

## **Flight Inspection Services ATC-NL**

Invitation to Tender - Open procedure



## Table of content

|   |  |           |
|---|--|-----------|
| <b>1.</b>                                       | <b>General Information</b>   | <b>3</b>  |
| 1.1   | Purpose  | 3         |
| 1.2   | Organization ATC-NL  | 3         |
| 1.3   | Digital offering   | 3         |
| 1.4   | Definitions and Abbreviations  | 3         |
| 1.5   | Contract description   | 4         |
| 1.6   | Tender specific information  | 5         |
| <b>2.</b>                                       | <b>Tender Procedure</b>  | <b>6</b>  |
| 2.1   | Correspondence   | 6         |
| 2.2   | Schedule (tender planning) / Milestone overview                                    | 6         |
| 2.3   | Tendering and further information  | 7         |
| 2.4   | Submission of questions for clarification (Memorandum of Explanation)              | 8         |
| 2.5   | Other procedural provisions  | 9         |
| 2.6   | Price  | 10        |
| 2.7   | Submittal of the Tender  | 11        |
| 2.8   | Completeness check   | 11        |
| 2.9   | Evaluation of the Tender   | 11        |
| 2.10  | Contract Award   | 12        |
| 2.11  | Acceptance of the tender conditions  | 12        |
| <b>3.</b>                                       | <b>European Single Procurement Document and grounds for exclusion</b>              | <b>13</b> |
| 3.1   | European Single Procurement Document (ESPD)  | 13        |
| 3.2   | Grounds for exclusion  | 13        |
| <b>4.</b>                                       | <b>Minimum requirements</b>  | <b>14</b> |
| 4.1   | Minimum requirement pertaining to professional abilities - Reference statements    | 14        |
| 4.2   | Minimum requirements pertaining to suitability to pursue the professional activity | 17        |
| 4.3   | Russian exclusion  | 17        |
| <b>5.</b>                                       | <b>Award Criteria</b>  | <b>18</b> |
| 5.1   | Award Criteria - Most economically advantageous tender                             | 18        |
| 5.2   | Relation between the individual Award Criteria                                     | 18        |
| 5.3   | Assessment of the price - Procurement Cost Table (PCT)                             | 18        |
| 5.4   | Assessment of the quality  | 20        |
| <b>Annex 1 – Abbreviation &amp; Definitions</b> |  | <b>23</b> |
| Abbreviations                                   |  | 23        |

# 1. General Information

## 1.1 Purpose

Air Traffic Control the Netherlands (ATC-NL) is launching this European tender procedure according to the open procedure.

The purpose of this Invitation to Tender is to provide information to interested entrepreneurs about the Contract, the Tender Procedure to be followed, and the way in which selection and the awarding of the Contract shall take place.

Based on this Invitation to Tender, ATC-NL wish to award the Contract to the Tenderer having the Most Economically Advantageous Tender (MEAT).

## 1.2 Organization ATC-NL

Aviation connects the Netherlands with the world. Aviation is essential for the accessibility of our densely populated country and the surrounding countries. For almost a hundred years, Air Traffic Control the Netherlands (ATC-NL) has ensured the safe handling of air traffic in the Dutch civil airspace.

We do this in a professional manner. As a public service provider, we are an honest broker, who uses knowledge, expertise and experience to make a valuable contribution to the Netherlands in the form of well-being and prosperity. Our purpose is: to make aviation possible together. We give substance to this by creating value for the Netherlands, our customers and partners. We do this by contributing to the reduction of noise pollution and emissions in the Netherlands. We create value for our customers and partners by increasing the reliability and efficiency of our operation.

ATC-NL provides general air traffic services (area control) and approach and local air traffic services (approach and tower control) at Amsterdam Airport Schiphol, Rotterdam The Hague Airport, Groningen Airport Eelde, Maastricht Aachen Airport and Lelystad Airport. Our head office is located at Schiphol. ATC-NL employs more than 1,000 people and pursues an active diversity and inclusion policy. The management team, together with the board, manages the day-to-day operations.

ATC-NL wants to take its responsibility for a sustainable world of tomorrow and has translated the subject sustainability in a sustainable vision 'making lean and sustainable aviation possible together'. The pillars of this sustainable vision are: Climate, Circular and Health & Social.

On the site [www.lvnl.nl](http://www.lvnl.nl) you can read all relevant information about ATC-NL.

## 1.3 Digital offering

This purchasing process will take place in a digital format through an online tender.

## 1.4 Definitions and Abbreviations

The abbreviations that are applicable for this tender procedure and its tender documents are listed in "Annex 1" to this Invitation to Tender.

## 1.5 Contract description

Within the Dutch airspace there is a network of navigation beacons that mark the airspace structure, including VHF Omnidirectional Range (VOR), Distance Measuring Equipment (DME) and Non-Directional Beacon (NDB) for the benefit of navigation and guidance of civil air traffic. Besides the beacons that mark the airspace structure, Instrument Landing Systems (ILS) combined with DME are used for accurate landings on almost all civil airports. Furthermore, ATC-NL uses a network of Direction Finders (DF) to assist air traffic controllers. All these aforementioned systems need to be calibrated within the legally established deadlines. The calibration of these systems are partly done by flight inspection which is the scope of this contract. (The ground checks are out of scope of this contract.)

### 1.5.1 Reason and scope of the Contract

The current contract for ATC-NL is expiring. Therefore ATC-NL wants to contract a supplier who executes the Flight Inspection Services for (but not limited to):

- Flight inspection of the systems mentioned in Annex 2 (Requirements document), table 1. This is a dynamic list, additional systems may be added and dropped during the contract period.
- Validation of instrument flight procedures (see Annex 2, paragraph 1.2.2)
- Flight Inspection of Communication and Surveillance systems (described in paragraph 5.4.2 of this document).

