

**Specifications attached to the Invitation to Tender No.  
ERA/2006/ERTMS/OP/01**



**Survey of safety approvals for the first ERTMS  
implementations**

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## Section A. Introduction

### A.1. What is ERA?

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#### Introduction

The European Railway Agency, (hereinafter "ERA" or "the Agency"), is a specialised agency of the European Community, which has been given specific regulatory tasks in the railway sector.

The Agency is located in Valenciennes/Lille, France, and has the mission of reinforcing safety and interoperability of railways throughout Europe, and thus adding a strong new momentum towards the shared vision of a truly integrated, competitive European railway area.

As part of its common transport policy, the Community has adopted legislation to pave the way for gradual establishment of an integrated European railway area, both legally and technically. This involves the development and implementation of Technical Specifications for Interoperability and a common approach to questions concerning railway safety.

The Agency's main task is to manage the preparation of these measures. We are in the process of progressive setup, scheduled to end by mid 2006. After this short phasing in period, the Agency shall get fully operational, with initially about 100 members of staff, mostly professionals from the European railway sector.

Agency structure, main tasks and working methods are outlined in Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency.

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

### A.2. What is a tender?

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For its organisation and functioning ERA is in constant need of goods and services. 'Tendering' is the structured way to consult the market for the purchase of these goods and services.

The purpose of competitive tendering for awarding contracts is two-fold:

- to ensure the transparency of operations;
- to obtain the desired quality of services, supplies and works at the best possible price.

The applicable regulations, namely directives **92/50/EEC**, **93/36/EEC** and **93/37/EEC**, and **2004/18/EC** oblige ERA to guarantee the widest possible participation, on equal terms in tender procedures and contracts.

### A.3. Who is eligible to participate to this tender?

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This procurement procedure is open to any natural or legal person wishing to bid for the assignment and established in the EU, the EEA or any other country covered by the *WTO* Government Procurement Agreement<sup>1</sup>.

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<sup>1</sup> More information can be found at the following link: [http://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm)

## **Section B. Guidelines and general information related to this tender**

### **B.1. What should my offer consist of?**

Tenderers must submit an offer that comprises of the following 3 elements:

#### ***B.1.1. Technical proposal***

The technical proposal must be consistent with the terms of reference and contain all information requested in section C.3. In preparing the technical proposal you should bear in mind the award criteria against which it will be evaluated, see **section C.6**.

#### ***B.1.2. Financial proposal***

The financial proposal must include a detailed financial breakdown based on the format found in section D.3. Prices must be quoted in EURO using the conversion rates published in the C series of the Official Journal of the European Communities on the day when the invitation to tender was issued. This information is also available on the Website of the European Central Bank at the following URL: <http://www.ecb.int/stats/exchange/eurofxref>.

Prices must be quoted free of all duties, taxes and other charges (including VAT) as ERA is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Communities.

The amount of VAT must be shown separately.

#### ***B.1.3. Supporting documentation***

The supporting documentation is an important part of your offer and must be complete to guarantee that your technical proposal will be evaluated. The supporting documentation must contain the following 4 elements:

- Declaration of eligibility

This declaration must be provided based on the format found in **section D.1**, together with the necessary evidence. More information on the eligibility to tender is provided in point 5 below.

- Selection criteria documentation

All documentation requested in **section C.5**.

- Tenderer administrative information

This information is necessary to allow ERA to produce the contractual documentation in the event you are awarded the contract. This information is particularly important for payments, since payments will be made by bank transfer to the account indicated by the tenderer in the standard forms. The standard forms to be used can be found in **section D.2**.

- Checklist

The checklist found in **section D.5** must be included as a cover page of your technical proposal.

## **B.2. Contacts between ERA and the tenderer**

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### ***B.2.1. Written clarification before the closing date for submission of tenders***

Requests for clarification regarding this procurement procedure or regarding the nature of the contract can be sent by post mail or email to:

**Mr Pio Guido – Acting Head of ERTMS Unit**  
**European Railway Agency**  
**160 Boulevard Harpignies**  
**BP 20392**  
**F-59307 Valenciennes**  
**France**  
**Email: [pio.guido@era.europa.eu](mailto:pio.guido@era.europa.eu)**

The deadline for clarification requests is indicated in the timetable under **section C.1**. Each request for clarification sent to ERA should indicate the reference number and the title of the tender.

ERA will provide additional information resulting from the request for a clarification in the following way:

- If you have requested the tender documentation by email or by mail, you will receive written clarifications by email or mail.
- If you have downloaded the tender documentation from ERA web site then you should check regularly the following URL address where the written clarifications will be available for download: [http://www.era.europa.eu/public/about/business\\_with\\_us.aspx](http://www.era.europa.eu/public/about/business_with_us.aspx)

In case ERA discovers an error, a lack of precision, an omission or any other type of clerical defect in the text of the contract notice or in the tender specifications, ERA will inform candidates at its own instance.

### ***B.2.2. Oral clarification before the closing date for submission of tenders***

Where a site visit at ERA's premises or a meeting is deemed necessary before the closing date for submission of tenders in order to clarify certain aspects of the tender, ERA shall make the necessary arrangements and inform or invite candidates. The costs incurred in attending shall be borne by the tenderer. ERA may, however, decide that the query would be more efficiently dealt with by means of a written clarification.

