

INVITATION TO TENDER

Regular scheduled flight services between Joensuu, Jyväskylä, Kajaani, Kemi, Kokkola and Helsinki 29 April 2024 – 28 March 2026



TRAFICOM/526562/02.03.01/2023

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INVITATION TO TENDER

1.1 Buyers

Name and addresses:

1. Official name Liikenne- ja viestintävirasto Traficom

National Business ID 2924753-3

Postal address PL 320

Post office TRAFICOM

Postal code 00059

Email address maakuntienlentotuki@traficom.fi

Main address <https://www.traficom.fi/en/transport/aviation/air-public-service-obligations>

2. In the Option Period purchases the Buyers are:

A) Joensuu

City name: City of Joensuu

National Business ID: 0242746-2

Postal address: Joensuun kaupunki, PL 59

Post office: Joensuu

Postal code: 80101

Email address: kirjaamo@joensuu.fi

B) Jyväskylä

City name: City of Jyväskylä

National Business ID: 0174666-4

Postal address: PL 193

Post office: Jyväskylä

Postal code: 40100

Email address: kirjaamo@jyvaskyla.fi

C) Kajaani

CITY/REGION name: City of Kajaani

Postal address: Pohjolankatu 13

Post office: Kajaani

Postal code: 87100

Email address: kajaani@kajaani.fi

D) 1. Kemi

CITY/REGION name: City of Kemi

National Business ID: 0210427-6

Postal address: Valtakatu 26

Post office: Kemi

Postal code: 94100

Email address: kirjaamo@kemi.fi

2. Tornio

National Business ID: FI1935246

Postal address: Suensaarenkatu 4

Post office: Tornio

Postal code: 95401

Email address: kirjaamo@tornio.fi

E) Kokkola - will not be participating in the Option Period flights purchase.

The Option Period flights (between 29.3.2026 - 27.2.2028) will be mainly funded by the destination cities/destination city authorities.

1.2 Communications

A full set of tender documents can be obtained without limitation or payment from <https://www.traficom.fi/en/transport/aviation/air-public-service-obligations>

For further information, please see the contact information listed above.

Tenders must be made in electronic format and submitted by email to **kirjaamo@traficom.fi**. A copy of the message must be sent to **maakuntienlentotuki@traficom.fi**.

Tenders must contain the register number of the matter (TRAFICOM/526562/02.03.01/2023) and the subject number.

If the tender or other form of contact is to be considered confidential in whole or in part, secure email can be used. Instructions for using secure email are available at

<https://www.traficom.fi/en/traficom/contact-details/sending-secure-email-traficom>

2. Subject of the procurement

2.1.1 Introduction

Pursuant to Article 16(1) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (hereinafter referred to as the 'Air Services Regulation'), the Finnish State (Finnish Transport and Communications Agency Traficom, hereinafter referred to as 'Traficom') decided on 26th of October 2023 to impose a public service obligation for scheduled air services between Joensuu and Helsinki, Jyväskylä and Helsinki, Kajaani and Helsinki, Kemi and Helsinki, and Kokkola and Helsinki. The obligation is imposed on scheduled air services from the airports listed above to Helsinki from 29 April 2024 – 28 March 2026.

Traficom requests your tender for scheduled air services according to the public service obligation. This tendering procedure is carried out according to the procedure in the Air Services Regulation (EC) No 1008/2008.

This agreement is divided into parts, and the tenderer may tender for the parts of its choice. Tenders may also be made for all parts.

At the September 2023 budget meeting, the Government has decided to develop Finland's internal air traffic primarily on market conditions and at the same time enable security of supply, export industry and tourism with the important air connections.

The Government will secure the funding for regional flights until the end of March 2026 with public service obligation.

The public service obligation air traffic will continue from Helsinki-Vantaa Airport to the following airports: Joensuu, Jyväskylä, Kajaani, Kemi-Tornio, Kokkola-Pietarsaari.

For the entire period of 29 April 2024 – 28 March 2026 the Government reserves 38 million euros to secure air connectivity to Joensuu, Jyväskylä, Kajaani, Kemi-Tornio, Kokkola-Pietarsaari, Savonlinna and Pori airports.

No funding has been reserved for the Option Period from 29.3.2026 lasting maximum 23 months (up to 27.2.2028) as of yet.

The funding for the Option Period will be budgeted and decided in 2025. The Option Period flights will be mainly funded by the destination cities/destination city authorities unless decided otherwise by the Government and the Parliament.