The provisional planning for flight inspection services in clusters is laid down in Annex 3.

Activities not included in the scope of this Tender (which are performed by ATC-NL engineers):

- Adjusting/tuning of the calibrated systems;
- Maintenance of the calibrated systems;
- Ground checks of the calibrated systems.

### 1.5.2 Agreement form and Duration

The Contract is intended to start at 1 July 2025 and will end at 30 June 2028. The Contracts may be extended for two times at most unilaterally by ATC-NL, each with a period of 3 years.

The conditions under which the services shall be performed shall be subject to the ATC-NL Purchase Agreement with respect to Flight Inspection Services 2025 (Annex 4a) and the General Procurement Terms and Conditions of ATC-NL shall apply (Annex 4b).

The (draft) Purchase Agreements have been included in the tendering documents for convenience purposes only as Annex 4a. The Purchase Agreements shall not be considered for the award of points during the assessment of the award criteria. The provisions in the Purchase Agreements may eventually be adjusted in order to do justice to and to prevent inconsistency with the contents of the Tender of the Tenderer to whom the Contract shall be awarded.



## **1.6 Tender specific information**

### **1.6.1 Substantiations**

#### ***One lot***

This tender procedure consists of one lot and is not subdivided into several lots. ATC-NL considers the scope of supplies and services of this assignment as a coherent whole.

#### ***Tender procedure options***

ATC-NL has opted for an OPEN PROCEDURE considering the number of potential suppliers and the complexity of the assignment.

### **1.6.2 Variants (alternatives)**

ATC-NL does not allow Alternatives.

### **1.6.3 Working language**

The working language and the language of the documents submitted for the purpose of the tender procedure is English unless ATC-NL has specifically stipulated otherwise in the tender documents.

## 2. Tender Procedure

### 2.1 Correspondence

Questions for the Memorandum of Explanation can be submitted through the Question and Answer module.

All your other correspondence (including confirmation of receipt, complaints and other notices) must be sent through the message centre on Tendered to the contact person in this tender.

It is not permitted to contact employees at ACT-NL directly, other than the contact person listed as buyer for this tendering procedure at the Tendered platform. In case Tenderer contacts employees at ATC-NL directly regarding this tender procedure, shall result in the exclusion of the Tenderer

#### 2.1.1 Conditions

The 2012 Public Procurement Act ('Aw') apply to this tender. These documents can be found on: [www.wetten.overheid.nl](http://www.wetten.overheid.nl), [www.rijksoverheid.nl](http://www.rijksoverheid.nl) and [www.pianoo.nl](http://www.pianoo.nl) respectively.

By submitting your Tender in the way set out in this Invitation to Tender, you become a Tenderer for the tender procedure and you accept without reservations all terms and conditions set out in this Invitation to Tender (including annexes) and in the Memorandum of Explanation.

In the event of conflict between the provisions of the Dutch Tendering Act 2012 and this Invitation to tender, the Dutch Public Procurement Act 2012 shall prevail.

#### 2.1.2 Complaints

Complaints can concern non-compliance to legal stipulations or an infringement of the general tender principles. You must state and substantiate clearly to which aspect(s) of the tender procedure your complaint relates. Your complaint will be handled by professional officials who are not involved and who will not be involved in this tender procedure. ATC-NL aims to deal with your complaint within a reasonable period of time. Complaints shall be sent to the following email address: [klachtenmeldpuntaanbestedingen@lvnl.nl](mailto:klachtenmeldpuntaanbestedingen@lvnl.nl).

### 2.2 Schedule (tender planning) / Milestone overview

The tender planning ("schedule") as published on the Tendered platform, provides an overview of the individual milestones in the Award Phase. In case of a conflict between the contents of this planning on the one hand and the contents of one or more questions in this questionnaire on the other hand, the latter shall prevail.

The information in the tender planning ("schedule") is indicative. No rights can be derived from the planning. In case the ATC-NL decides to change the tender planning ("schedule") then this shall be done in line with the time constraints in the 2012 Public Procurement Act. ATC-NL reserves the right to adjust the dates as referred to in the planning as long as the adjustment will not lead to discrimination of one or more Tenderers.



## **2.3 Tendering and further information**

### **2.3.1 Conditions**

The following conditions apply:

- Tendering can only take place by submitting the filled in and legally signed European Single Procurement Document supplemented by the legally signed reference statement(s). Any other information, reservation or document that is submitted by the tenderer shall not be taken into consideration by ATC-NL. Legally signed means that (a) person(s) with authority to represent the tenderer/tenderer, as appears from the Dutch Trade Register (Dutch: "*handelsregister*") or a comparable trade register in tenderer's country of registration signs the documents.
- The Tender must be submitted not later than the date and time as mentioned in the planning in Tendered. The risk of your Tender not arriving in time is yours. ATC-NL therefore advises you to (for example) submit the requested information one day earlier than the stated latest submittal date.
- The Tender must be submitted in the required manner, filled in completely and correctly and on time. If the Tender is incorrect, incomplete, too late or if it has not been submitted in the required manner, this may result in exclusion from the participation in this tender procedure.
- The Tender as well as all accompanying correspondence must be in the English language. A natural or legal person may Tender only once (either independently or in combination with other natural or legal persons, either as main- or subcontractor) to this tender procedure.
- ATC-NL reserves the right to validate provided information and references.

### **2.3.2 Tendering by means of a consortium**

A consortium, consisting of a group of economic operators, can tender as being one tenderer. If tendering takes place by a consortium each company which is a member of the consortium must submit a fully completed and legally signed copy of the European Single Procurement Document. Moreover, each consortium member must state in part II section C of the European Single Procurement Document information about the reliance on the capacities of other entities.