In case a meeting or visit is taking place, the dates are indicated in the timetable under **section C.1**.

## **B.3. Can I offer something that varies from what is requested in the terms of reference?**

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In the absence of any such indication in the tender specifications your offer should not deviate from the services requested.

#### **B.4. Can a consortium of companies submit an offer?**

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Joint offers from consortia of service providers are permitted provided that conditions for adequate competition are observed. The consortium must clearly indicate which service provider will be carrying out which tasks as well as who has been appointed by the others as the lead partner.

#### **B.5. Do I comply with all formal requirements to be eligible for tendering?**

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##### ***B.5.1. Exclusion criteria***

Tenderers should provide satisfactory evidence that they are not in one of the situations to be excluded from tender participation as described in the model declaration of eligibility under **section D.1**.

This evidence is to be provided by the tenderers:

i. ERA shall accept, as satisfactory evidence that the tenderer is not in one of the situations described in point (a), (b) or (e), mentioned in the declaration of eligibility under **section D.1**, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.

ii. ERA shall accept, as satisfactory evidence that the tenderer is not in the situation described in point (d) mentioned in the declaration of eligibility under **section D.1**, a recent certificate issued by the competent authority of the State concerned.

Where no such certificate is issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

##### ***B.5.2. Misrepresentation and corruptive practises***

The contract will not be awarded to tenderers who, during the procurement procedure:

- i Are subject to a conflict of interest;
- ii Are guilty of misrepresentation in supplying the information required by ERA as a condition of participation in the contract award procedure or fail to supply this information;
- iii Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or ERA during the process of examining, clarifying, evaluating and comparing tenders, will lead to the rejection of his offer and may result in administrative penalties.

## **B.6. Confidentiality & public access to documents**

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In the general implementation of its activities and for the processing of tendering procedures in particular, ERA observes the following rules:

- i Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, and;
- ii Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

## **B.7. Where do I find the standard provisions ERA applies in its contracts?**

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In drawing up your offer, you should bear in mind the provisions of the draft contract (see **section E**). In particular, the draft contract indicates the method and the conditions for payments to the contractor.

Provisions included in the draft contract may be subject to change.

## **B.8. How should I report on my progress?**

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In order to ensure that public funds are being spent correctly, the Contractor chosen as a result of this tendering procedure may be required to submit reports on the progress of the assignment. If applicable, the nature and frequency of these reports is detailed in the terms of reference (see **section C.2**).

## **B.9. How and when should I present my offer?**

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### **B.9.1. Language**

Offers must be submitted in one of the official languages of the European Union, but tenderers are encouraged to use English (for practical reasons). Both the technical proposal and the financial proposal should be signed and perfectly legible in order to rule out any ambiguity.

### ***B.9.2. Dates and postal address***

The offer should be postmarked not later than the date indicated in the timetable in **section C.1** or submitted by hand not later than the date and time indicated in **section C.1**.

Tenders sent by post mail are to be sent to the following postal address:

**Mr Pio Guido – Acting Head of ERTMS Unit  
European Railway Agency  
160 Boulevard Harpignies  
BP 20392  
F-59307 Valenciennes  
France**

Tenders sent by Express Mail, commercial courier or hand-delivered should be addressed to the following physical address:

**Mr Pio Guido – Acting Head of ERTMS Unit  
European Railway Agency  
160 Boulevard Harpignies  
F-59300 Valenciennes  
France**

### ***B.9.3. Double envelope system***

Offers must be submitted in accordance with the **double envelope system**.

The **outer envelope or parcel** should be sealed with adhesive tape and signed across the seal and carry the following information:

- the reference number of the invitation to tender (No. **ERA/2006/ERTMS/OP/01**)
- the project title ("**Survey of safety approvals for the first ERTMS implementations**")
- the name of the Tenderer
- the indication "Offer - Not to be opened by the internal mail service".
- the address for submission of offers (see above)
- the date of posting (if applicable) should be legible on the outer envelope

The three innermost envelopes are:

**Envelope A**, containing one original (unbound, signed and clearly marked as "Original") of the **technical proposal** and three copies (bound and each marked as "Copy").

**Envelope B**, containing one signed original and three copies of the **Financial Proposal**.

**Envelope C**, one original copy of the **supporting documentation**.



## **B.10. How will my offer be evaluated?**

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Offers are opened and evaluated by a committee, possessing the technical and administrative capacities necessary to give an informed opinion on the offers. The committee members are nominated on a personal basis by ERA under guarantee of impartiality and confidentiality. Each of them has equal voting rights.

### ***B.10.1. Offer opening session***

The main aim of the opening session is to check whether the offer received is compliant with the following formal requirements:

- ✓ Not submitted later than the submission deadline
- ✓ The envelope containing the offer is sealed
- ✓ Written in an EU language (preferably in English)
- ✓ Signed
- ✓ Contains a technical and financial proposal and supporting documentation
- ✓ Submitted in the number of copies required

The offer opening session will take place on the date indicated in the timetable in **section C.1** at the premises of ERA.

Tenderers wishing to attend the opening session should send a confirmation e-mail to [pio.guido@era.europa.eu](mailto:pio.guido@era.europa.eu). Maximum one representative per tenderer may attend the opening session and their participation will be restricted to an observer role.