2.1.2 The routes included in the tendering procedure and their airports

'Helsinki' and 'Helsinki airport' are used in these documents to refer to Helsinki-Vantaa Airport.

The other airports are:

Joensuu, EFJO

Jyväskylä, EFJY

Kajaani, EFKI

Kemi-Tornio, EFKE

Kokkola-Pietarsaari, EFKK

For further information on the airports in general, their facilities, equipment, and the related requirements for the performance of aircraft, please refer to

<https://www.ais.fi/ais/aip/en/index.htm>

2.2 Description of the procurement

The tendering procedure applies to scheduled air services to five locations: from Helsinki to Joensuu, Jyväskylä, Kajaani, Kemi and Kokkola. The winner(s) of the tendering procedure shall arrange the public service obligation and the services according to this invitation to tender for these airports. The contents of the public service obligation can be found in the Traficom decision TRAFICOM/526598/05.00.29.00/2023, attached to this invitation to tender as Appendix 1. The schedules for the locations are listed in Appendix 2 'Schedules'. By submitting a tender in this tendering procedure, the tenderer commits to the presented schedule conditions.

2.3 Changes in schedules and option

Changes to the schedules can be made based on mutual agreement between the buyer and the operator. Changes can be made if doing so ensures a better service for passengers. By submitting a tender, the tenderer also commits to use the aircraft only on the route in accordance with the offer, unless otherwise agreed.

The buyer shall pay the operator a compensation according to the service agreement. In addition to this, the operator shall be entitled to keep the revenue from ticket sales and any other sales revenue, including those from freight or advertising.

Optional flights refer to flights taking place during the agreement period of 29.4.2024-28.3.2026 (23 months) as presented in the schedule appendix. In addition to the public service obligation, optional flights are possible. The schedules for optional flights are listed in **Appendix 2**. If optional flights are carried out, they will be carried out as round-trip flights at the same prices as the regular flights. A description of the optional flights is provided in section 2.4 Destinations.

An **Option** for extending the agreement period up to 29.3.2026-27.2.2028 (maximum 23 months) is reserved for all the destinations. The procedure preceding the potential implementation of the Option Period is described in Appendix 7 'Draft of the purchased services agreement'. The decision on the utilisation of the Option Period will be made by Traficom. The buyer will announce the deployment of the Option Period no later than **one month before** the start of the new agreement period. No funding has been reserved for the Option Period as of yet, the funding on the Option Period will be budgeted and decided in 2025. The Option Period flights will be mainly funded by the destination cities/destination city authorities unless decided otherwise by the Government and the Parliament.

2.4 Destinations

Destination 1 Joensuu

Regular scheduled air services from 29.4.2024-28.3.2026 (23 months) between the cities of Joensuu and Helsinki. The schedules and flight days are listed in Appendix 2. The seating capacity of the aircraft must be at least 50 seats, according to the decision on the public service obligation.

Destination 2 Jyväskylä

Regular scheduled air services from 29.4.2024-28.3.2026 (23 months) between the cities of Jyväskylä and Helsinki. The schedules and flight days are listed in Appendix 2. The seating capacity of the aircraft must be at least 29 seats, according to the decision on the public service obligation.

Destination 3 Kajaani

Regular scheduled air services from 29.4.2024-28.3.2026 (23 months) between the cities of Kajaani and Helsinki. The schedules and flight days are listed in Appendix 2. The seating capacity of the aircraft must be at least 50 seats, according to the decision on the public service obligation.

Destination 4 Kemi

Regular scheduled air services from 29.4.2024-28.3.2026 (23 months) between the cities of Kemi and Helsinki. The schedules and flight days are listed in Appendix 2. The seating capacity of the aircraft must be at least 50 seats, according to the decision on the public service obligation.

Destination 5 Kokkola

Regular scheduled air services from 29.4.2024-28.3.2026 (23 months) between the cities of Kokkola and Helsinki. The schedules and flight days are listed in Appendix 2. The seating capacity of the aircraft must be at least 42 seats, according to the decision on the public service obligation.

2.5 Option

The buyer may procure optional flights to all destinations if required by the demand and possible in terms of the funding situation. Any optional flights will be agreed upon separately. In the purchased services agreement, Traficom also reserves the possibility to negotiate with the tenderer about expanding the services outside the dates and time periods of the regular services. In this case, the departure and arrival schedules may be changed. In this case, the compensation paid per rotation will be the same as the price per rotation presented on the tender. By submitting a tender, the tenderer also commits to making its aircraft available on the days of the week that include optional flights.

