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Ref.: IPL-POE/2013/1181/AM/sp

To: All Potential Tenderers

From: European Space Agency

Frascati, 15 November 2013

Title: ESRIN/AO/1-7712/13/I-AM ‘Ocean Heat Flux’

Ref: Item no. 13.155.28 in the list of ESA Intended Invitations to Tender

Programme: E/0094-E4-L Support to Science Element (STSE) of the 4th Period of the Earth Observation Envelope Programme (EOEP-4)

Dear Sirs,

The European Space Agency (**‘ESA’** or **‘the Agency’**) hereby invites you to submit a tender for the above named Invitation to Tender (**the ITT**). Please note that the ITT has been published on EMITS on the same day as the date of this letter.

The ITT consists of the following four documents:

The present Cover Letter;

Appendix 1 – The Agency’s Statement of Work ‘Ocean Heat Flux’, ref. EOP-SA/0261/PPM-ppm, issue 1, rev. 10, dated 7 November 2013 (**the SoW**);

Appendix 2 - Draft Contract;

Appendix 3 - Special Conditions of Tender (**the SCTs**).

This cover letter, the SCTs and the Draft Contract make reference to the following documents, which are available on <http://emits.sso.esa.int/emits/owa/emits.main> under "Reference Documentation" ---> "Administrative Documents":

- The Agency’s Procurement Regulations (ESA/REG/001, rev.3);
- General Conditions of Tender for ESA Contracts (Annex IV to ESA/REG/001 rev.3) (referred to as **“the GCTs”**);

Your attention is drawn to the fact that these GCTs are new (see EMITS / News : “Revision of 3 of ESA Procurement Regulations – 20 December 2012”), and update the requirements for the tendering process.

Tenderers are strongly encouraged to familiarise themselves with this version of the GCTs, because failure to comply with the new requirements may result in a tender not being admitted for evaluation.

Tenderers shall also note that this Cover Letter and the SCTs have been written in line with the new version of the GCTs, and are different from the standards previously used.



- General Clauses and Conditions for ESA Contracts (ESA/REG/002, rev.1) (referred to as “**the GCCs**”).

This activity is funded under the Support to Science Element (**STSE**), which is a programmatic element of the 4th period of the Agency’s Earth Observation Envelope Programme (**EOEP-4**). The main objective of STSE is the reinforcement of the scientific component within the ESA “Living Planet Programme”. STSE covers scientific support for both future and on-going missions, by taking a proactive role in the formulation of new mission concepts and of the related scientific agenda, by offering a multi-mission support to scientific use of ESA “Earth Observation” (**EO**) mission data and to the promotion of the achieved results

Your attention is drawn to the following:

1. Admissibility Requirement

For the preparation of your tender, please follow the requirements set out in the SCTs. Please note that Part 3: Section 1 of the SCTs explains in detail the new forms which you are now asked to present as annexes to your cover letter.

- Failure to provide as an annex to your cover letter a signed Form A “Declarations on Key Acceptance Factors” confirming compliance with all Key Acceptance Factors **shall result in the non-admissibility of the tender for evaluation.**
- Failure to provide as an annex to your cover letter a signed Form B “Declarations on Compliances”, giving all the requested compliances or justifications of deviations, **may result in the subsequent elimination of the tender from the evaluation process.**

2. Price

The Agency has earmarked for this activity a total maximum budget of **€500.000**.

Only proposals which cover the full scope of the SoW, and quote a Firm Fixed Price which does not exceed €500.000 will be considered for evaluation.

For the purposes of this ITT, therefore, compliance with these price requirements is a Key Acceptance Factor. Tenderers MUST confirm their compliance, by accepting the corresponding statement in Form A.

3. Geo-geographical Return Requirements

EOEP-4 is an optional programme of the Agency, and participation in an EOEP-4 activity **is restricted to economic operators which have their registered offices in one of the following Participating States:** Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland and United Kingdom and Canada.

Spanish Tenderers are advised that although Spain is participating in EOEP-4, its contribution is already earmarked for specific elements in EOEP-4 aiming at ensuring continuity with activities stemming from the previous period. **Therefore, for this ITT, economic operators which have their registered office in Spain are not entitled to take part in a bidding consortium, either as Prime Contractor or as subcontractor, and Spain shall not count as a Participating State for the purposes of this ITT.**

For the purposes of this ITT, compliance with these Geographical Return Requirements is a Key Acceptance Factor. Tenderers MUST confirm their compliance, by accepting the corresponding statement in Section A of the Admissibility Form.

Tenders which include in the bidding consortium, either as prime contractor or subcontractor, economic operators with their registered office in one of ESA’s two new Member States **Poland** and **Romania** are encouraged.

4. Registering as a potential ESA Supplier

The Member States of ESA have made it mandatory for the Agency to register economic operators wishing to do business with ESA. Therefore, economic operators which wish to do business with ESA but are not yet registered with ESA as a potential tenderer must complete the online questionnaire on the ESA EMITS website (<http://emits.sso.esa.int/>), under the tab “Entity registration”. Further information on the registration process can be found in the INDUSTRY OUTLOOK pages available at: <http://www.esa.int/SPECIALS/Industry/>.



Tenderers are reminded that once registered, economic operators must update their registration details on an annual basis, via the questionnaire. Failure to do so may result in EMITS access being blocked.

5. Notifying Interest in ITT

Please note the provisions of Part 2(F) of the GCTs, which require economic operators to notify their interest to tender to the Agency. This is to be done via the EMITS Expression of Interest function (Tenderers are also reminded that they may select 'Public' visibility or 'ESA only' when notifying their intention to bid).

6. French Translation

The ITT has been issued in English only. A French translation of the ITT will only be published upon request of a Tenderer. Such a request must be made **within ten (10) calendar days from the date the ITT is published**. Please note however, that a request for a French translation shall not constitute a justification for extending the closing date.

7. Questions relating to the ITT

Any question relating to this ITT shall be sent to Alex Madden **by fax(+39 06 941 80 382), with a copy sent by email** to alex.madden@esa.int and asa.ericson@esa.int.

The Agency will publish an anonymous copy of the question on EMITS, together with the Agency's answer. Tenderers are asked to note that they will not receive an immediate response to their question because each response published by the Agency goes through an internal review process prior to its publication.

All questions must be received at the Agency by, at the latest, 10 working days before the Closing Date stated below. The Agency will not respond to any questions received after this deadline.

Failure by the Agency to reply to a Tenderer's question shall not give grounds for a claim.

8. Tender Submission

Your offer and all supporting documents must reach:

ESA/ESRIN - Central Registry Office
For the attention of Miss Alex Madden (IPL-POE)
Earth Observation Ground Segment & Applications Procurement Service
AO/1-7712/13/I-AM
Via Galileo Galilei
I - 00044 Frascati (RM)
Italy

by no later than **22 January 2014 at 12:00 hours CET (the Closing Date)**, and shall be submitted **in one (1) hard copy and five (5) electronic copies** on searchable, non-copyrighted or password protected CD Roms or USB-Sticks.

Please note the Dispatch and Receipt Conditions which are set out in Part 2(G) of the GCTs (as amended by the SCTs), in particular, those relating to the non-admissibility of offers arriving after expiry of the Closing Date.

Yours faithfully,

Isabelle Wagner
 Head of the Operations and Ground Segment Procurement Division