### ***B.10.2. Offer evaluation session***

Offers complying with the formal requirements checked during the offer opening session will be evaluated in two stages:

1. The evaluation committee first discusses the eligibility and capacity of the tenderer to perform the contract in view of the Selection Criteria as defined in **section C.5**. If one of the relevant criteria listed under the Selection Criteria is not positive, the offer may not be further evaluated.
2. Each committee member evaluates the technical proposal and awards a score against the Award Criteria. Weighting the technical quality against the price, the economically most advantageous offer is established.

The offer evaluation procedure is confidential. The evaluation committee's deliberations are held in closed session and its decisions are collective. The members of the evaluation committee are bound to secrecy.

The evaluation reports and written records are for official use only and may not be communicated to the tenderers nor to any party other than ERA, the European Anti-Fraud Office and the European Court of Auditors.

### ***B.10.3. Interviews***

If interviews are required for this tender then the date will be indicated in **section C.1**. If no date is indicated then this implies that no interview is necessary.

The costs for attending the interview shall be borne by the tenderer.

## **B.11. Appeals**

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Tenderers believing that they have been harmed by an error or irregularity during the award process may petition the Contracting Authority directly (European Railway Agency). If the above procedure fails, the tenderer may have recourse to procedures established under Community legislation. European citizens also have the right to complain to the European Ombudsman, who investigates complaints of maladministration by the European Community.

## **B.12. Intellectual property**

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All the data collected and produced in the scope of this contract as well as the deliverables and all the related artefacts shall be the properties of the Agency and shall not be used by the tenderer without prior agreement of the Agency. The tenderer shall continue to be bound to this clause after completion of the contract.

### **B.13. Other information**

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The submission of an offer implies acceptance of the terms specified in the "General terms and conditions applicable to contracts" and all provisions laid down in these specifications and its annexes, the invitation to tender and where applicable, additional documents.

Tenderers are expected to examine carefully and respect all instructions and standard formats contained in these specifications and the invitation to tender. An offer which does not contain all the required information and documentation may be rejected.

The tenderer shall be bound by his offer for a period of 90 days following the closing date for submission of offers. The successful tenderer must maintain its offer for a further 60 days from the date of notification of the award.

Where a maximum budget is mentioned in the terms of reference, any tenderer submitting a financial proposal exceeding this budget will be rejected.

All documents presented by the tenderer become the property of ERA and are deemed confidential. ERA will not reimburse expenses incurred in preparing and submitting offers.

Completing the adjudication or the procedure of the call for tenders in no way imposes on ERA an obligation to award the contract. ERA shall not be liable for any compensation with respect to tenderers whose offers have not been accepted, nor shall ERA be liable when deciding not to award the contract.

Each tenderer will be informed in writing about the outcome of the call for tender.

## **Section C. Specific information related to this Tender**

### **C.1. Timetable**

The timetable for this tender and the resulting contract is as follows:

**No. ERA/2006/ERTMS/OP/01**

Title: Survey of safety approvals for the first ERTMS implementations

<b>Summary timetable</b>		<b>Comments</b>
Launch date	<b>August 11<sup>th</sup> 2006</b>	Date publication sent to OJ
Site visit or clarification meeting (if any)		Not applicable for this tender
Deadline for request for clarifications from ERA	<b>September 11<sup>th</sup> 2006</b>	
Last date on which clarifications are issued by ERA	<b>September 18<sup>th</sup> 2006</b>	
<b>Deadline for submission of offers</b>	<b>September 25<sup>th</sup> 2006</b>	Tenders delivered in person shall be submitted not later than <b>17h00 local time</b>
Opening session	<b>October 4<sup>th</sup> 2006</b>	<b>at 15h30 local time</b>
Date for evaluation of offers	<b>October 2006</b>	Estimated
Notification of award to the selected tenderer	<b>October 2006</b>	Estimated
Contract signature	<b>November 2006</b>	Estimated
Commencement date of activities	<b>November 2006</b>	Estimated
Completion date of activities	<b>June 2007</b>	Estimated

### **C.2. Terms of reference**

The purpose of these Terms of Reference is to give instructions and guidance to candidates about the nature of the offer they will need to submit and to serve as the contractor's mandate during project implementation. The Terms of Reference ensure that the project will be properly conceived by the contractor, that the work is carried out on schedule and that resources will not be wasted.

The Terms of Reference will become part of the contract that may be awarded as a result of this tender.

#### **C.2.1. Introduction**

Since the publication of the first versions of the Control-command and Signalling Technical Specifications for Interoperability (CCS TSI)<sup>2</sup> for high speed and conventional rail, ERTMS systems have been implemented in different countries.

Some ERTMS projects are now at a very advanced stage of deployment, while others are already in operational service.

In every project, the approval of ERTMS implementation has been managed by the relevant national safety authority, ensuring compliance with the safety objective for the service. This has mainly been done by reference to the level of safety of existing (non ERTMS) signalling and train protection systems.

The process of safety approval has been supported by the ERTMS specifications, establishing a harmonised safety target for a “top hazard” associated to the supervision functions of ERTMS/ETCS and defining tolerable hazard rates (THR) for ETCS equipment, with the aim of achieving cross-acceptance.

The results obtained so far are positive and encouraging; nevertheless some aspects still exist that could create obstacles for future international connections of the national ERTMS networks.