In addition to demand, the option flights are dependent on the sufficiency of the funds. If the option can only be implemented in part, but not in full, it shall be done as follows:

- The number of weekly flights per destination is increased by 0-2 rotation.
- If there is still funding remaining after this, priority shall be given to additional flights on connections where passenger load factors and the numbers of passengers have been the highest, taking into account customer demand during this and the previous agreement period and forecasts thereof.

This tendering procedure also reserves the possibility for an Optional period of 29 March 2026-27 February 2028 (maximum 23 months). The Option covers all the destinations included in the procurement. The potential flights for this period shall be operated at the service level defined in the schedule appendix. The potential Optional Period shall be operated at the same prices as the actual agreement period.

No appropriations have so far been reserved in the State budget for services in 2024–2026, including the option, and no other funding is known to be available at this time. No funding has

been reserved for the Option Period as of yet, the funding on the Option Period will be budgeted and decided in 2025. The Option Period flights will be mainly funded by the destination cities /destination city authorities unless decided otherwise by the Government and the Parliament.

2.6 Schedules

The schedules for the destinations are described in Appendix 2 to the invitation to tender. It should be noted that the schedules are preliminary when it comes to the exact departure times. Of key importance are the time of arrival in Helsinki and time of departure from Helsinki.

The differing flight times of different types of aircraft on the routes are not taken into account in the schedules. In regard to the time of departure from Helsinki, it must also be taken into account that deviations from the presented schedule are possible for a justified reason related to traffic and transport.

The arrivals to and departures from Helsinki are to be operated at a schedule which enables flexible changes with international flights.

2.7 Financial compensation

Tenders must clearly indicate the required compensation in EUR for operating the air services in question. The required compensation must be based on an assessment of the actual expenses and income, and it must consider the minimum requirements of the public service obligation and the requirements of this invitation to tender. The compensation may only cover the expenses from the actual operation of the air services and the expenses formed on the Helsinki airport and the other airports in question which are directly related to the services provided on this route. In addition, the compensation may cover an appropriate share of the overall expenses of the air services from Joensuu, Jyväskylä, Kajaani, Kemi and Kokkola to Helsinki and the tenderer's other operations. The costs which may be included in the compensation are defined in the net cost calculation model (Appendix 3) which must be filled in and attached to the tender. The compensation shall not include expenses created on other routes or other airports. During the operating period, changes to fuel prices may affect the amount of compensation as defined in the purchased services agreement (Appendix 7).

Tenderers should note that the compensation paid to the selected tenderer must comply with the EU state aid legislation. According to Article 17(8) of the Air Services Regulation, the compensation paid may not exceed the amount required to cover the net costs incurred in discharging each public service obligation, taking into account the revenue gained therefrom by the air carrier and a reasonable profit. Reasonable profit is defined in Appendix 7 'Draft of the purchased services agreement'.

All compensations and expenses must be stated in EUR.

2.8 Tender price

Using Appendix 6 of the tender documents, each tender must state the tender price (including VAT) at which the air carrier commits to operating one round-trip rotation throughout the agreement period according to the schedule stated on Appendix 2.

The operating period is 29.4.2024-28.3.2026 (23 months) for destinations 1, 2, 3,4 and 5.

During the operating period 29.4.2024-28.3.2026 (23 months), there are 1000 rotations (2000 flights) for every destination - Joensuu 1000 rotations, Jyväskylä 1000 rotations, Kajaani 1000 rotations, Kemi 1000 rotations and Kokkola 1000 rotations.

When issuing the tender, it should be noted that the average numbers of passengers on the routes have been:

11/2022- 7/2023	Passengers		Flights
	Average/flight	Average/month	Average/month
JOE	35	3122	89
JYV	24	1467	62
KAJ	38	3127	81
KEM	28	3002	106
KOK	19	1976	105

The numbers of passengers estimated by the buyer are not binding.

The unit price per one-way flight used in the purchased services agreement as the basis for operating compensation, sanctions and reporting is calculated by halving the unit price per rotation. For example, if the price per rotation announced by the tenderer would be EUR 2,000 per rotation, the unit price per flight would be EUR 2,000 / 2 = EUR 1,000.

