

Proposers are requested to use only one of the methods described above, by which to submit proposals, and to submit only one version of any given proposal. In the case of an eligible proposal being received in both paper and electronic formats, only the electronic version will be considered.

6. In all correspondence relating to this call (e.g. when requesting information, or submitting a proposal) please make sure to quote the relevant call identifier.

In submitting a proposal, either on paper or electronically, proposers accept the procedures and conditions as described in this call and in the documents to which it refers.

According to the rules for participation and dissemination and the European Commission regulation for implementing them, Member States and associated States may have access, on presentation of a reasoned request, to useful knowledge which is relevant to policy-making. This knowledge must have been generated by those RTD actions supported as a result of this call and which addressed a part of the work programme specified as eligible for such access.

All proposals received by the European Commission will be treated in strict confidence.

The European Community pursues an equal opportunities policy and, in this context, women are particularly encouraged to either submit proposals or to be involved in their submission.

Operation of scheduled air services

Invitation to tender issued by the United Kingdom under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between the Orkney Mainland (Kirkwall) and the Islands of Papa Westray, North Ronaldsay, Westray, Sanday, Stronsay and Eday

(2001/C 367/15)

(Text with EEA relevance)

1. **Introduction:** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, the United Kingdom has imposed public service obligations (PSOs) in respect of scheduled air services operated between the Orkney Mainland (Kirkwall) to Papa Westray, North Ronaldsay, Westray, Sanday, Stronsay and Eday. The standards required by the PSOs for Papa Westray and North Ronaldsay were published in the 'Official Journal of the European Communities' C 394/4 of 30.12.1997, as modified in the 'Official Journal of the European Communities' C 369/2 of 22.12.2000 and C 363 of 19.12.2001. The standards required by the PSOs for Westray, Sanday, Stronsay and Eday were published in the 'Official Journal of the European Communities' C 363 of 19.12.2001.

In so far as by 1.3.2002 no air carrier has commenced or is about to commence scheduled air services between the Orkney Mainland (Kirkwall) and the islands of Papa Westray, North Ronaldsay, Westray, Sanday, Stronsay and Eday in accordance with the PSOs imposed and without requesting financial compensation, the United Kingdom has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to these routes to a single air

carrier and to offer the right to operate such services from 1.4.2002 by public tender.

The contract shall be awarded by Orkney Islands Council; hereinafter referred to as the 'awarding authority'.

2. **Object of invitation to tender:** Operation from 1.4.2002 of scheduled air services between the Orkney Mainland (Kirkwall) and the Islands of Papa Westray, North Ronaldsay, Westray, Sanday, Stronsay and Eday in accordance with the PSOs imposed on the routes. The Papa Westray and North Ronaldsay PSOs were published in the 'Official Journal of the European Communities' C 394/4 of 30.12.1997, as modified in the 'Official Journal of the European Communities' C 369 of 22.12.2000 and C 363 of 19.12.2001. The Westray, Sanday, Stronsay and Eday PSOs were published in the 'Official Journal of the European Communities' C 363 of 19.12.2001.
3. **Participation:** Participation is open to all air carriers holding a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers. The services will operate under the Civil Aviation Authority (CAA) regulatory regime.

4. **Tender procedure:** This invitation to tender is subject to the provisions of Article 4(1)(d)-(i) of Regulation (EEC) No 2408/92.

5. **Tender dossier/qualifications, etc.:** The complete tender documentation, including form of tender, specification, conditions of contract/schedule to the conditions of contract, as well as the text of the original PSOs published in the 'Official Journal of the European Communities' C 394/4 of 30.12.1997, as modified in the 'Official Journal of the European Communities' C 369/2 of 22.12.2000 and C 363 of 19.12.2001 (all for Papa Westray and North Ronaldsay), and in the 'Official Journal of the European Communities' C 363 of 19.12.2001 (for Westray, Sanday, Stronsay and Eday), may be obtained free of charge from the awarding authority as follows:

Orkney Islands Council, Council Offices, School Place, UK-Kirkwall KW15 1NY, Orkney. Tel.: (44-18 56) 87 35 35. Fax: (44-18 56) 87 58 46. Att: Jeremy Baster, Director of Development and Planning.

Airlines will be required to include in their tender documents, evidence of their financial standing (an annual report and audited accounts for the past 3 years must be provided and must include turnover and pre-tax profit for the past 3 years), previous experience and technical capability to provide the services described. The awarding authority reserves the right to solicit further information about any applicant's financial and technical resources and abilities.

Tenders should be priced in sterling and all supporting documents must be in English. The contract will be considered as a contract made under Scottish law and subject to the exclusive jurisdiction of the Scottish courts.

6. **Financial compensation:** The tenders submitted should indicate the amount required by way of grant for operating the services for 2 years from the scheduled starting date. The grant should be calculated in accordance with the specification. The maximum limit finally granted may be revised only in the event of an unforeseen change in the operating conditions.

All payments under the contract will be in sterling.

7. **Period of validity, amendment and termination of the contract:** A 2-year contract for the 6 routes will

commence on 1.4.2002 and will terminate on 31.3.2004. Any amendment or termination of the contract will be in accordance with the conditions of contract. Variations in the services will be permitted only with the agreement of the awarding authority.

8. **Penalties in the event of the carrier failing to comply with the contract:** In the event of the carrier failing to operate a flight for any reason then, subject as after-mentioned, the awarding authority may reduce the grant on a pro rata basis for each occasion on which a flight is not operated provided that the awarding authority shall not make any such reduction in the grant where the failure to operate the flight is as a consequence of any of the following, and the appropriate occurrence has not arisen as a consequence of the acts or omissions of the carrier:

- weather;
- closure of the airports;
- security reasons;
- strikes;
- reasons of safety.

An explanation from the carrier for such non-operation is also required in accordance with the conditions of contract.

9. **Deadline for submission of bids:** 1 month after the date of publication of this notice.

10. **Application procedure:** Tenders must be sent to the address at 5 above. Persons admitted to open tenders are designated staff from the awarding authority.

11. **Validity of invitation to tender:** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community air carrier presents, by 1.2.2002, a programme for operating the routes in question from 1.4.2002 or before that date, in accordance with the PSOs imposed, as amended for Papa Westray and North Ronaldsay, without receiving any subsidy. The awarding authority reserves the discretion to refuse to accept any tender if, on appropriate grounds, none is considered suitable for acceptance.