

Invitation to Tender

Subject: Call for tenders “Railway operators, staff and passengers expertise”

Ref: Open Procedure - S2R.19.OP.01

Dear Madam/Sir,

1. The Shift2Rail Joint Undertaking (hereafter referred to as the “S2R JU” or the “contracting authority”) is planning to award the contract(s) resulting from the above procurement procedure. The procurement documents consist of the contract notice, this invitation letter, the tender specifications with its annexes and the draft contracts.
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).
4. The contract is to be awarded in the form of three separate Lots. For each Lot, tenderers must submit separate tenders each containing the complete required documentation (see Annexes). The S2R JU will sign up to one framework service contract with the successful tenderer of each lot. The draft Framework Service Contracts, one for each Lot, are annexed to this invitation to tender.
5. The time limit for receipt of the tender is **28 August 2019**. You must use one of the means of submission listed below. 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.

| Means of submission | Time limit | Evidence | Address for delivery |
|---------------------------|------------------|---|---|
| Post | 24:00 CET | Postmark | Call for tenders “S2R.19.OP.01 [please specify LOT]” Shift2Rail Joint Undertaking Att. Procurement team TO56-60 B-1049 Brussels Belgium |
| Courier | 24:00 CET | Deposit slip of courier service | Call for tenders “S2R.19.OP.01 [please specify LOT]” Shift2Rail Joint Undertaking Att. Procurement team |
| In person (hand delivery) | 17:00 CET | Proof of receipt, signed and dated (including the time of submission) by the person who takes delivery in the mail department | Shift2Rail Joint Undertaking Att. Procurement team |

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| | | | Avenue de la Toison d'Or 56-60 B-1060 Brussels Belgium |
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**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*

Mail can be received from 08:00 to 17:00 Monday to Fridays. The service is closed on Saturdays, Sundays and official holidays of the contracting authority.

6. 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.
 - indicate a Unit price for all the Profiles/Items listed in annexed Excel file sheet created for the Lot for which the tender is submitted. If the Excel sheet of the relevant Lot is not filled in in all the unlocked cells, the offer for this Lot will be disqualified.
7. 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.
8. 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.
9. All costs incurred in preparing and submitting tenders shall be borne by the tenderers and will not be reimbursed.
10. A maximum of two representatives 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), ID or passport number of the representatives at least 3 working days in advance to: procurement@s2.europa.eu. Failing that, the S2R JU reserves the right to refuse access to its premises.
11. Contacts between the S2R JU and tenderers are prohibited throughout the procedure save in exceptional circumstances 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 the functional mailbox: 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/>

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

After the opening of tenders:

If obvious clerical errors in the tender need to be corrected or confirmation of a specific or technical element is necessary, the contracting authority will contact the tenderer provided this does not lead to substantial changes to the terms of the submitted tender.

12. 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.
13. 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.
14. Once the S2R JU has opened the tender, the documents becomes its property and will be treated confidentially.
15. All tenderers will be informed of the outcome of this procurement procedure (award decision) by e-mail only. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check this e-mail regularly.
16. 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 (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.) 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 S2R JU Legal notice at: <https://shift2rail.org/terms-of-use/>
17. 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 136 of the Financial Regulation¹. For more information, see the Privacy Statement on: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm
18. You may submit any observation concerning the procurement procedure to the S2R JU by the means of contact indicated under point 10. If you believe that there was maladministration, you may lodge a complaint

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012.

to the European Ombudsman within two years of the date when you became aware of the facts on which the complaint is based (see <http://www.ombudsman.europa.eu>).

19. Within two months of notice of the award decision, you may bring an action for annulment of the award decision. Any request you may make and any reply from us, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for bringing an action for annulment or of opening a new period for bringing 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
Executive Director