 2) **Criterion. Language capacity:** the tenderer must prove capacity to work in English (C1 level in the Common European Framework for Reference for Languages¹²) and prove experience and capacity to draft and deliver excellent quality reports in English.

Evidence:

- The references for the at least three (3) projects delivered and successfully completed in the fields indicated above must show that they have been delivered in English.

6.3.3.2 Capacity of the team proposed by the tenderer/delivering the service

The tenderer must have the following team and must include, as a minimum, the following profiles with the number of persons indicated below:

Profile	Minimum number
<u>Project Manager</u>	1
<u>Senior expert</u>	10
<u>Junior expert</u>	5

¹¹ Please note that the S2R JU reserves the right to request further evidence in support of the technical & professional capacity criteria.

¹² <http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>.

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1) Criterion. Profile 1 – Project Manager

(a) Education

At least one Project Manager with a higher education degree or equivalent professional experience.

(b) Professional experience and skills

The Project Manager must demonstrate at least ten (10) years of professional experience in project management including quality control of the service, conflict resolution in projects of a similar size and with experience in management of team. Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence:

- The *curriculum vitae* of the Project Manager proving the professional experience described above. In the context of this call for tender, the tenderer is obliged to use the Europass format, which can be downloaded from the following address: <http://europass.cedefop.europa.eu>
- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service and provide the supporting document indicated above (CV of the Project Manager).

2) Criterion Profile 2 –Senior expert

(a) Education

At least ten (10) senior experts with a higher education degree in engineering or equivalent professional experience.

(b) Professional experience

Each senior expert must demonstrate professional experience of at least ten (10) years in the subject of the contract, and in particular in areas such as ERTMS/ETCS specifications, Euroradio, ATO, Moving Block, Satellite Positioning, Eurobalise, IOP testing and Safety analysis, and during the last ten (10) years). Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence:

- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service. No supporting documents (Cvs) are requested.

3) Criterion. Profile 3 Junior expert

(a) Education

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At least five (5) junior experts with a higher education degree or equivalent professional experience.

(b) Professional experience

Each senior expert must demonstrate professional experience of at least three (3) years in the subject of the contract, and in particular in areas such as ERTMS/ETCS specifications, Euroradio, ATO, Moving Block, Satellite Positioning, Eurobalise, IOP testing and Safety analysis, and during the last five (5) years). Professional experience includes the years of practice after obtaining the diploma required.

Evidence :

- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service. No supporting documents (Cvs) are requested.

In the case of consortia or joint tender, each member will have to provide the information required above according to their role in the consortium. In the case of subcontractors performing a share of the contract representing more than 15 % of the total value of the Framework Contract, the information requested above must be provided separately for each subcontractor according to their role in the consortium.

6.4 Compliance with minimum requirements

Tenders must comply with all the minimum requirements set out in the technical specifications (section 3).

Tenders deviating from the requirements or not covering all minimum requirements set out in the technical specifications will be rejected based on non-compliance with the tender specifications and will not be further evaluated.

Any compliant tender will be assessed on the basis of the award method detailed below.

6.5 Evaluation on the basis of the award criteria

The contract will be awarded to the economically most advantageous tender, on the basis of:

- the quality of the services offered, assessed in the light of the award criteria set out below, and
- the financial offer.

The weighting between the quality of the proposed services and the price offered is:

70% — quality of services

30% — price offered

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria.

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6.5.1 Evaluation of the quality of the offer

A maximum total score of **100 points** will be awarded for the quality of the tender. No minimum number of points must be achieved in each individual criteria.

The overall quality of each tender shall be evaluated on the basis of the following criteria:

Quality criteria	Description	Maximum points	Threshold (minimum number of points to be achieved)
1. Clarity and coverage of the proposed approach	This criterion will be evaluated based on the clarity, relevance and comprehensiveness of the proposed approaches in handling the indicative list of tasks described in section 3.2	15	NA
2. Quality and appropriateness of the methodological approach	<p>This criterion will be evaluated on the basis of the feasibility, relevance and effectiveness of the proposed methodology and technical approach for delivering the indicative list of tasks and deliverables described in section 3.2 and 3.3. In particular this criterion will assess:</p> <ul style="list-style-type: none">- the suitability and strength of the proposed methodology for achieving, in an efficient and comprehensive manner, the tasks.- the approach to dealing with unforeseen difficulties arising in the implementation of the tasks.- how well the specificities of the tasks are taken into account.- the appropriate use of the methodology suitable for ERTMS/ETCS specifications and related work areas and tasks of this tender.- the tools used (specific databases, sources of information, other techniques)	40	NA