The consortium must also submit an alliance agreement with organizational chart showing at least which economic operators are responsible for which work, together with a statement that, if the assignment is acquired, the division of tasks as stated in the alliance agreement will be complied with.

It is not possible to change a consortium that has already been formed after the Tender date, unless ATC-NL gives its explicit permission. The request for a change will, in any case be rejected if according to ATC-NL the change violates (European) procurement law.

Economic operators that tender as a consortium are jointly and severally liable for compliance to all obligations arising from the possible awarding of the contract. If the contract is awarded to a consortium, the consortium will adopt a legal status (commercial partnership, private limited company, public limited company and suchlike) with which ATC-NL will enter into a contract. Each individual economic operator must provide a statement accepting joint and several liability towards the special sector company under the heading of any assignment granted to the consortium.

### **2.3.3 Tendering with an appeal on third parties (nominated subcontractor)**

In order to meet the stipulated (minimum) requirements the tenderer can also appeal on the financial and/or economic strength or the technical and/or professional ability of third parties. A condition for appealing on such third parties is that the tenderer can prove that it actually has the third parties' resources at its disposal as required for timely and successful execution of the contract.

In the case of intra company relationships as well as in the case of a nominated subcontractor you must state in part II section C of the European Single Procurement Document for which (minimum) requirements you will call upon technical/professional abilities and/or financial/economic strength from third parties. The third party resources which are called upon must be used during the execution of the assignment.

Changing a 'nominated subcontractor' during the tender procedure or during the term of the contract is only possible after ATC-NL's written consent. Therefore, you must submit a written request to ATC-NL on time. The request for a change will in any case be rejected if according to ATC-NL the change violates (European) procurement law.

#### **2.3.4 Subcontracting**

The Tenderer must also state in your Tender if, and if so, who you intend to deploy as subcontractor (not to be confused with a nominated subcontractor). Tenderer should state which part of the contract you intend to subcontract to which subcontractor(s). You are required to submit a separate Uniform European Tender Document containing the information requested in Part II, Sections A and B and Part III for these third party(ies) at the request of ATC-NL or to submit the information referred to in Section 2.79(2)(a) to (c) of the Procurement Act 2016.

Changing a subcontractor during the tender procedure or the term of the contract is only possible after ATC-NL's written consent. Therefore, you must submit a written request to the ATC-NL on time. The request for a change will in any case be rejected if according to ATC-NL the change violates (European) procurement law.

#### **2.4 Submission of questions for clarification (Memorandum of Explanation)**

Questions for clarifications shall be submitted no later than the date and time stated in the planning ("schedule") as published on the tender platform. **Questions are preferably asked immediately and continuously, but no later than the date and time stated in the planning. Where possible, ATC-NL will publish answers as soon as possible, but no later than ten calendar days before the deadline for submitting your application.** Questions must be submitted one-by-one using the Question and Answer module, so that each question automatically relates to the relevant section.

You may only ask questions using the Question and Answer module. It is not permitted to contact another ATC-NL official directly regarding this tender procedure. This may result in exclusion from further participation in this tendering procedure.

If the Tenderer did not inform the ATC-NL in this manner on time, then Tenderer will not be allowed to make any (later) claim regarding an alleged error, irregularity, contradiction or any other obscurity. If the Tenderer has any remarks regarding the Invitation to submit a Tender, the appendices or the procedures, the Tenderer must formulate them clearly and submit them on time. Only questions that are received on time and that are relevant according to the ATC-NL, will be answered by ATC-NL.

Questions submitted on time through the Questions and Answer module will be answered by ATC-NL via this Question and Answer module into the so-called Memorandum of Explanation. These questions and answers shall become an integral supplement to the Invitation to submit a Tender. The statements in the Memorandum of Explanation will prevail over the stipulations in the Invitation to submit a Tender and will become an integral part of the contract.



## **2.5 Other procedural provisions**

### **2.5.1 Additions and/or changes**

Additional information and/or changes that are provided after the submittal date will not be accepted unless ATC-NL explicitly requested it.

### **2.5.2 Continuously meeting the requirements**

If, at any point in time, during this tender procedure it is evident that the tenderer no longer meets the requirements stated in the Invitation to Tender, ATC-NL may exclude the tenderer from further participation in this tender procedure.

### **2.5.3 Suspension or termination of the tender procedure**

ATC-NL has the unconditional right and without any liability for compensation, to:

- a) end the procedure before the term, for reasons of its own;
- b) change the planning (“schedule”) (with the exception of minimum terms determined by law);
- c) withdraw or change the Award decision;
- d) not award the total assignment or part of the assignment.

### **2.5.4 Time limits**

A time limit stated in this Invitation to Tender will commence on the first hour of its first day and will end at the last hour of the last day according to the local Amsterdam time, unless specified otherwise.

If a time limit stated in this Invitation to Tender commences at the same time an event or action takes place, the day on which the event or action takes place will not be included in this time limit.

The time limit will end on the last hour of the next working day if the last day of a time limit stated in this Invitation to Tender is a general or locally recognized (public) holiday or is a day of rest or bank holiday prescribed by the Government or is considered to be so by virtue of a collective labour agreement which is of importance to ATC-NL.

### **2.5.5 Errors, contradictions, remarks and questions**

All documents including the relevant appendices which were drawn up by or on behalf of ATC-NL as a result of the current tender procedure, have been drawn up with great care. In the event the tenderer notices errors, irregularities, contradictions or obscurities, the tenderer shall inform ATC-NL thereof as soon as possible, but no later than ultimately one week before the Tender submittal date. If the tenderer did not inform ATC-NL in this manner on time, the tenderer will not be allowed to make any (later) claims regarding an alleged error, irregularity, contradiction or any other obscurity. If the tenderer has any remarks regarding the Invitation to Tender, the appendices or the procedure, the tenderer must formulate them clearly and submit them on time.

