

Invitation to participate in the Finnish Aviation Academy's procurement

Finnish Aviation Academy (Suomen Ilmailuopisto Oy, hereinafter "client" or "contracting authority") invites companies (hereinafter "candidates") to provide their requests to participate in the negotiated procedure in accordance with the contract notice 08.10.2024 sent to be published in the HILMA portal and its annexes.

1. Purpose and object of the procurement

The purpose of the procurement is to acquire 9-10 diesel engine powered aircraft (hereinafter "aircraft") for the contracting authority, which will be used for flight training. The aircraft to be procured will replace the contracting authority's current Cessna aircraft in the same use.

The object of the procurement is described in more detail in the contract notice in its annex II-1 "call for tenders [preliminary]" and under the description of the draft agreement (annex II-1.1) and in the preliminary minimum requirements concerning the object of the procurement (annex II-1.1.2). Annex II-1.1.3 outlines the mandatory requirements that are not open to negotiation.

The contracting authority's preliminary view of the pricing of the object of procurement is presented in Appendix II-1.1.4 "Prices form".

The contracting authority acts responsibly in accordance with its strategy and requires suppliers to do the same in their contractual obligations. The preliminary sustainability requirements are part of the agreement and can be found in Appendix II-1.1.5 "Code of Conduct".

2. The Procedure

The procurement will be carried out in accordance with the Law on Public Contracting and Concession Contracts (1397/2016, "Act on Public Contracts").

The procurement will be carried out using the negotiated procedure as defined in Sections 34–35 of the Act on Public Contracts.

The procurement will follow a negotiated procedure, because the contract cannot be awarded without prior negotiations, because of its specific circumstances related to its nature and complexity and because of the risks pertaining thereto.

The candidates who have submitted their requests to participate shall be selected as a tenderer and invited to the negotiated procedure in accordance with the criteria and procedure set out in Section 6 "Requirements for Tenderers and Documentation to be Submitted".

The contracting authority may wholly or partially interrupt the procurement procedure for legitimate and justifiable reasons.

No compensation will be paid to candidates for preparation a request to participate/tender, for participating in negotiations or otherwise taking part in the procedure.

The annexes attached to this invitation to participate are listed below in section 10 "Annexes". The Annexes are divided into two categories:

- Part I Annexes to the contract notice, regarding the current phase of the process and
- Part II Annexes to the Preliminary call for tenders, for your information, concerning the phase where tenderers will receive separate invitations.

Requirements for the procurement are detailed in Annex II-1.2-1.3. **All final tenders must fulfill the mandatory requirements marked yellow in Annex II-1.3.** These requirements marked in yellow cannot be negotiated or altered but may be clarified during the negotiations.

Otherwise, all the annexes of part II represent the contracting authority's preliminary views and may be modified and clarified during the procurement process.

Documents related to the procurement are available only in English. If a candidate (or later tenderer) wishes to have the documents in another language, the candidate (or tenderer) is responsible for the translation and the costs involved.

The contracting authority has used the following company as an advisor in the tender process:

- PTCServices Oy (1916929-5)

The advisor may not advise candidates or tenderers during the procurement process.

3. Preliminary Schedule for the Negotiated Procedure

The main stages of the negotiated procedure and their tentative schedules are as follows (the contracting authority may change the schedule):

Phase	Time
REQUEST TO PARTICIPATE	
Publication of the contract notice with its annexes including preliminary call for tenders.	Week 41/2024
Questions related to the contract notice	Week 42-43/2024
Answers to the above questions will be published	No later than six days before the deadline of submitting requests to participate
Deadline for submission of requests to participate	Week 45/2024
Decision of the selection of tenderers for negotiated procedure and notifying to the parties involved	19.11.2024 (Week 47)
PRELIMINARY TENDERS	
Sending preliminary call for tenders and invitation to negotiate to the tenderers	Week 47/2024
Deadline for submission of preliminary tenders	Week 51/2024
Updating invitation to negotiate, and sending it to tenderers	Week 51/2024
NEGOTIATION PHASE	
Negotiation theme 1 - Pricing	Week 1/2025
Negotiation theme 2 - TBD	Week 2/2025
Negotiation theme 3 - TBD	Week 3/2025
Negotiation theme 4 - Terms of agreement	Week 4/2025
FINAL TENDERS	
Sending final call for tenders to the tenderers	Week 6/2025
Questions related to request for the final call for tenders	Week 8/2025
Answers to the above questions will be published	No later than six days before the deadline of submitting the final tenders
Deadline for submitting the final tenders	Week 10/2025
Contract award decision and notifying to the parties involved	Week 11/2025
Signing the agreement (the date is an estimation and may be changed) The contracting authority selects one (1) Service Provider with whom it will sign the agreement with.	Week 16/2025

4. Proceeding with the Negotiated Procedure

4.1. Selection of Tenderers for the Negotiated Procedure

The contracting authority selects the tenderers from among the candidates who have submitted a request to participate and invites them to submit a preliminary tender. The contracting authority will select maximum of 4 tenderers if enough meet the minimum requirements.