Especially, it can not be excluded that some national solutions adopted to achieve safety have the undesirable effect of jeopardising interoperability: this has been recognised as an open point by the experts of the railway sector.

The study required in this call for tenders is related to a survey of the ERTMS implementations already in service or at an advanced stage of development, to define the severity of this open point and to provide information necessary for the planning of activities finalised to its solution.

## **C.2.2. Contract Purpose and Expected results**

### **C.2.2.1. Input information**

The contractor shall use the following sources of information:

- CCS TSIs. These specifications state some safety requirements applicable to the Control-command and Signalling subsystems and also define the procedures for certification,
- ERTMS specifications referenced in the published CCS TSIs or intended for future versions of the CCS TSIs, mainly the ones related to safety, like SUBSET-091 and SUBSET-088<sup>3</sup>,

The contractor shall be fully responsible of identifying the appropriate safety authorities and/or other sources of information and obtaining the necessary information about ERTMS deployment, either in written form or as a result of interviews. The ERA can support the contractor to contact the safety authorities.

### **C.2.2.2. Context of the required services**

#### **(1) Railway sector**

Representative organisations of the railway sector cooperate with ERA, in order to achieve the objectives of the European Union for the development of railway transport.

The result of the study performed by the contractor will be submitted to the appropriate working groups between ERA and representative organisations, to plan the future activities necessary to solve the identified problems.

#### **(2) Languages**

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<sup>2</sup> CD 2002/731/EC – OJEU L 245/37, 12/09/2002 and CD 2004/447/EC – OJEU L 193/53, 1/6/2004

<sup>3</sup> These specifications are available in the ERA web-site ([http://www.era.eu.int/public/ERTMS/Approved\\_Documents.aspx](http://www.era.eu.int/public/ERTMS/Approved_Documents.aspx))

All ERTMS specifications are written in English that shall also be the working language for all exchange of information between ERA and contractor for any technical activity in the scope of this call for tenders.

The contractor shall therefore take care of the translations of national documents, as far as required for the performance of the services: in general, ERA will not require complete translation of national documents into English, but all relevant information must be included in the reports delivered by the contractor.

### **C.2.2.3. Scope of work**

#### **(1) Foreword**

For a better understanding of the scope of work, it has to be considered that:

- The approach to safety is not yet harmonised in all European countries, therefore the criteria for acceptance of equipment and systems are different. This might cause limitations in the cross acceptance of ERTMS products and also difficulties for the acceptance in a country of trains already performing service in another one.

Additionally, ERTMS is implemented to ensure protection against a subset of the system hazards. This subset is however not explicitly defined in any specification:

- While the on-board ERTMS functions are specified in a quite precise and complete way, the trackside installation is flexible. ERTMS specifications offer a wide set of trackside functions and options, that can be implemented or not, according to:
  - o local needs (e.g., existence of level crossings along the line),
  - o specific judgement of risk (events that are considered “not dangerous” in one application might be judged differently in a different environment),
  - o the responsibilities allocated to ERTMS (for example, in a certain application ERTMS could be responsible of sending emergency messages to stop trains in case objects are detected on the tracks, while in other applications a physical protection of the infrastructure against intrusions could be considered sufficient to mitigate this kind of hazards).
- Even for the on-board ERTMS different safety concepts could have been applied in different countries, for example because of non harmonised approach to human factors and allocation of responsibility to the driver. According to this, the understanding of the hazards related to driver interface may be different and this might affect its design and the safety requirements allocated to it, both for data entry and for display of information.

As a consequence of the above, connecting two existing national ERTMS networks, to provide international traffic, could create safety acceptance problems, even if the two systems are technically compatible.

#### **(2) Activities**

The scope of the services required in this call for tenders is:

- identifying the sources of information (mainly the safety authorities of Member States where ERTMS applications are in service or at an advanced stage of development);
- collecting all information about:
  - o regulations applied for the safety approval of the ERTMS projects,
  - o integration of ERTMS into the railway system (operational aspects included);
- identification of possible interoperability problems, due to application of not harmonised regulations or to different approaches for the integration of ERTMS in the railway system.

The contractor shall be in charge of collecting the necessary information and to provide reports, highlighting the possible interoperability problems. For every ERTMS implementation special attention must be given to:

- National safety regulations that could make cross-acceptance of ERTMS assemblies difficult or require repetitions of assessments,

- Functions and options implemented in the trackside ERTMS and their criticality with respect to mitigation of system hazards;
- National (i.e., not included in standard ERTMS specifications) on-board functions possibly required by the safety authority to accept a train,
- Operational aspects and apportionment of safety requirements between technical systems and human operators

The contractor shall take care of all management and coordination activities necessary for the successful fulfilment of the scope of work.

### **(3) Exclusions**

The scope of the service required in this call for tender is limited to the survey of existing ERTMS implementations and the identification of possible interoperability problems due to different approaches to ERTMS safety.

The proposal of solutions, in terms of drafting new specifications to be referenced in the CCS TSI or of modifying existing specifications, is not part of the services required.

### **(4) Organisation and planning**

The work shall be completed within 6 months from the signature of the contract.

The tenderer shall propose a planning for the activities, subdivided in work packages and indicating, for each of them number and qualification of the experts that will perform the work.

The contractor shall ensure, through the time planning and the intermediate milestones or other means, that ERA will be able to monitor the progress of the work.