### **2.5.6 Confidentiality**

ATC-NL as well as the tenderer will treat the information that is exchanged in view of the tender procedure as confidential. ATC-NL reserves the right to exclude any Tenderer who violates this provision;

ATC-NL is not obliged to provide the tenderer with internal information such as evaluation results, comparisons and advice relating to the award, with the exception of what is obliged to do so to substantiate a rejection pursuant to the 2012 Public Procurement Act.

The Tender and all annexes that are provided to ATC-NL in connection with this tendering procedure become the property of ATC-NL the moment they are received. The Tenderer grants ATC-NL the right to use, modify or make a model of any ideas, suggestions, text and other proposals, drawings and other information and documents provided in connection with this Invitation to Tender, even if the Contract is ultimately not awarded to the Tenderer. The use, modification or other form of modelling does not entitle the Tenderer to any compensation under any name or title whatsoever. ATC-NL warrants that it will treat the information originating from the Tenderer - in respect of which it knows or should know that it is confidential - confidentially, and will take the legitimate business and other interests of the Tenderer into account.

ATC-NL will not return the submitted Tender documents and the relevant appendices.

#### **2.5.7 Intellectual property of the tender documents**

All intellectual property rights on the documents and the information provided by ATC-NL in connection with this tender procedure, including and in any case, the Invitation to Tender as well as all the appendices and explanations provided, will remain vested in ATC-NL.

Except for exceptions stipulated in the Copyright Act. Nothing from the documents, including the relevant appendices that were provided by ATC-NL may be reproduced by means of printing, photocopying, micro film or otherwise, without ATC-NL's written consent and inasmuch this is not reasonably required for a correct and complete answer to the questions, or in order to submit a tender.

#### **2.5.8 Use rights of the Tender**

The application and all appendices that are submitted to ATC-NL in connection with this selection procedure will be ATC-NL property from the time they are received. The tenderer grants ATC-NL the right to use ideas, suggestions, (textual) propositions, drawings and other information and documents in connection with this tender, even if the contract is eventually not awarded to the tenderer. The use, the processing or different formats will not entitle the tenderer to any compensation irrespective of the name of the title to be used. ATC-NL warrants that information from the tenderer, the confidentiality of which it knows or ought to know, will be treated confidential, whereby the legitimate (business) interests of the tenderer will be taken into account.

#### **2.5.9 Tendering with conditions**

Submitting a Tender with conditions, reservations or with restrictions is not allowed and ATC-NL can consequently exclude the Tender from further participation in this tendering procedure.

ATC-NL reserves the right to disqualify Tenderers who provide incomplete information or who provide false, misleading or grossly inaccurate information;

#### **2.5.10 Dispute settlement, forum selection**

Each dispute arising from this tender procedure between the parties involved will only be submitted to the competent (preliminary relief) court in Amsterdam, the Netherlands.

### **2.6 Price**

The basic idea of the Tender must be based on lifecycle cost for the product and/or services, in other words, the integral cost price during the whole lifetime of the product. Hence, the Tenderer must include all relevant cost items relating to the assignment (such as insurances, transport, taxes, levies, administrative charges, permit costs, etc.), even if they are not requested explicitly in this Invitation to



submit a Tender. Costs that are not explicitly stated in the Tenderer's Tender will not be accepted during the term of a contract.

All prices must be stated in Euros, excluding VAT and without decimals.

## **2.7 Submittal of the Tender**

The Tender shall have been received by ATC-NL on or before the date and time stated in the tender planning ("schedule").

Tenderers cannot submit their Tender onto the Tendered platform after the submittal date and time has passed as stated in the tender planning ("schedule"). Tenders received after this date and time shall not be taken into consideration by ATC-NL and the subject Tenderer shall consequently be excluded from further participation in this tendering procedure.

After this date and time, ATC-NL will first check if you have answered all questions and have submitted all required information. Upon ATC-NL's request a meeting with you may take place after receipt of your Tender to clarify the contents of your Tender. If the completeness check does not give any reason for exclusion, ATC-NL will then check whether your Tender meets the set award requirements as stipulated in the Invitation to Tender. If your Tender does not meet these award requirements, you will be excluded from further participation in this tendering procedure.

All submitted Tender documents shall contain a reference to this tender procedure;

## **2.8 Completeness check**

ATC-NL will start the evaluation of the received and filled in Invitation to Tender(s) after the submittal deadline after which the Tenders will be opened. This is performed on the Tendered tender platform.

ATC-NL will first check whether the information you provided in the European Single Procurement Document, including the corresponding appendices and the other required information has been received on time, is complete and is legally signed.

By signing the European Single Procurement Document the signatory states that he/she has signed the European Single Procurement Document unconditionally and without any reservations, on behalf of the tenderer.

Moreover, ATC-NL stresses that a European Single Procurement which in retrospect (with or without verification) contains inaccuracies or commitments that cannot be fulfilled, can be construed by ATC-NL as a false statement. This will lead to immediate exclusion of the tenderer from the tender procedure.

## **2.9 Evaluation of the Tender**

ATC-NL shall assess the Tenders in accordance with the Award Criteria. ATC-NL shall select the Tenderer who on the basis of said assessment has been awarded most points, as the Tenderer to whom ATC-NL intends to award the contract. The Tenderers shall be notified by ATC-NL of the results of the assessment on or before the date mentioned in the tender planning ("schedule"). The result shall mention the name of the Tenderer to whom ATC-NL intends to award the contract.

In case two or more Tenderers are equally eligible for Contract Award because they have been awarded the same amount of points, the ranking between these Tenderers shall be determined by their

respective score on the Award Criterion for quality. This means that the Tenderer with the higher score on the Award Criterion quality will be eligible for Contract Award.

