No.: 276-9/26-2016
Date: 5. 12. 2016

THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY – THE DOCUMENT ENCLOSED IN THE SLOVENIAN LANGUAGE, CONSTITUTES THE LEGALLY BINDING DECISION

The Contracting Authority, Slovenia Control, Slovenian Air Navigation Services, Limited, Zg. Brnik 130n, 4210 Brnik – Aerodrom, Slovenia (hereinafter: "the Contracting Authority"), in the open Procurement Procedure "TWR simulator", procedure No. 276-9; No. of publication on the national Public Procurement Portal: JN005874/2016-E01 and in the official gazette of the European Union No. 2016/S 189-338718 (hereinafter: "the Public Procurement") pursuant to Article 90 of the Public Procurement Act (Official Gazette No.91/15, hereinafter "ZJN-3") and the tender documentation, adopts the following

CONTRACT AWARD DECISION

The tender for the implementation of the Public Procurement "TWR simulator", Public Procurement No. 276-9, is awarded to the following Tenderer which submitted the most economically advantageous tender

UFA, Inc., 80 Blanchard Road, Burlington 0183, MA, USA

Explanation:

I.

On the basis of ZJN-3 and the Decision on the initiation of a public Procurement Procedure No. 276-9/2-2016, dated September 26th 2016, the Contracting Authority initiated the Public Procurement procedure. The Contracting Authority conducted an open procedure. In the tender documentation the Contracting Authority defined the requirements and documents which shall be included by the Tenderers in the tender in order for it to be admissible.

Within the deadline for the submission of tenders (4th of November, 2016; 12:00 CET) The Contracting Authority has received the following tenders for the implementation of the Public Procurement:

- TCN, Bulevardi Zog I, P.53 H3/77, 1016 Tirana, Albania
- ATCOsim investment s.r.l., Bd. Pipera 198C Building C2 Floor 5 No. 32, Voluntari, Ilfov 077191, Romania
- Edda Systems AS, Industriveien 1, 3430 Spikkestad, Norway
- UFA, Inc., 80 Blanchard Road, Burlington 01803, MA, USA
- Adacel Inc., 895 De La Gauchetière West, Suite 300, P.O. Box 48, Montréal, Québec H3B 4G1, Canada
- Micro Nav Limited, 41-47 Seabourne Road, Bournemouth, Dorset, BH5 2HU, United Kingdom
- ST Electronics (Info-Software Systems) Pte Ltd, 1 Ang Mo Kio Electronics Park Road, #04-01, ST Engineering Hub, Singapore 567710

II.

Pursuant to Article 89 ZJN-3 the Contracting Authority ranked the received tenders according to the selection criteria set out in the tender documentation for the implementation of the Public Procurement. In the tender documentation (Point 22. 'Selection Criteria') the Contracting Authority specified the total price for implementing the

Public Procurement "Tower Simulator" and extra warranty period as the relevant selection criteria and presented the formula for calculating the number of points.

In accordance with the selection criteria as specified in the tender documentation for the implementation of the Public Procurement, the submitted tenders are ranked as follows:

Rank	Tenderer	Points
1	ATCOsim investment s.r.l. Romania	100,00
2	TCN Albania	66,60
3	UFA, Inc. USA	62,00
4	Edda Systems AS Norway	61,88
5	Micro Nav Limited United Kingdom	50,36
6	ST Electronics (Info-Software Systems) Pte Ltd Singapore	49,67
7	Adacel Inc. Canada	48,22

Prices, offered by the Tenderers, extra warranty period and points, awarded to each individual Tenderer according to the criteria specified in Point 22 of the tender documentation, are set out in Annex No. 1 to this contract award decision.

III.

After having ranked the submitted tenders according to the selection criteria pursuant to Article 89 ZJN-3, the Contracting Authority inspected the admissibility of the tender sent by ATCOsim investment s.r.l., which is the economically most advantageous tender.