### ***C.2.3. Reports and documents to be submitted***

The final deliverables of the services requested in this call for tenders shall be:

- **Report** on the approach to ERTMS safety approval in the different Member States, where an ERTMS implementation is in service or at an advanced state of development. This report should include information about the implementation of European regulation and their coexistence with national rules,
- **Report** about integration of ERTMS in the railway system, for the same Member States as above. This report should include a description of the safety responsibility allocated to ERTMS (i.e., which system hazards are mitigated by means of ERTMS functions) and of apportionment of safety responsibility between technical system and operations, especially for the on-board,
- **Report** about possible problems for interoperability, deriving from different approaches to safety and different allocation of responsibility to ERTMS.

The deadlines for the delivery of the final reports mentioned above shall be proposed by the tenderer in the time planning included in the technical proposal.

The contractor shall also be responsible to keep ERA informed about the progress of the work by means of monthly reports. Namely, a report shall be submitted after 2 months from the commencement date of activities, containing the table of content and a first draft of the final reports.

This report will be considered an interim technical report, valid for an interim payment.

The ERA will accept the above mentioned deliverables, if their quality is sufficient for submission to the working groups between ERA and representative organisations, for decisions about future activities.

The contractor shall immediately inform ERA, in case obstacles are detected, that can prejudice the compliance with the agreed time planning and/or the quality of the deliverables.

Reports and documents are to be sent to:

**Mr Pio Guido – Acting Head of ERTMS Unit**  
**European Railway Agency**  
**160 Boulevard Harpignies**  
**BP 20392**  
**F-59307 Valenciennes**  
**France**

### **C.2.4. Requirements**

#### **C.2.4.1. Estimated amount of work**

The estimated amount of work is maximum 240 man days.

#### **C.2.4.2. Meetings**

The contractor shall be responsible for the organisation of meetings with experts and ERA.

The attendance of the contractor to meetings in ERA premises in Lille will be requested for a maximum of 4 times.

### **C.3. Content of the technical proposal**

---

As described in **section B.1**, your offer must consist of three elements. One of these elements is the technical proposal, which must clearly contain the following information.

- Methods for the achievement of the technical results indicated in section C 2.2. above. The technical proposal shall indicate:
  - input information (including list of ERTMS projects that will be analysed),
  - indications of the methods that will be applied to collect the required information,
  - indication of the methods that will be applied to identify possible problems for interoperability,
  - detailed time planning, with project breakdown in Work Packages and the indication of resources and skills that will be allocated to each of them,
  - deliverables, other than the ones indicated in C.2.3 (if any),
  - proposed deadlines for deliverables and, if needed, other intermediate milestones,
  - indications of how ERA will be able to monitor the work progress.

### **C.4. Content of the financial proposal**

---

The financial proposal must be based on the format found in **section D.2**.

#### **Prices:**

- Prices quoted must be fixed and not subject to revision.

ERA is exempt from all taxes and duties, including value added tax (VAT), pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities. For this reason all prices given in the financial breakdown should be free of VAT and other taxes or duties.



Exemption is granted to the Agency by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubts about the applicable VAT system, it is the tenderer's responsibility to contact his national authorities to clarify the way in which the European Community is exempt from VAT.

Prices shall be inclusive of all costs and expenses (company management, secretariat, social security, salaries, travel and office expenses, insurance, etc.) directly and indirectly connected with the provision of the service.

The financial quotation shall be completely unambiguous. Your tender shall be disqualified if it contains any statements preventing an accurate and complete comparison of the tenders (such as "To be discussed", "Depending on x", "Conditional to" etc.) or referring to external circumstances (such as an already existing but separate contract).

## **C.5. Selection criteria**

---

After having certified, pursuant to **Section B.5.1**, that it is not in one or more of the situations that constitute grounds for exclusion from tender participation, the tenderer must submit evidence of his capacity to perform the contract. The evaluation committee will examine the offers to ensure that the information requested in the selection criteria has been provided and that the tenderer fulfils all these criteria. Offers which fail to include some of the information requested, may be rejected outright.

In the case of a consortium submitting an offer, each member of the consortium must provide the required evidence. For 'technical capacity' the evidence provided by each member of the consortium will be checked at consortium level to ensure that the consortium fulfils the criteria.

### ***C.5.1. Economic and financial capacity***

The tenderer's financial and economic capacity will be evaluated on the basis of:

- a brief description of the tenderer's economic activity relating to the subject of this contract;
- the balance sheets and results for the past three financial years;
- the interim accounts for the quarter preceding that in which the call for tenders was published;
- the overall turnover and the turnover relating to the services involved in this contract carried out by the tenderer over the past three years;

### ***C.5.2. Technical and professional capacity***

The tenderer's technical capacity will be evaluated according to the following criteria:

- Direct involvement in at least one ERTMS implementation, with responsibilities proving
  - competence in the field of railway interoperability and safety with special emphasis for the knowledge of the regulatory context and
  - in-depth knowledge of the ERTMS system, both for technical and operational aspects;
- Excellent editorial skills for drafting reports;
- Linguistic knowledge, in particular demonstrating that the tenderer can guarantee a high

standard of spoken and written English (which will be the working language);

Evidence of the fulfilment of the criteria above shall be supported by a list of projects/activities with a short description and by providing CVs of the experts that will be involved in the activities required in this call for tenders.