Subsequently in case two or more Tenders are equally eligible for Contract Award because they have been awarded the same amount of points for the Award Criterion quality, the ranking between these Tenderers shall be determined by lot. The Tenderers in question will be notified in time that lots will be drawn and where, when, how and by whom this lottery will take place. The Tenderers in question are entitled to attend when lots are drawn.

After the evaluation has been completed the notification of the Award decision will be send to all Tenderers. The Tenderer with the Most Economically Advantageous Tender (MEAT) will receive a notice of award. The other Tenderers will receive a substantiated notice of rejection.

## **2.10 Contract Award**

ATC-NL will communicate the award decision by means of a written notification to the Tenderers involved. That notification will state the grounds of the award decision. The notification will be sent simultaneously to all Tenderers involved.

Rejected Tenderers who disagree with the award decision have the possibility to bring a preliminary relief proceedings before the court of Haarlem (Rechtbank Arrondissement Noord-Holland) within 20 days.

In the event a preliminary relief proceeding is instituted, another Tenderer who is involved will be obliged to join as a party to the action upon ATC-NL's first request. Failure to comply with this request shall result in termination of any claim to the execution of the assignment.

The award decision will become final after the 20 day period has ended and if the submitted documentary evidence of the provisionally selected Tenderer has been proved. If the selected Tenderer does not submit the documentary evidence within 3 (three) days may be excluded from further participation in the tender procedure. If a Tenderer has been excluded then the next ranked Tenderer - the Tenderer who was (initially) ranked at second place - will then be offered the opportunity to submit his documentary evidence and to become a selected Tenderer.

In exceptional and substantiated cases that are in line with public procurement law, ATC-NL may decide to require further clarifications to the submitted documentary evidence from a tenderer.

## **2.11 Acceptance of the tender conditions**

By submitting a Tender, Tenderer agrees with and accepts all the conditions that are applicable to this tender procedure.

## 3. European Single Procurement Document and grounds for exclusion

### 3.1 European Single Procurement Document (ESPD)

You must state the following in the European Single Procurement Document (ESPD):

- whether the grounds for exclusion applied by ATC-NL are applicable to you;
- whether you meet the minimum requirements applied by ATC-NL pertaining to financial and economic standing, and technical and/or professional ability.

In order to meet the stipulated requirements the tenderer can appeal on the financial and/or economic strength or the technical and/or professional ability of third parties ("nominated subcontractor" ref. Invitation to Tender paragraph 2.3.3). A condition for appealing on such third parties is that the tenderer can prove that it actually has the third parties' resources at its disposal as required for the contract. Therefore, if the tenderer tenders with an appeal on a/multiple third party/parties for complying with requirement pertaining to financial and/or economic strength or the technical and/or professional ability, the tenderer and nominated subcontractor(s) shall fill in and upload attached document "Statement of Appeal on Third Parties Financial-Economic Strength" and/or "Statement of Appeal on Third Parties Technical-Professional Abilities".

### 3.2 Grounds for exclusion

The grounds for exclusion are there to verify your integrity as a tenderer. If one or more of the grounds for exclusion apply to you, your application will be excluded from further participation in the tender procedure. In case ATC-NL intends to invite you to submit a tender, CA shall require you to prove that the grounds exclusion are not applicable to you.

- With regard to part III section A of the European Single Procurement Document: by means of the Gedragsverklaring Aanbesteden (GVA) which is a certificate of good conduct, which at the time of submitting the Tender is not older than 2 (two) years.
- With regard to part III section B of the European Single Procurement Document: by means of a tax statement, which at the time of submitting the Tender is not older than 6 (six) months.

ATC-NL shall also accept information and documents from another Member State that serve a similar purpose and from which it is evident that the grounds for exclusion are not applicable to the tenderer. In case of verification the tenderer needs to be able to upload these documents within 5 (five) working days.

## 4. Minimum requirements

### 4.1 Minimum requirement pertaining to professional abilities - Reference statements

The minimum requirements with regard to professional abilities relate to a number of specific subjects that apply to the assignment in question. These specific subjects have been translated into core competencies.

For the requested core competencies, the Tenderer must submit a reference form for each core competency, demonstrating that your organization has sufficient knowledge, skills, experience and organizational capacity and specifically meets the described core competency to successfully execute an assignment as referred to in these Tender Guidelines. Multiple core competencies can be demonstrated with one reference.

All contact persons of references must be approachable by ATC-NL without the intervention of the Tenderer. Shielding contact persons of customers in connection with possible confidentiality obligations or indicating that contact is only possible via the Tenderer will result in the reference in question not being included in the assessment. ATC-NL will not sign 'non-disclosure agreements' as a condition for obtaining a reference.

ATC-NL reserves the right to contact the referees without your intervention to verify your statement. If this verification shows that the Tenderer does not meet the conditions set, Tenderer will no longer be eligible for an invitation to register and the Application will be set aside.

When stating the reference assignment, it must be stated what the assignment was, whether it was awarded directly to the Tenderer, which component(s) were carried out by the Tenderer and whether the assignment was carried out to the satisfaction of the referee.

A reference assignment that has not yet been fully delivered/completed by the Tenderer at the time of submitting the Tender will be accepted insofar as it concerns parts of the service that have demonstrably been accepted by the customer. In order to promote competition, a reference order may be a maximum of 3 years old, calculated from the date of publication of this Tender. If a reference order has been carried out in a combination or as a subcontractor, the share that has been carried out by the Tenderer's organisation must be clearly evident.

If you provide a reference assignment that you have carried out together with another party, only the part of the reference assignment that you have carried out yourself will count for the assessment of minimum requirements (except insofar as you are tendering in combination with that other party or otherwise demonstrate that you will actually have that experience during the execution of the order; in that case you can enter the entire order/value).