The contracting authority will make a separate decision on the selection of tenderers to the negotiations. The selection of tenderers is described in Section 6 "Requirements for Candidates and Documentation to be Submitted" below. The contracting authority will send candidates selected as tenderers an invitation to negotiate, an updated schedule, and a request for preliminary tenders.

4.2. Negotiation Phase and Final call for tenders

The contracting authority will negotiate separately with each tenderer. The contracting authority will not disclose solutions or confidential information presented by a tenderer to other negotiation partners.

The language to be used in the negotiations is English. The tenderer has the option to use Finnish during the negotiations if preferred.

During the negotiations, the preliminary call for tenders and its annexes will be prepared. The purpose of the negotiations is to obtain information based on which the contracting authority can prepare the final call for tenders.

Negotiations may cover all solutions and conditions related to the performance of the services being procured, except for the mandatory requirements for the object of the procurement described in Annex II-1.1.4 Mandatory Requirements.

The negotiations will end when the contracting authority sends the final call for tenders to the tenderers.

5. Requirements for Tenderers and Documentation to be Submitted

The suitability requirements for tenderers and the documents required for verification of suitability are described in the ESPD form attached to the contract notice.

5.1. Comparison of Candidates and Selection of Tenderers for the Negotiated Procedure

If there are more than 4 candidates meeting the minimum requirements than tenderers to be selected for negotiation, the contracting authority shall compare the requests to participate and select 4 tenderers from among the candidates based on the following criteria:

- Candidate's equity ratio (maximum of 5 points)
- Candidate's experience in aircraft sales and delivery (Maximum of 9 points)

The criteria and criterion specific scoring are described in the Annex I-3 Scoring the Candidates.

Finally, the scores received by each candidate are summed and the candidates are ranked. Thus, the candidate can score no more than 14 points. The top 4 candidates with the highest scores will be selected for negotiations.

6. Additional information questions

A company interested in the procurement may request additional information by sending questions through Hilma. Questions in English must be sent no later than date presented in the contract notice.

To ensure the equal treatment of all candidates, neither enquiries nor information requests made using any other method will be answered.

The name of the inquirer, or other information concerning the candidate, shall not be revealed in connection with questions and answers.

The answers to the questions will be published in English on HILMA no later than six days before the deadline of submitting the requests to participate.

It is the candidate's responsibility to review the questions and answers on the website and to use the clarified information when submitting the request to participate.

7. Publicity

Right of access to procurement documents is regulated by the Section 138, Act on Public Contracts and Act on the Openness of Government Activities (621/1999).

Each candidate is responsible for clearly marking confidential information, which is regarded as a trade secret or other proprietary information. Information on which request documents contain trade or other secrets and to what extent must also be provided.

The opening ceremony is not public.

8. Submitting the Request to Participate

The request to participate and its attachments must be submitted electronically in Hilma by the deadline notified in the contract notice.

The request to participate with its annexes shall be given in English.

The candidate is responsible for submitting the request to participate. Request submitted after the deadline will not be considered.

8.1. Submitting the Request for Participation as a consortium

The companies may put themselves forward as a group ("consortium"). A consortium means here cooperation of companies to win the contract award.

Submitting a request to participate as a consortium must be stated in the ESPD-form. Each member of the consortium must be identified in the ESPD-form.

All the members of the consortium must meet the suitability requirements referred to in section 80 of the Act on Public Contracts.

The contracting authority may reject a consortium's request to participate/tender if a member of the consortium is burdened by one of the discretionary grounds for exclusion referred to in section 81 of the Act on Public Contracts.

If the candidate/tenderer is a consortium, the candidate/tenderer must meet the suitability requirements referred to in section 83 of the Act on Public Contracts indicated on the ESPD form together with the other members of the consortium.

Consortium must designate at least one organization, who oversees all communication with the contracting authority. This must be done at the latest when signing the contract. All members of the consortium shall be jointly responsible for contractual liabilities by signing the contract.

The consortium must provide a written commitment confirming that the specified members will be available to complete the procurement before signing the contract.