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	to carry out the tasks: their track-record, quality and effectiveness.		
3. Organisation of work and allocation of resources for the contract management	<p>This criterion will be evaluated on the basis of:</p> <ul style="list-style-type: none"> - the extent to which the tenderer will provide an effective, swift and smooth organisation of the requested services while maintaining a high quality of service during contract implementation. - roles, interfaces and responsibilities of the experts made available - availability and involvement of the project manager, interaction and coordination with the experts team. - appropriateness of proposed tools in facilitating organisation. - contract follow-up and business continuity 	30	NA
4. Quality control measures	<p>This criterion will be evaluated on the basis of the quality control system applied to the services foreseen in these tender specifications and the extent to which the quality control system is relevant for every specific task. The quality system should be detailed in the tender and be specific to the tasks at hand; a generic quality system will result in a low score.</p>	15	NA
TOTAL		100	70

Only the tenders having reached a total number of points equal to 70 out of 100 will be considered for the financial evaluation. Tenders that do not reach the minimum quality thresholds will be rejected.

6.5.2 Prices and financial evaluation

After verification of the conformity of financial tenders submitted, the financial evaluation will be based on the analysis of the price among the admissible tenders who passed the technical evaluation.

To present its financial offer, the tenderer must complete the **Model Financial offer form in Annex V** with the utmost care. In order to do this, the tenderer must fill in the column "**Price per person/day**" of the excel document. Doing so all relevant cells of the excel document ("Weighted price per profile" and "Total price") will be filled in automatically.

For the financial comparison of the tenders, the price for the tender must be made up of the "Weighted price per profile" for each profile (all tasks included) expressed in euro (to two decimal places). The total price that will be taken into account for the financial evaluation and the award of the framework contract is the "**Total price**" - sum of the weighted price per profile (1),(2) and (3)- proposed by the tenderer in the financial offer after application of the method for weighting (%) per profile. After the signature of the framework contract, the price per "person/day" indicated in the financial offer must be used for the calculation of the price for each specific contract/order form.

Tenderers from countries outside the Eurozone must also quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges. In particular, they must be quoted free of VAT as the S2R is exempt from such charges, as specified under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The tenderer may indicate the amount of VAT but it must be shown separately.

Where a service is provided free of charge, the tenderer must indicate EUR 0, 00.

The quoted price must be a fixed amount, which includes all tasks included in the technical specifications and all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

Costs incurred in preparing and submitting tenders are borne by the tenderer and shall not be reimbursed.

The contracting authority may reject abnormally low financial tenders, in particular if it established that the tenderer or a member of the group (in case of consortia or joint tenders) does not comply with applicable obligations in the fields of social and labour national law.

6.5.3 Award formula and ranking of tenders

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. A weight of **70/30%** (in percentage) is given to quality and price.

To determine the order in which the tenders are ranked, the total score awarded to each tender will be calculated as follows:

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Score for tender X	=	$\frac{\text{Lowest price}}{\text{Price of tender X}}$	*	100	*	Price weighting (30%)	+	Total quality score (out of 100) for all award criteria of tender X	*	Quality criteria weighting (70%)
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All offers above the minimum quality threshold are ranked.

The tender which, in the final evaluation, receives the highest score will be considered the most economically advantageous tender.

The tender ranked first after applying the formula will be awarded the contract.

7 CONTENT AND PRESENTATION OF TENDERS

It is strictly required that tenders be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender. As a result, tenders must comply with the following conditions for submission.

7.1 Presentation of the Tender

Tenders must be submitted in accordance with the **double envelope system**:

Outer Envelope: The outer envelope or parcel should be sealed with adhesive tape, signed across the seal and carry the following information as shown in the diagram in 7.3 below:

- ✓ the ref. number of the call for tenders: **S2R.17.OP.04**
- ✓ the title of the contract : **Support to the ERTMS Deployment action as baseline for Shift2Rail (IP2) innovative solutions**
- ✓ the name of the tenderer
- ✓ the indication ***“Tender - Not to be opened by the internal mail service”***
- ✓ the address for submission of tenders *(as indicated in the letter of invitation to tender)*
- ✓ the date of posting *(if applicable)* should be legible on the outer envelope

Inner Envelopes: The outer envelope must contain **three inner envelopes**, namely, Envelopes A, B and C. The content of each of these three envelopes must be as follows:

