

Study on alternative communication bearers in the railway environment



Invitation to Tender

Subject: Call for tenders “Study on alternative communication bearers in the railway environment”

Ref: Open Procedure - S2R.18.OP.05

Dear Sir/Madam,

1. The Shift2Rail Joint Undertaking (hereafter referred to as the “S2R JU” or the “contracting authority”) is planning award the contract resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter, the tender specifications with their annexes and the draft contract. All documents are available at the S2R JU’s website: <https://shift2rail.org/participate/procurement/ongoing-calls-for-tender/>

Submission of tenders

2. If you are interested in this contract, you should submit a tender in one of the official languages of the European Union, preferably in English.
3. Tenders must be submitted on paper and respect the instructions provided in the Tender specifications (Section 7 – Content and presentation of tenders). An electronic copy contained in a USB key must also be provided.
4. The time limit for receipt of the tender is **19 November 2018** (as indicated in Heading IV.2.2 of the contract notice). You must use one of the means of submission listed below. Local time shall be understood as local time at the contracting authority's location (i.e.: Brussels, Belgium). Receipt is understood as the time at which the tenderer hands over the tender to the post office or courier service or central mail department.

A tender received after the time-limit for receipt of tenders will be rejected. The tender reception confirmation with the official date and time of receipt of the tender constitutes proof of compliance with the time-limit for receipt of tenders.

Means of submission	Time limit	Evidence	Address for delivery
Post	24:00 CET	Postmark	Procurement Shift2Rail Joint Undertaking TO56 2 nd Floor B-1049 Brussels, Belgium

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Courier	24:00 CET	Deposit slip of courier service	Procurement Shift2Rail Joint Undertaking Avenue de la Toison d'Or 56, 2 nd Floor B-1060 Brussels, Belgium
In person (hand delivery)	17:00 CET	Proof of receipt, signed and dated (including the time of submission) by the person who took delivery at the S2R JU's premises. Please note that the S2R JU's Reception desk is open Monday to Friday from 08.00 to 17:00 (Brussels time) except during S2R JU official holidays.	

**Important Note: Please inform the S2R JU whether you intend to submit a tender, by sending an e-mail to the following e-mail address: procurement@s2r.europa.eu*

5. Tenderers must ensure that their tenders :

- are signed by an authorised representative;
- perfectly legible so that there can be no doubt as to words and figures;
- drawn up using the model reply forms in the tender specification.

Tenderers must ensure that their submitted tenders contain all the information and documents required by the contracting authority at the time of submission as set out in the procurement documents.

6. All costs incurred in preparing and submitting tenders shall be borne by the tenderers and will not be reimbursed.

Legal effects of the invitation to tender and submission of a tender

7. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the tender specifications and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It shall be binding on the tenderer to whom the contract is awarded for the duration of the contract.
8. This invitation to tender is in no way binding on the S2R JU. The contracting authority's contractual relationship commences only upon signature of the contract with the successful tenderer.
9. Up to the point of signature, the S2R JU may cancel the procurement procedure, without the tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.
10. The period of validity of the tender, during which tenderers may not modify the terms of their tenders in any respect, is indicated in Heading IV.2.6 of the contract notice.

Contacts during the procurement procedure

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11. Contacts between the S2R JU and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the date of receipt indicated in point 4:

Upon request, the S2R JU may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only to: procurement@s2r.europa.eu

The S2R JU is not bound to reply to requests for additional information received less than six working days before the final date for submission of tenders indicated in point 4.

The S2R JU may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other type of clerical error in the text of the procurement documents.

Any additional information including that referred to above will be posted on the S2R JU website at: <https://shift2rail.org/participate/procurement/ongoing-calls-for-tender/>

This website will be updated regularly and it is your responsibility to check for updates and modifications during the period for submission of tenders.

Opening of tenders:

12. Tenders will be opened in public at the time and place indicated under Heading IV.2.7 of the contract notice. A maximum of one representative per tender can attend the opening of tenders as provided in Heading IV.2.7 of the contract notice. For organisational and security reasons, the tenderer must provide the first name(s), surname(s) and ID or passport number of the representative¹ at least two working days in advance to: procurement@s2.europa.eu. The representatives will be required to sign an attendance sheet. The contracting authority reserves the right to refuse access to its premises if the above information or the tender reception confirmation are not provided as required.

13. The public part of the opening session will be strictly limited to the following aspects:

- verification that each tender has been submitted in accordance with the submission requirements of the call for tender;
- announcement of the tenders received: the names of the tenderers (all members in the case of a joint tender) will be announced;

Tenderers not present at the opening session may send an information request to procurement@s2.europa.eu if they wish to be provided with the information announced during the public opening.

14. Once the S2R JU has opened the tender, the documents becomes its property and will be treated confidentially.

¹ This data is only necessary to ensure access to S2R JU's premises. Details concerning the processing of your personal data are detailed below.

Evaluation phase (after the opening of tenders):

15. Except in duly justified cases, tenderers who have failed to submit evidence or to make statements as required in the procurement documents, shall be contacted by the contracting authority to provide the missing information or clarify supporting documents.
16. The contracting authority may correct obvious clerical errors in the tender after confirmation of the correction by the tenderer. Such information, clarification or confirmation shall not substantially change the tender.

Award phase:

17. Tenderers will be notified of the outcome of this procurement procedure by e-mail. The notification will be sent to the e-mail address provided in the tender for the tenderer (group leader in case of a joint tender). The same e-mail address will be used by the contracting authority for all other communications with the tenderer. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

Data protection

18. If processing your reply to this invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data². Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the S2R JU. Details concerning the processing of your personal data are available on the privacy statement on the S2R JU internet's site at: <https://shift2rail.org/participate/procurement/>
19. Your personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 142 of the Financial Regulation³. For more information, see the Privacy Statement on: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm

Means of redress

20. You may submit any observations concerning the procurement procedure to the S2R JU by the means of contact indicated under point 11. If you believe that there was maladministration, you may lodge a complaint to the European Ombudsman within two years of the date when you became aware of the facts which form the basis for the complaint (see <http://www.ombudsman.europa.eu>).
21. Within two months of notice the outcome of the procedure (award decision), you may launch an action for annulment of the award decision. Any request you may make and any reply from the S2R JU, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for bringing

² Regulation 45/2001 will be repealed and replaced by a new Regulation in order to be brought in line with the General Data Protection Regulation.

³ Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012 (2012 Financial Regulation). Official Journal of the European Union, L 193, 30 July 2018.

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an action for annulment or of opening a new period for launching an action for annulment. The body responsible for hearing annulment procedures is indicated in Heading VI.4.1 of the contract notice.

Carlo M Borghini

S2R JU Executive Director

Date and e- signature