Each reference statement shall adhere to these minimum requirements:

1. Each reference shall be in writing and the template as laid down in attached document;
2. Each reference shall not be older than 3 (three) years calculated from the date of the agreement of the basis of which the activities to which the reference relates have been performed;
3. Each reference shall contain the name of the customer to whom the tenderer has delivered the products and/or services;



4. Each reference shall contain the name of a contact person at the offices of the client, the address and telephone number and/or Email address on which the person can be reached;
5. Each reference shall contain an extensive and detailed description of the products and/or services which are part of the assignment;
6. Each reference shall mention the value of the products and/or services as delivered to the customer;
7. Each reference shall mention whether the tenderer executed the agreement on his own, as a consortium and/or with the help of (a) subcontractor(s);
8. If applicable, the reference shall contain the name(s) of the consortium members and/or subcontractor(s) and the name of a contact person at the offices of such consortium members and/or subcontractor(s) and the address and telephone number and/or Email address on which the person can be reached.

Failing to provide the information as requested above may result in exclusion from further participation in the tender procedure. Tenderer is requested to the completely filled-in Reference Statement Document (Annex 6).

#### **4.1.1 Core competence 1**

The Tenderer should have at least one reference that demonstrates that the Tenderer has the following core competency and that these competencies have been carried out in the 3-year period preceding the date of the Tender. Please note: at the specified reference it should be stated that, according to the relevant client, the Tenderer has executed the contract in a satisfactory and timely way:

**Making flight inspections for an Aviation Authority for calibration of all of the following systems: ILS (all categories), VOR, DME and DF.**

Tenderer must complete the format (Reference Form, Annex 6) in full, sign it legally and upload it on the Tendered platform in response to question C1.

#### **4.1.2 Core competence 2**

The Tenderer should have at least one reference that demonstrates that the Tenderer has the following core competency and that these competencies have been carried out in the 3-year period preceding the date of the Tender. Please note: at the specified reference it should be stated that, according to the relevant client, the Tenderer has executed the contract in a satisfactory and timely way:

**Making flight inspections for an Aviation Authority for calibration of Surveillance and Communication systems.**

Tenderer must complete the format (Reference Form, Annex 6) in full, sign it legally and upload it on the Tendered platform in response to question C2.

#### **4.1.3 Core competence 3**

The Tenderer should have at least one reference that demonstrates that the Tenderer has the following core competency and that these competencies have been carried out in the 3-year period preceding the date of the Tender. Please note: at the specified reference it should be stated that, according to the relevant client, the Tenderer has executed the contract in a satisfactory and timely way:

##### **Making flight inspections for an Aviation Authority for validation of flight procedures.**

Tenderer must complete the format (Reference Form, Annex 6) in full, sign it legally and upload it on the Tendered platform in response to question C3.

#### **4.1.4 Certificate of Airworthiness (CoA)**

The Tenderer has a valid Certificate of Airworthiness (CoA) for each aircraft intended to be used for the flight inspection operations issued by a national Civil Aviation Authority.

By means of the legally signed European Single Procurement Document (ESPD), the Candidate confirms compliance with this minimum requirement.

At the request of ATC-NL the Tenderer must be able to demonstrate this.

#### **4.1.5 Quality management system**

The Tenderer must have a certified quality control system (ISO 9001 or equivalent).

Within 5 working days after provisional award, the Tenderer to whom ATC-NL intends to award the contract must submit the evidence pertaining to this requirement. This shall be demonstrated by means of submitting documentary evidence in the form of a valid certificate issued by the officially recognized body that has certified your quality control system.

#### **4.1.6 Information Security Management System**

The Tenderer must have a certified Information Security Management System (ISO 27001 or equivalent).

Within 5 working days after provisional award, the Tenderer to whom ATC-NL intends to award the contract must submit the evidence pertaining to this requirement.

This shall be done in the form of a valid certificate issued by the officially recognized body that has certified your Information Security Management System.

## **4.2 Minimum requirements pertaining to suitability to pursue the professional activity**

### **4.2.1 Commercial registration (Chamber of Commerce)**

The Tenderer must be registered with the Chamber of Commerce in accordance with the requirements of the member state in which your company is established.

The Tenderer must prove his Tender by means of an extract (not older than six months) from the Trade Register of a Chamber of Commerce or a comparable institution in your country and upload this on the Tendered platform.

*! This extract must enable ATC-NL to verify that your Tender has been signed by (a) person(s) with authority to represent the Tenderer.*

### **4.3 Russian exclusion**

The Tenderer is familiar with EU Regulation 833/2014 as amended by EU Regulation 2022/576. This Regulation imposes sanctions, among other things, on Russia, Russian companies, (certain) Russian residents, and products and materials originating from Russia. The Tenderer confirms that there shall not be any Russian involvement in the execution of the assignment.

By means of the legally signed European Single Procurement Document (ESPD), the Candidate confirms compliance with this minimum requirement.

## 5. Award Criteria

This chapter contains the award criteria on the basis of which ATC-NL will assess the Tenders.

### 5.1 Award Criteria - Most economically advantageous tender

The award criterion is the most economically advantageous tender (MEAT). The Tenderer with the highest final score will be considered the Tenderer with the most economically advantageous Tender (MEAT), determined on the basis of the best price-quality ratio.

The quality/ price ratio is 70%/ 30%.