## **C.6. Award criteria**

---

Once the tenderer has demonstrated the appropriate capacity to perform the contract on the grounds of the selection criteria, the offer will be assessed on the basis of the award criteria.

The award criteria serve to identify the most economically advantageous tender. The quality of each offer will be evaluated in accordance with the award criteria and the associated weighting. No award criteria and sub-criteria others than those detailed below will be used to evaluate the offer.

The technical award criteria for this tender are:

<b>Technical Award Criteria</b>	<b>Maximum score</b>
<b>Technical criteria in their order of importance:</b>	
<b>i. Suitability of the proposed organisation and working team to provide the services required, allowing ERA to monitor the work progress</b>	<b>30 points</b>
<b>ii. Suitability of the methods to collect information on different national approaches to safety approval of ERTMS</b>	<b>25 points</b>
<b>iii. Suitability of the methods to collect information about the integration of ERTMS in different railway systems</b>	<b>25 points</b>
<b>iv. Suitability of the methods to identify potential interoperability problems</b>	<b>20 points</b>
<b>Maximum total score</b>	<b>100</b>

Offers scoring less than 70 points on the technical award criteria (i.e. all criteria excluding price), will be excluded from the contract award procedure (**minimum threshold on quality**).

The points scored for the above qualitative criteria will be evaluated against the price, and the contract will be awarded to the tender which is the most cost-effective (offers the best value for money) on the basis of the ratio between the total points scored and the total price.

Tenders should elaborate on all points addressed by this Invitation to tender in order to score as many points as possible. The mere repetition of mandatory requirements set out in this Invitation to tender, without going into details on how to actually achieve them or without giving any added value, will only result in a very low score. In addition, if certain essential points of this Invitation to tender are not expressly covered by the tender, the Agency may decide to give a zero mark for the relevant qualitative award criterion.

## **C.7. Sub-contracting**

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All sub-contractors must be eligible for the contract (cf. **section B.5**) and fulfil the selection criteria (cf. **section C.5**). If the identity for the intended subcontractor is already known at the time of submitting the tender, the Tenderer must furnish a statement guaranteeing the eligibility of the subcontractor. If any subcontractor does not meet the eligibility and selection criteria, the offer shall be rejected. If the identity of the sub-contractor is not known at the time of submitting the tender, any subcontract must be awarded according to Article II.13 of the General Conditions of the contract.

Even if subcontracting is allowed, the Tenderer must intend to carry out the major part of the services itself. The value of the sub-contracted part of the services may not exceed 50% of the contract value.

## **C.8. Lots**

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This tender **is not** divided into lots. The tenderer must be in a position to be able to provide all services requested

## Section D. Standard Forms

The standard forms are to be completed and provided as part of your offer.

### **D.1. Declaration of eligibility**

---

(To be completed and signed by applicant)

The undersigned:

**Name of the individual/company/organisation:**

**Legal address:**

**Registration number/ID Card No.:**

**VAT number:**

Declares on oath that the individual/company/organisation mentioned above is not in any of the situations mentioned below:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which ERA can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

I, the undersigned, understands that the contract may not be awarded if during the procurement procedure the individual/company/organisation mentioned above:

- is subject to a conflict of interest;
- is guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information;

Full name:

Date & Signature:

## **D.2. Tenderers administrative data**

---

### ***D.2.1. Address and contact details***

Tenderer's Name	
Address	
Post Code	
Tel	
Fax	
Email	
Web Site (if applicable)	
Legal Status	
Contact person for this tender	
Legal signatory(ies)	

## D.2.2. Financial Identification Form and Legal Entities Form

The forms available at the following address:

[http://ec.europa.eu/comm/budget/execution/ftiers\\_fr.htm](http://ec.europa.eu/comm/budget/execution/ftiers_fr.htm)

[http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)

### FINANCIAL IDENTIFICATION

<b>ACCOUNT HOLDER</b>	
NAME	<input type="text"/>
ADDRESS	<input type="text"/>
TOWN/CITY	<input type="text"/>
POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>
VAT NUMBER	<input type="text"/>
CONTACT PERSON	<input type="text"/>
TELEPHONE	<input type="text"/>
FAX	<input type="text"/>
E - MAIL	<input type="text"/>

<b>BANK</b>	
BANK NAME	<input type="text"/>
BRANCH ADDRESS	<input type="text"/>
TOWN/CITY	<input type="text"/>
POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>
ACCOUNT NUMBER	<input type="text"/>
IBAN (optional)	<input type="text"/>

**REMARKS :**

<b>BANK STAMP + SIGNATURE of BANK REPRESENTATIVE</b> (Both Obligatory)
---

<b>DATE + SIGNATURE of ACCOUNT HOLDER :</b> (Obligatory)
---

## LEGAL ENTITIES

PRIVACY STATEMENT [http://europa.eu.int/comm/budget/execution/legal\\_entities\\_fr.htm](http://europa.eu.int/comm/budget/execution/legal_entities_fr.htm)