The Contracting Authority found that the said tender does not fulfil the admissibility criteria, namely the requirement that from 01.01.2010 onward the Tenderer has sold and installed at least 3 fully functional comparable TWR simulators. Namely, the reference presented by the referring Contracting Authority Aerospace Systems is inadequate and is not in line with the Contracting Authority's requirement for comparability, as the number of models listed for the reference TRW simulator is 26 (in the column "Number of models", where Tenderers had to insert the total number of models (airplanes, vehicles and other models), the Tenderer inserted 26), which is not comparable with the subject-matter of the Public Procurement. Appendix A to the Technical Specification and Requirements contains a list of required models/objects for the TWR simulator, which is the subject-matter of this Public Procurement, the required number being 70 models/objects. The reference of the referring Contract Authority Aerospace Systems with less than a half total models/objects is therefore inadequate and not in line with the Contracting Authority's requirement for comparability of references. Since one of the three references presented by the Tenderer ATCOsim investment s.r.l. Romania is inadequate, the Tenderer does not fulfil the reference criteria of three comparable references with the remaining two references. In addition, the Tenderer did not submit the technical documentation to demonstrate the fulfilment of the technical requirements specified by the Contracting Authority, which is contrary to the demand of the Contracting Authority from Point 5. of the Technical Specification and Requirements.

Consequently, the Contracting Authority has rejected the tender submitted by the Tenderer ATCOsim investment s.r.l. Romania and eliminated it as inadmissible.
The Contracting Authority verified the second tender, submitted by the Tenderer TCN Albania. The Contracting Authority has found that the said tender does not fulfil the admissibility criteria, namely the requirement that from 01.01.2010 onward the Tenderer

has sold and installed at least 3 fully functional comparable TWR simulators. Namely, the reference presented by the referring Contracting Authority CAAB Civil Aviation of Bangladesh is inadequate and not in line with the Contracting Authority's requirement for comparability, as the number of models in the reference TRW simulator is 37 (in the column "Number of models", where Tenderers had to insert the total number of models (airplanes, vehicles and other models), the Tenderer inserted 37), which is not comparable with the subject-matter of the Public Procurement. In addition, also the reference presented by the referring Contracting Authority MAKSIM, Private training centre Skopje, Macedonia, is inadequate and not in line with the Contracting Authority's requirement for comparability, as the number of models in the reference TRW simulator is 21 (in the column "Number of models", where Tenderers had to insert the total number of models (airplanes, vehicles and other models), the Tenderer inserted 21), which is not comparable with the subject-matter of the Public Procurement. Appendix A to the Technical Specification and Requirements contains a list of required models/objects for the TWR simulator, which is the subject-matter of this Public Procurement, the required number being 70 models/objects. References by the referring Contracting Authorities CAAB Civil Aviation of Bangladesh with almost half less total models/objects and MAKSIM Private centre Skopje, Macedonia with more than a half less total models/objects are inadequate and not in line with the Contracting Authority's demand for comparability of references. Since two of the four references presented by the Tenderer TNC Albania are inadequate, the Tenderer does not fulfil the reference criteria of three comparable references with the remaining two references. The same applies to all other references that the Tenderer has enlisted on a separate document titled "Similar references", as their subject-matter is not the instalment of TWR simulators and are therefore inadequate. Moreover the Second Ranked Tenderer has stated on page 277 that the FAT shall be performed in Prague, which is contrary to the demand of the Contracting Authority that the FAT shall be performed in Ljubljana. In addition, the Second Tenderer formed the price contrary to the request of the Contracting Authority, as it stated on page 3 that the Joint Tenderers (the tender was submitted as joint tender by TNC and ARTISYS) do not take responsibility or include in the tender any taxes, duties or charges, applied in the Republic of Slovenia. The Contracting Authority clearly stated that the tender price shall include all possible other charges (taxes (except VAT), customs charges, etc.) in relation with the implementation of the public procurement. In the light of the foregoing, the Second Ranked Tenderer did not include everything in the final price as has been demanded by the Contracting Authority. Furthermore, the Second Ranked Tenderer did not fill out the table "General requirements" in conformity with the Contracting Authority's instructions, as the Contracting Authority only made possible entries: YES or NO under each individual requirement, and the Tenderer inserted the word NOTED under "GEN0060". The Tenderer therefore failed to answer YES to the demand that includes the word "shall" and is obligatory, and for this reason failed to comply with the requirements of the Contracting Authority concerning the subject-matter of the Public Procurement.

Consequently, the Contracting Authority has rejected the tender submitted by the Tenderer TNC Albania and eliminated it as inadmissible.

The Contracting Authority verified the Third Ranked Tenderer UFA, Inc. USA and concluded that it is admissible as it was submitted by the tenderer for which there is an absence of grounds for exclusion and it fulfils all the conditions set by the Contracting Authority for the participation in the Public Procurement and at the same time meets all needs and requirements of the Contracting Authority, set in the Technical specification and the tender documentation was submitted timely, no collusion or corruption have been demonstrated, it was not assessed as abnormally low and the price does not exceed the available funds of the Contracting Authority. UFA, Inc. USA was invited to the demonstration and also at the demonstration presented the compliance with the requirements.

