

**UK-Edinburgh: operation of scheduled air service****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 a scheduled air service between Glasgow and Barra (Scotland)**

(2005/C 322/15)

(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 a public service obligation (PSO) in respect of a scheduled air service operated between Glasgow-Barra. The standards required by this public service obligation were published in *Official Journal of the European Union* C 387/06 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/04 of 8.12.1999, C 310/08 of 13.12.2002, C 278/06 of 19.11.2003 and C 321 of 16.12.2005.

If, by 1.3.2006, no air carrier has commenced or is about to commence a scheduled air service between Glasgow and Barra in accordance with the PSO imposed and without requesting compensation, the United Kingdom has decided, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned Regulation, to continue to limit access to this route to a single air carrier and to offer the right to operate such a service from 1.4.2006 by public tender.

2. **Object of invitation to tender:** Operation from 1.4.2006 of a scheduled air service between Glasgow and Barra in accordance with the public service obligation imposed on the route and published in *Official Journal of the European Union* C 387/06 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/04 of 8.12.1999, C 310/08 of 13.12.2002, C 278/06 of 19.11.2003 and C 321 of 16.12.2005.

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 service 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), (e), (f), (g), (h), and (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 public service

obligation published in *Official Journal of the European Union* C 387/06 of 21.12.1996, as modified in *Official Journal of the European Union* C 355/04 of 8.12.1999, C 310/08 of 13.12.2002, C 278/06 of 19.11.2003 and C 321 of 16.12.2005, may be obtained free of charge from the awarding authority as follows:

Scottish Executive Enterprise, Transport and Lifelong Learning Department, Transport Division 2/2, Victoria Quay, Edinburgh EH6 6QQ, United Kingdom. Tel. (44-131) 244 08 54, fax (44-131) 244 08 71 (Contact: Grace McGuire, SEETLLD - Transport Division 2/2).

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 service 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 shall be considered as a contract made under Scottish law and subject to the exclusive jurisdiction of the Scottish courts.

6. **Financial compensation:** Tenders submitted should indicate the amount required by way of grant for operating the service for 3 years from the scheduled starting date (with an analysis for each year). 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.

The contract will be awarded by the Scottish Ministers. All payments under the contract will be in sterling.

7. **Period of validity, amendment and termination of the contract:** A 3-year contract commencing 1.4.2006 will terminate on 31.3.2009. Any amendment or termination of the contract will be in accordance with the conditions of contract. Variations in the service 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 aftermentioned, the Scottish Ministers may reduce the grant on a pro rata basis for each occasion on which a flight is not operated provided that the Scottish Ministers 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/tidal conditions;
- 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:** One 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 Scottish Executive's Enterprise, Transport and Lifelong Learning Department and Procurement and Commercial Services Division at the Scottish Executive.

11. **Validity of invitations 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 1.3.2006, a programme for operating the route in question from 1.4.2006 or before that date, in accordance with the PSO imposed, as amended, without receiving any subsidy.

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