### 5.2 Relation between the individual Award Criteria

The relation between the price on the one hand and the quality of the proposed solution on the other hand shall be as follows:

| Award Criterion  | Maximum achievable amount of points | Maximum achievable percentage score % |
|--|-------------------------------------|---------------------------------------|
| Essentials (Requirements Document)   |                                     | 33%                                   |
| 1. FI2024 - 2.2 :Measurement uncertainty per parameter                           | 7                                   |                                       |
| 2. FI2024 - 3.1.2: Duration required for a Routine ILS flight inspection at EHAM | 7                                   |                                       |
| 3. FI2024 - 3.1.3: Limits for flight inspection aircraft                         | 7                                   |                                       |
| 4. FI2024 - 3.2.2: FIS used by (sub)contractor                                   | 5                                   |                                       |
| 5. FI2024 - 3.2.4: Measurement system calibration interval                       | 5                                   |                                       |
| 6. FI2024 - 3.2.9: Continuous recording 3D position during flight                | 2                                   |                                       |
| Plan of Action/ Service plan   | 33                                  | 33%                                   |
| Sustainability Plan  | 4                                   | 4 %                                   |
| <b>Quality</b>   | <b>70</b>                           | <b>70%</b>                            |
| <b>Price</b>   | <b>30</b>                           | <b>30%</b>                            |
| Procurement Cost Table   |                                     |                                       |
| <b>Total score for the Tender</b>  | <b>100</b>                          | <b>100%</b>                           |

### 5.3 Assessment of the price - Procurement Cost Table (PCT)

The template for the Procurement Cost Table can be downloaded from Tendered. The Procurement Cost Table shall be completed by the Tenderer and submitted to ATC-NL as part of the Tender. The legally signed Procurement Cost Table must be uploaded to Tendered.

Please note that all prices must be stated in Euros, excluding VAT and without decimals (i.e. e.g. € 3.456).



Please note that Tenderer is required to only submit his price information in the cells that have been marked by a blue shade. Tenderer shall refrain from entering information in any other cells of the Procurement Cost Table.

The Tenderer who has submitted the Tender with the lowest procurement price, as referred to in the Procurement Cost Table (Annex 5), shall be awarded the maximum number of points). The procurement price of the tenders of the other Tenderers shall be awarded a lower number of points, to be calculated pursuant to the following formula:

$$Y_p = [30] * \left( \frac{X}{Y} \right)$$

$Y_p$  = number of points for the price component of the subject tender  
 $X$  = the lowest price of all submitted tenders  
 $Y$  = the price of the subject tender

Each item score will be rounded by Round-Half-Up method. If an option cannot be met by the Tenderer than this item will be awarded zero points.

*Example* (maximum number of points to be awarded: 30)

|            | Procurement price in tender | Number of points awarded | Check        |
|------------|-----------------------------|--------------------------|--------------|
| Tenderer A | € 120                       | 30                       | (120/120)*30 |
| Tenderer B | € 140                       | 26                       | (120/140)*30 |
| Tenderer C | € 195                       | 18                       | (120/195)*30 |

Because of the nature of the above formula, Tenderers shall not be allowed to submit a Tender at a price of €0,00 (zero Euro).

The total costs are all-inclusive rates. Tenderer should therefor include all relevant cost items related to the contract including - but not limited to - salary costs (taxes and contributions), office and administrative costs, use of the equipment, coordination costs, ferry costs, costs for air traffic control/air traffic services, airport costs, travel costs (including travel time), insurances, general expenses, consultation / evaluation with ATC-NL and its partners, material costs, fuel etc. even if not explicitly requested in this Tender. Costs not explicitly included in the Tenderer's Proposal will not be accepted during the contract period.

The Procurement Cost Table (Annex 5 to this Invitation to Submit a Tender) shall be **fully completed** by the Tenderer and be returned to ATC-NL as part of his tender. The Procurement Cost Table shall be legally **signed** by a duly authorized representative of the Tenderer. In absence of such signature, the Tender shall not be taken into consideration by ATC-NL and the Tenderer shall consequently be **excluded** from further participation to this tendering procedure. A legally signed Procurement Cost Table is considered to be a Procurement Cost Table signed by an authorised signatory who is registered at the Chamber of Commerce, or an equivalent document showing that the signatory is authorised to represent and bind the company.

## 5.4 Assessment of the quality

### 5.4.1 Assessment of the quality – Requirements document

The Requirements document (Annex 2) must be filled in by Tenderer and submitted as part of the Tender. For each of the identified requirements a compliance statement is mandatory. A substantiation for the stated compliance is mandatory for all Essential requirements and for a number of Knockout requirements (as clearly marked in the Requirements document).

The Requirements Document contains a large number of requirements to what is required. There are different priorities of requirements: "Knockout" and "Essential" during the tender procedure. Knock-out requirements are mandatory for a Tenderer to commit to and for Essential requirements Tenderer is free-to-choose whether or not to commit. These priorities shall have the following meaning:

- **Knockout:**

"Knockout" indicates that the tender can only FULLY comply with the content of the subject requirement. Failing such full compliance shall automatically result in the exclusion of the Tenderer from further participation in this tender procedure. The contract shall NOT be awarded to the Tenderer in question-

The "Tenderer's Statement of Compliance" field of the Compliance Overview Table shall for every Knockout requirement be a selection of "Compliant" or "Not Compliant".

- **Essential:**

"Essential" indicates the level of performance, capability and/or specification for which ATC-NL awards points based on the compliance statement and substantiation. Based on the Tenderer's substantiation how and/or to what extent Tenderer complies with the requirement, ATC-NL may award points. In general: the more the tender complies with such requirement, the more points may be awarded. If no substantiation is provided, no points shall be awarded, regardless whether the Tenderer complies with the requirement or not. If a too little or poorly substantiated explanation is provided according to ATC-NL, no points shall be awarded.