### PRIVATE COMPANIES

TYPE OF COMPANY	<input type="text"/>																								
NGO	YES <input type="checkbox"/>	NO <input type="checkbox"/>	(Non Gouvernemental Organisation)																						
NAME(S)	<input type="text"/>																								
	<input type="text"/>																								
	<input type="text"/>																								
	<input type="text"/>																								
ABBREVIATION	<input type="text"/>																								
ADDRESS OF THE HEAD OFFICE	<input type="text"/>																								
	<input type="text"/>																								
	<input type="text"/>																								
POSTAL CODE	<input type="text"/>								P.O. BOX	<input type="text"/>															
CITY	<input type="text"/>																								
COUNTRY	<input type="text"/>																								
VAT	<input type="text"/>																								
PLACE OF REGISTRATION	<input type="text"/>																								
DATE OF REGISTRATION	<input type="text"/> D D		<input type="text"/> M M		<input type="text"/> Y Y Y Y																				
REGISTRATION NR	<input type="text"/>																								
PHONE	<input type="text"/>												FAX	<input type="text"/>											
E-MAIL	<input type="text"/>																								

**THIS "LEGAL ENTITY" FORM SHOULD BE FILLED IN AND RETURNED TOGETHER WITH:**

- \* A COPY OF ANY OFFICIAL DOCUMENT (E.G. OFFICIAL GAZETTE, REGISTER OF COMPANIES, ETC.) SHOWING THE CONTRACTOR'S NAME AND ADDRESS AND THE REGISTRATION NUMBER GIVEN TO IT BY THE NATIONAL AUTHORITIES;**
- \* A COPY OF THE VAT REGISTRATION DOCUMENT IF APPLICABLE AND IF THE VAT NUMBER DOES NOT APPEAR ON THE OFFICIAL DOCUMENT REFERRED TO ABOVE.**

DATE AND SIGNATURE

## LEGAL ENTITIES

PRIVACY STATEMENT [http://europa.eu.int/comm/budget/execution/legal\\_entities\\_fr.htm](http://europa.eu.int/comm/budget/execution/legal_entities_fr.htm)

### INDIVIDUAL

TITLE	<input type="text"/>
NAME	<input type="text"/>
FIRST NAME	<input type="text"/>
(NAME 2)	<input type="text"/>
(NAME 3)	<input type="text"/>
OFFICIAL ADDRESS	<input type="text"/> <input type="text"/>
<small>(OFFICIAL Address = Your PERMANENT address; generally the one which is registered on your identity card)</small>	
POSTAL CODE	<input type="text"/>
P.O. BOX	<input type="text"/>
TOWN/ CITY	<input type="text"/>
COUNTRY	<input type="text"/>
** VAT NR	<input type="text"/>
IDENTITY CARD NUMBER	<input type="radio"/> <input type="text"/>
PASSPORT NUMBER	<input type="radio"/> <input type="text"/>
DATE OF BIRTH	<input type="text"/> <sup>D</sup> <input type="text"/> <sup>D</sup> <input type="text"/> <sup>M</sup> <input type="text"/> <sup>M</sup> <input type="text"/> <sup>Y</sup> <input type="text"/> <sup>Y</sup> <input type="text"/> <sup>Y</sup> <input type="text"/> <sup>Y</sup> PLACE OF BIRTH <input type="text"/>
COUNTRY OF BIRTH	<input type="text"/>
PHONE	<input type="text"/>
FAX	<input type="text"/>
E-MAIL	<input type="text"/>

**THIS "LEGAL ENTITY" SHEET MUST BE COMPLETED AND SIGNED, AND SUBMITTED TOGETHER WITH A LEGIBLE PHOTOCOPY OF THE IDENTITY CARD OR PASSPORT**

**\*\* IF THIS FIELD IS FILLED IN, PLEASE ATTACH AN OFFICIAL "VAT" DOCUMENT.**

DATE AND SIGNATURE



# LEGAL ENTITIES

PRIVACY STATEMENT

[http://europa.eu.int/comm/budget/execution/legal\\_entities\\_fr.htm](http://europa.eu.int/comm/budget/execution/legal_entities_fr.htm)

## PUBLIC ENTITIES

TYPE OF COMPANY	<input type="text"/>																								
NGO	YES <input type="checkbox"/>	NO <input type="checkbox"/>	(Non Gouvernemental Organisation)																						
NAME(S)	<input type="text"/>																								
	<input type="text"/>																								
	<input type="text"/>																								
	<input type="text"/>																								
ABBREVIATION	<input type="text"/>																								
OFFICIAL ADDRESS	<input type="text"/>																								
	<input type="text"/>																								
	<input type="text"/>																								
POSTAL CODE	<input type="text"/>								P.O. BOX	<input type="text"/>															
CITY	<input type="text"/>																								
COUNTRY	<input type="text"/>																								
VAT**	<input type="text"/>																								
PLACE OF REGISTRATION	<input type="text"/>																								
DATE OF REGISTRATION	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>																		
	D D		M M		Y Y		Y Y																		
REGISTRATION NR	<input type="text"/>																								
PHONE	<input type="text"/>												FAX	<input type="text"/>											
E-MAIL	<input type="text"/>																								

***This "Legal entity" form should be filled in and returned together with:***  
***\* a copy of the resolution, law, decree or decision establishing the entity in question;***  
***\* or, failing that, any other official document attesting to the establishment of the entity.***  
***\*\* if this field is filled in, please attach an official "vat" document***

DATE :

STAMP

NAME AND FUNCTION OF THE AUTHORISED REPRESENTATIVE

SIGNATURE

### D.3. Financial Proposal

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Study	EUR
<b>Total cost</b> (Lump sum: all costs inclusive)	