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ENVELOPE A – ADMINISTRATIVE DATA: One signed original for documents listed 1 to 6 and 3 (three) copies* (identical in full to the original) for documents listed 7 to 9
Administrative Offer providing all information requested in section 5 and sections 6.1 to 6.3
1. Tender Submission Form – using template in Annex I (front page of administrative documents)
2. Declaration of honour on exclusion and selection criteria – using template provided in Annex II . In case of joint tender or consortia (section 5.5), the declaration of the “Leader” must be a signed original but those of other members may be electronic copies. Same apply in case of subcontractors (section 5.6)
3. <i>In case of joint tender or consortia (section 5.5):</i> powers of attorney (or equivalent document) issued by the consortium members empowering the representative of the consortium leader (tenderer) to submit a tender of their behalf.
4. <i>In case of sub-contracting (section 5.6):</i> Letter of intent for subcontractors – using the template provided in Annex III .
5. Financial Identification Form – using the template available in the link below with its supporting documents: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm
6. Legal Entity Form (section 6.3.1 Selection Criteria - Legal and regulatory capacity) – using template available in the link below and the supporting documents requested in section 6.3.1: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm
7. Economic & Financial Capacity Documents (section 6.3.2 Selection Criteria – Economic & Financial Capacity) – using the template provided in Annex IV.a and accompanied by the documents requested.
8. Technical & Professional Capacity Documents (section 6.3.3 -- Tenderer’s experience in the field of the contract) using the template provided in Annex IV.b and accompanied by the documents requested
9. Technical & Professional Capacity Documents (section 6.3.3-Capacity of the team proposed by the tenderer/delivering the service) using the template provided in Annex IV.c

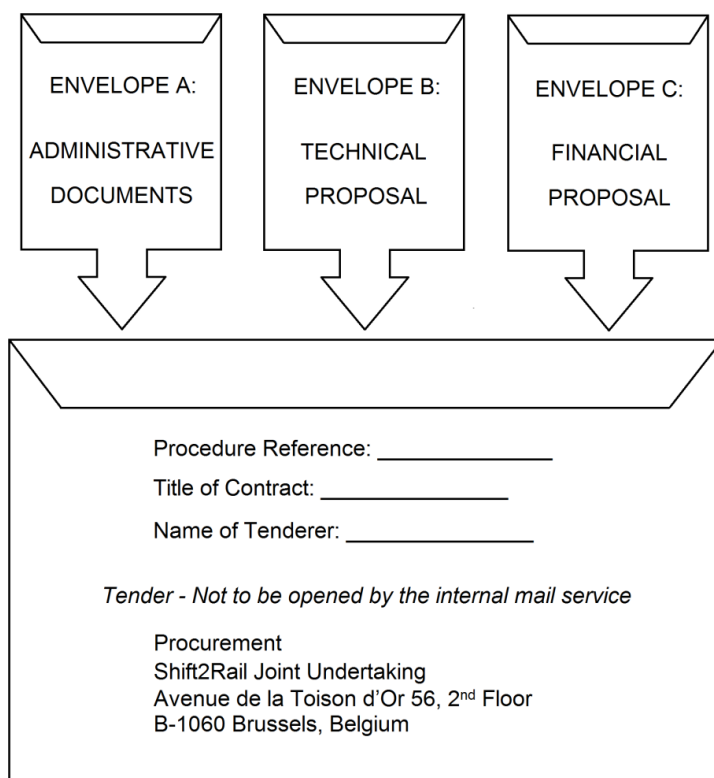
ENVELOPE B – TECHNICAL DOCUMENTS: One signed original and 3 (three) copies* (identical in full to the original) of the:
✓ Technical Offer providing all information requested in section 6.5.
ENVELOPE C - FINANCIAL DOCUMENTS: One signed original and 3 (three) copies* (identical in full to the original) of the:
✓ Financial Offer (section 6.5.2) using the template provided in Annex V- Model Financial offer form

**The original tender must be marked “ORIGINAL”, and the copies (of the signed original) marked “COPY”.*

7.2 Language of the Tender

Tenders should be drafted in one of the official languages of the European Union, **preferably in English.**

7.3 Tender Submission - Envelope Diagram



8 ANNEXES

- Annex I- Tender Submission Form
- Annex II-Declaration of honour on exclusion and selection criteria
- Annex III- Letter of intent for identified subcontractors
- Annex IV.a – Economic and Financial Capacity template
- Annex IVb-Technical and professional capacity - Tenderer's experience in the field of the contract
- Annex IVc- Technical and professional capacity -Capacity of the team proposed by the tenderer/delivering the service
- Annex V-Model Financial offer form