### 5.4.2 Assessment of the quality – Plan of Action

Tenderer is required to write his Plan of Action and by doing so describe his approach to successfully provide the requested service. Topics to be covered are:

- Company general information and track record for flight inspection.
- Transition phase at start of contract: describe how you will take over the service from the current party (if applicable). Consider planning resources needed and any risks.
- Explain your approach for planning of the activities, including how you deal with cancelled or postponed flights; your flexibility to respond to requests for incidental flights and your flexibility to accommodate commissioning flights;
- Describe what measures have been taken to maximize availability of the service (in terms of personnel, equipment and aircraft).
- Describe, if applicable, which (nominated) subcontractor you will use for which part of the services and how often you expect to use this (nominated) subcontractor. Describe also the subcontractors organization, equipment and aircraft.
- Describe your possibilities and limitations to take-off and perform ferry flights during icing weather conditions.
- Describe in detail the flight inspection organization, covering all aspects of ICAO Doc 8071 sections 1.11.2 to 1.11.7.



- Describe your flight inspection possibilities for
  - Non Directional Beacons (NDB/Locator) and
  - Communication systems,
  - Radar systems (i.e. Mode S)
 (Note that these systems are not to be checked on a regular basis, but only on request).
- Describe in detail the Flight Inspection System(s), explaining (but not excluded to):
  - FIS manufacturer, type, date of purchase, operating hours
  - Navigation receivers (manufacturer, type, amount)
  - General design of FIS and design of FIS integration in the flight inspection aircraft
  - FIS software capabilities.
- Tenderer may use different types of position-reference systems for different systems to be measured. For the following cases specify which position-reference system(s) will (preferably) be used and specify for each the associated positioning errors (95% confidence level):
  - ILS inspections at Amsterdam Airport Schiphol (CAT I, CAT III)
  - ILS inspections at airports other than Amsterdam Airport Schiphol (CAT I, CAT III).
  - NAV en-route system inspections
  - SUR & COM system inspections.
- Tenderer should describe the possibilities and required arrangements to determine the DF bearing error. The description should address (but not limited to):
  - measuring method(s) and measurement uncertainty;
  - measuring equipment and equipment for (post-) processing of data.
- Describe the arrangements made to perform flight inspections for multi DME and GNSS/SBAS coverage, covering:
  - Measuring method(s)
  - Measurement uncertainty of the measuring method(s)
  - Measuring equipment and associated equipment for post-processing of data
  - How many DME's can be measured simultaneously in one flight check
  - The capability to identify the DME's used in the position solution of the FMS at a certain moment.
- The location and characteristics of all flight inspection equipment, cabling and antennas should be optimized in order to avoid as much as possible interference problems and/or accuracy errors during flight inspection and the calibration of this equipment. Describe what measures have been taken to ensure that flight inspection measurements are adequately protected against the prevailing EMC environment internal and external to aircraft. Provide associated test reports on emission and immunity.
- Describe the possibilities to connect other specific measurement equipment provided by ATC-NL in the aircraft (e.g. spectrum analyser, mode-S analyser, all with 230V/50Hz power supply and max 2000W). Describe also the available measurement antennas to connect this equipment to.

The submitted Plan of Action shall be used in the awarding of points as part of the award criterion Quality.

Please note that the final (approved) Plan of Action shall be a part of the Master Agreement and shall form the basis for executing the assignment regarding Flight Inspection Services.

The answers will be assessed on the following - but not exclusively - points of attention. No separate points will be awarded to the points of attention; they will be assessed as a whole on the:

- minimal disruption to the operation of ATC-NL;
- reliability of the service;

- flexibility in the service;
- task relief for ATC-NL;
- efficiency.

For the answer to this award criterion, use a maximum of fifteen (15) A4 pages (excluding the front cover, table of contents, back cover, test reports and the overview of subcontractors). If the answer uses more than the indicated number of A4 pages, the additional A4 pages will not be included in the assessment.

#### **5.4.3 Assessment of the quality - Sustainability plan**

Tenderer shall provide a Sustainability plan how Tenderer will contribute to the degree of CO<sub>2</sub> reduction during the contract period. Please discuss amongst others aspects on:

- Current possibilities (or future plans to) to fly on Sustainable Aviation Fuel;
- How Tenderer is going to reduce CO<sub>2</sub> emissions during the contract

For the answer to this award criterion, use a maximum of three (3) A4 pages (excluding the front cover, table of contents and back cover). If the answer uses more than the indicated number of A4 pages, the additional A4 pages will not be included in the assessment.

## Annex 1 – Abbreviation & Definitions

### Abbreviations

|        |  |
|--------|--|
| ATC-NL | Luchtverkeersleiding Nederland (Air Traffic Control the Netherlands) |
| DME    | Distance Measuring Equipment   |
| DF     | Direction Finder   |
| CA     | Contracting Authority  |
| CNS    | Communication, Surveillance and Navigation                           |
| CoA    | Certificate of Airworthiness   |
| COM    | Communications   |
| DF     | Direction Finder   |
| DVOR   | Doppler VHF Omnidirectional Range                                    |
| DME    | Distance Measuring Equipment   |
| EMC    | Electromagnetic Compatibility  |
| ESPD   | European Single Procurement Document                                 |
| FIS    | Flight Inspection Services   |
| GNSS   | Global Navigation Satellite System                                   |
| ICAO   | International Civil Aviation Organization                            |
| ILS    | Instrument Landing Systems   |
| ISO    | International Standards Organization                                 |
| MEAT   | Most Economically Advantageous Tender                                |
| MSSR   | Monopulse Secondary Surveillance Radar                               |
| NDB    | Non Directional Beacon   |
| PBN    | Performance-Based Navigation   |
| SBAS   | Satellite-based Augmentation Systems                                 |
| SUR    | Surveillance   |
| SVOR   | Standard VHF Omnidirectional Range                                   |
| VHF    | Very High Frequency  |
| VOR    | VHF Omnidirectional Range  |

The definitions in Article 1.1 of the Dutch Tendering Act 2012 (*Aanbestedingswet 2012*) shall apply mutatis mutandis. To the extent that additional definitions are used in this document they are used with an initial capital.

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