The Contracting Authority then verified the fourth tender Edda Systems AS Norway and concluded, that it does not meet the needs and requirements of the Contracting Authority set in the tender documentation (technical specifications), as the Tenderer stated that not all of the demands listed in the Contracting Authority's Technical specification and requirements would be fulfilled in time of delivery – some would be fulfilled 3 months and

some even 7 months after delivery, and has attached also a table, where it has indicated which obligatory requirements would be fulfilled at delivery, which 3 months after delivery and which 7 months after delivery. . The Contracting Authority clearly stated in their explanations on the Public Procurement Portal that "Bidder shall fill in the tables in paragraph 4 of the Technical specification and requirement document and confirm that the offered product will be compliant to all mandatory requirements at FAT.". Consequently, the tender made by the Tenderer Edda Systems AS Norway is not in conformity with the requirement of the Contracting Authority concerning the subject-matter of the Public Procurement and the fulfilment of mandatory requirements at FAT testing.

Consequently, the Contracting Authority has rejected the tender submitted by the Tenderer Edda Systems AS Norway and eliminated it as inadmissible.

The Contracting Authority also verified the fifth tender, made by the Tenderer Micro Nav Limited United Kingdom, the sixth tender, made by the Tenderer ST Electronics (Info-Software Systems) Pte Ltd Singapore, and the seventh tender, made by the Tenderer Adacel Inc. Canada and concluded that the price of each Tenderer exceeds the available funds of the Contracting Authority, therefore the Contracting Authority has rejected the tenders submitted by Micro Nav Limited United Kingdom, ST Electronics (Info-Software Systems) Pte Ltd Singapore and Adacel Inc. Canada and eliminated them as inadmissible.

IV.

In the light of the foregoing considerations from this explanation (point III.) and due to the fact that the Tenderer UFA, Inc. has submitted the economically most advantageous admissible tender for the implementation of the Public Procurement »Tower Simulator«, the Contracting Authority shall award the contract to UFA, Inc.

Hereby the decision of the Contracting Authority is fully explained.

Legal Instruction:

According to the Legal Protection in Public Procurement Procedures Act (Official Gazette of the Republic of Slovenia, No. 43/11, 63/2013; hereinafter: ZPVPJN), it is possible to file a request for audit of the public procurement procedure against this contract award decision. A request for audit must contain all elements listed in paragraph 1, Article 15 of the ZPVPJN. A request for audit shall be filled within 8 (eight) working days after the publication of this decision on the Public Procurement Portal. The request for audit shall be submitted directly to the Contracting Authority in written form, by registered mail or by registered mail with return receipt and to the Ministry of Public Administration.

A confirmation of payment of the stipulated fee in the amount of 9.516,00 EUR, shall be submitted together with the request for audit. This fee shall be remitted to the bank account number SI56 0110 0100 0358 802, open at the Bank of Slovenia, Slovenska 35, 1505 Ljubljana, Slovenija, SWIFT BS LJ SI 2X, reference no. 11 16110-7111290-00587416.

Franc Željko Županič, Ph.D.
Chief Executive Officer

Prepared by:
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Appendix:
- Appendix No 1 - Scoring

Served:
- In accordance with the tenth paragraph of Article 90 of the Public Procurement Act

A. **TOTAL price for implementing the public procurement "Tower Simulator"** $PYS = \frac{PYS\ (lowest)}{PYS\ (evaluated)}\ x\ 78$	ATCOsim investment s.r.l. Romania	TCN Albania	UFA, Inc. USA	Edda Systems AS Norway	Micro Nav Limited United Kingdom	Adacel Inc. Canada	ST Electronics (Info-Software Systems) Pte Ltd Singapore
	200.000,00 €	349.800,00	390.000,00	391.190,00	550.000,00	595.000,00	563.775,00
	78,00	44,60	40,00	39,88	28,36	26,22	27,67
B. **EXTRA WARRANTY PERIOD**	50 months	37 months	37 months	37 months	37 months	48 months	37 months
	22	22	22	22	22	22	22
	100,00	66,60	62,00	61,88	50,36	48,22	49,67
	1	**2**	**3**	**4**	**5**	**7**	**6**

EXTRA WARRANTY	POINTS
12 months	0
From 13 to 15 months	2,5
From 16 to 18 months	5
From 19 to 21 months	7,5
From 22 - 24 months	10
From 25 - 27 months	12,5
From 28 - 30 months	15
From 31 - 33 months	17,5
From 34 - 36 months	20
37 months or more	22