8.2. Subcontracting

A candidate/tenderer is allowed to rely on the capacities of other entities in implementation of the services regardless of the legal nature of the relationship between them. The candidate/tenderer is allowed to use the resources of other entities to carry out the procurement, regardless of the legal nature of their relationship, but the candidate/tenderer must provide evidence of the availability of these resources.

The contracting authority shall require a candidate/tenderer to replace any subcontractor whose capacities it uses if the said subcontractor is subject to a mandatory ground for exclusion referred to in section 80, or if the subcontractor fails to satisfy the suitability requirements referred to in section 83. The contracting authority may require a candidate/tenderer to replace a subcontractor that is subject to a discretionary ground for exclusion prescribed in section 81 of the Act on Public Contracts.

If a candidate/tenderer relies on the capacities of a subcontractor, the relevant subcontractor must be involved in the implementation of the procurement. The candidate/tenderer has no right without a valid reason to change the subcontractor whose capacities it has put forward in the request to participate/tender.

8.3. Verification of suitability requirements

This procurement shall apply mandatory exclusion criteria under the Act on Public Contracts. (Section 80).

Because of this, from the candidate who seems to be selected to negotiations, will be before the conclusion of the contract, requested criminal records as referred to by the Criminal Records Act (770/1993). The requirement also applies to all members of the consortium and to subcontractors on whose resources the candidate relies.

The candidate/tenderer should therefore be prepared to submit, on request, the provision of the provisions referred to in Sections 6 (8) and 6b of the Criminal Records Act (770/1993) extracts from the members of the candidate/tenderer and its administrative, management and supervisory body, and persons exercising the powers of representation, decision and control.

The candidate/tenderer must be prepared to submit all said certificates and explanations within two (2) weeks of their request.

The requested regulatory certificates and explanations shall not be older than three (3) months. Criminal records are allowed to be up to 12 months old.

The candidate/tenderer must demonstrate to the contracting authority that it meets the requirements regarding economic and financial standing, technical capacity and other criteria. As evidence, a commitment may be presented.

The contracting authority will assess the sufficiency of the evidence for meeting the requirements and verify that the candidate/tenderer's resources are available for the entire duration of the agreement.

8.4. Utilization of Capacities of Affiliated Entities

If a candidate controls other companies (e.g. within the same corporation), the capacities of those companies won't automatically count as the candidate's capacities. Should the candidate want to rely on this kind of corporation capacities, the request to participate must be composed as a consortium, so that it includes those companies as members of the consortium OR by relying on the capacities of other entities (relies on the capacities of a subcontractor).

In the situations referred to in this paragraph, the candidate shall submit an ESPD form together with the request to participate for all members of the consortium and for the subcontractors on whose capacities it relies on.

8.5. Exclusion from the procurement procedure

The contracting authority shall also exclude a candidate/tenderer from the procurement procedure if the candidate/tenderer or any person having powers of representation, decision, or control in respect of the candidate/tenderer has been guilty of offences listed in Section 80 of the Act on Public Contracts.

A candidate/tenderer, who is guilty of misconduct of the procurement law and/or misrepresentation and/or absence of sufficient information required, may be excluded from the procedure. A candidate/tenderer may be excluded from the procurement procedure, if tenderer or tenderers subcontractor is subject to the exclusion criteria meant in Section 81, Act on Public Contracts.

Candidates/tenderers who do not meet the minimum suitability requirements will be excluded from the procurement procedure.

Suitability requirements at the time of submitting the request to participate also apply later when submitting a final tender. A tenderer who does not meet the suitability requirements at the time of final tender submission will be excluded from the final tendering process. The list is not exhaustive, and the contracting authority may exclude a candidate/tenderer from procurement procedure if the conditions specified in the Act on Public Contracts are met.

9. Annexes

Part I

Annexes to HILMA-contract notice

I-1 Invitation to participate (this document)

I-2 Reference form (to be filled and submitted together with the request to participate)

I-3 European single procurement document (ESPD, to be filled and submitted together with the request to participate)

Part II

Documentation *for your information*

II-1	Call for tenders [preliminary]
II-1.1	Draft Agreement [preliminary]
II-1.1.1	Procurement Description [preliminary]
II-1.1.2	Requirements [preliminary]
II-1.1.3	Mandatory Requirements [non-negotiable]
II-1.1.4	Prices form [preliminary]
II-1.1.5	Code of Conduct [preliminary]
II-1.2	BEM-instructions for tenderer
II-2	Invitation to negotiate [preliminary]
II-2.1	Negotiation program [preliminary]