## D.4. Curriculum Vitae

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This form is available in electronic format at the following address:  
[http://www.era.eu.int/public/about/job\\_opportunities.aspx](http://www.era.eu.int/public/about/job_opportunities.aspx)

### EUROPEAN CURRICULUM VITAE FORMAT



#### PERSONAL INFORMATION

Name [ SURNAME, other name(s) ]  
Address [ House number, street name, postcode, city, country ]  
Telephone  
Fax  
E-mail  
Nationality  
Date of birth [ Day, month, year ]

#### WORK EXPERIENCE

- Dates (dd/mm/yyyy) [ Add separate entries for each relevant post occupied, starting with the most recent. ]
- Name and address of employer
- Type of business or sector
- Occupation or position held
- Main activities and responsibilities

#### EDUCATION AND TRAINING

- Dates (dd/mm/yyyy) [ Add separate entries for each relevant course you have completed, starting with the most recent. ]
- Name and type of organisation providing education and training
- Principal subjects/occupational skills covered
- Title of qualification awarded
- Level in national classification (if appropriate)

**PERSONAL SKILLS  
AND COMPETENCES**

*Acquired in the course of life and career  
but not necessarily covered by formal  
certificates and diplomas.*

MOTHER TONGUE

**[ Specify mother tongue ]**

OTHER LANGUAGES

**[ Specify language ]**

- Reading skills
- Writing skills
- Verbal skills

[ Indicate level: excellent, good, basic. ]

[ Indicate level: excellent, good, basic. ]

[ Indicate level: excellent, good, basic. ]

SOCIAL SKILLS

[ Describe these competences and indicate where they were acquired. ]

AND COMPETENCES

*Living and working with other people, in  
multicultural environments, in positions  
where communication is important and  
situations where teamwork is essential  
(for example culture and sports), etc.*

[ Describe these competences and indicate where they were acquired. ]

ORGANISATIONAL SKILLS

AND COMPETENCES

*Coordination and administration of  
people, projects and budgets; at work, in  
voluntary work (for example culture and  
sports) and at home, etc.*

[ Describe these competences and indicate where they were acquired. ]

TECHNICAL SKILLS

AND COMPETENCES

*With computers, specific kinds of  
equipment, machinery, etc.*

[ Describe these competences and indicate where they were acquired. ]

ARTISTIC SKILLS

AND COMPETENCES

*Music, writing, design, etc.*

[ Describe these competences and indicate where they were acquired. ]

OTHER SKILLS

AND COMPETENCES

*Competences not mentioned above.*

DRIVING LICENCE(S)

**ADDITIONAL INFORMATION**

[ Include here any other information that may be relevant, for example contact persons,  
references, etc. ]

**ANNEXES**

[ List any attached annexes. ]

*Page 2 - Curriculum vitae of  
[ SURNAME, other names ]*

For more information go to  
[www.cedefop.eu.int/transparency/](http://www.cedefop.eu.int/transparency/)  
[europa.eu.int/comm/education/index\\_en.html](http://europa.eu.int/comm/education/index_en.html)  
[eurescu-search.com/](http://eurescu-search.com/)

## **D.5. Checklist**

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The checklist must be used to ensure that you have provided all the documentation for this tender and in the correct way. This checklist should be signed and included in envelope **A** of your offer.

You must submit your offer in one envelope which contains 3 separate inner envelopes clearly marked envelope **A**, **B** and **C**.

*Please Tick ✓ the boxes provided*

### **Envelope ‘A’ must contain**

- one original signed copy and 3 copies of the technical proposal.
- this checklist signed and dated.

### **Envelope ‘B’ must contain**

- one original signed copy and 3 copies of the financial proposal based on the format found in **Annex 2**.

### **Envelope ‘C’ must contain**

- the evidence documentation related to the selection criteria found in **section C.5**.
- a declaration of eligibility based on the format found in **section D.1**.
- administrative data following the format found in **section D.2**.

### **You should also ensure that:**

- your offer is formulated in one of the official languages of the European Union.
- Both the technical and financial proposals of the offer are signed by the tenderer or his duly authorised agent.
- your offer is perfectly legible in order to rule out any ambiguity.
- your offer is submitted in accordance with the double envelope system as detailed in **section B.9**.
- the outer envelope bears the information mentioned in **section B.9**.

Name:

Signature:

Date \_\_\_\_\_

## **D.6. Confirmation of offer submission**

---

In order to keep track of offers due to arrive, tenderers who do not hand deliver their offers are requested to complete and return this form by fax or email.

**ERA/2006/ERTMS/OP/01**  
**("Survey of safety approvals for the first ERTMS implementations")**

**Att:** Mr Pio Guido -Acting Head of ERTMS Unit

**Fax:** +33 (03) 27 09 66 90

**Email:** [pio.guido@era.europa.eu](mailto:pio.guido@era.europa.eu)

I have submitted an offer for this tender on \_dd/mm/year\_ using the following delivery service:

- Normal mail
- Express mail
- Courier Service
- Other

Tenderer's name:

Email:

Telephone

## **Section E. Draft Contract**

The draft contract is provided solely for information. Tenderers should note that in the case that their offer is successful the resulting contract will be based on this draft contract.