The tender price must not include the passenger-specific airport fees, which are considered suspense account items and which, as such, the air carrier does not retain.

Tenders shall be quoted in EUR and shall be inclusive of current VAT on passenger transport services at ten (10) per cent. VAT shall be itemised in the tender. If the VAT rate is raised, the increase will not be compensated by the buyer.

From the beginning of the year 2025 the VAT rate is raised up to fourteen (14) % VAT.

In addition to the price inclusive of VAT for a rotation (round-trip flight), tenders shall quote the total price for the operation period, without the option and according to the number of flights/rotations specified by the buyer.

Tenders (Appendix 5) shall quote fuel costs at the time of submitting the tender and the name of the fuel supplier.

2.9 Ticket types and ticket prices

Tenders shall include a breakdown of ticket price ranges, their conditions of validity and the various types of tickets included in the price system (please see the additional requirements in Appendix 5). The prices shall include all applicable taxes and fees. The prices shall comply with the requirements of the public service obligation imposed on the route as set out in Appendix 1 to this invitation to tender.

The ticket prices and conditions of validity of the various types of tickets shall apply for the entire operating period.

3. Legal, economic, financial and technical information

Participation requirements

3.1 Air carriers

Air carriers within the EU, defined in Article 2(11) of the Air Services Regulation, may participate in the tendering process. The air carrier must have a valid operating licence granted by a competent licensing authority of an EU member state according to Article 3 of the Air Services Regulation, and an air operator certificate according to Article 6.

For the sake of clarity, it is stated that tenders made by marketing companies which are not air carriers as defined in Article 2(11) of the Air Services Regulation will not be considered in the tendering procedure.

3.2 Aircraft used in the operations

The air carrier shall ensure that the aircraft used in the operations meets the needs of the passenger demand set for these routes in the public service obligation.

The baggage and freight capacity of a fully loaded aircraft at normal weather conditions per passenger must be 8 kg of cabin baggage and at least 20 kg of checked baggage.

Especially on the Joensuu–Helsinki and Kajaani–Helsinki routes, the aircraft must also be able to carry special baggage (skis, sports equipment, musical instruments, golf bags, etc.). On all connections, the cost for additional baggage, such as ski bags and other items, may be no more than EUR 20 per piece one way, including all taxes and fees.

In the event of aircraft breakdown, the tenderer must be able to provide aircraft which meets the requirements of this invitation to tender within (24) hours from the moment the equipment was broken. The replacement aircraft must be available until the original aircraft stated in the tender can continue the operations. The tenderer is responsible for any additional costs accrued by the use of the replacement aircraft. The tender must also include the information of replacement aircraft.

The following information must be supplied for all aircraft included in the tender, including backup aircraft:

- Extract from parts OM-B of the Operations Manual confirming the aircraft's PBN capabilities for airports that only use PBN (GNSS required)
- Extract from part OM-A 8.3 Flight Procedures of the Operations Manual concerning PBN operation (AMC3 ORO.MLR.100)

3.3 The air carrier's experience in the sector

At the time of submitting the tender, the air carrier must have at least two years of experience in scheduled air services for passengers in the EU during 2017–2022. This requirement also applies to any subcontractor that the tenderer intends to use.

3.4 Language skills of the cabin crew

The cabin crew must be able to serve customers in either Finnish or English.

3.5 Information about the air carrier

Tenders must state the name and contact information of the tenderer, and the name of the person responsible for the services.

Tenders must also include the following information and reports of the tenderer:

- 1) Copies of the valid operating licence and air operator certificate.
- 2) Articles of Association and financial statements for the past three financial years.
- 3) A statement from the tax authorities on outstanding taxes of the tenderer.
- 4) A statement from the relevant insurance company indicating that employee accident insurance premiums and pension contributions for the tenderer are fully paid up.
- 5) Signed declaration (international legislation on sanctions)
- 6) Interline agreements or a report on the status of interline agreements (see section 3.7)

For a justified reason, documents other than those listed in items 2–4 above may be accepted as proof of the tenderer's credit rating and financial standing. If the tenderer is a company based outside of Finland, it must supply the information using a report, excerpt or similar generally accepted certificate from its country of operations.

These documents must also be presented for any subcontractor the tenderer intends to use.

3.6 Using a subcontractor

The tenderer must hold a valid air operator certificate (AOC) and operating licence in its name. If the tenderer will be using a subcontractor, the tender must state which share of the services is to be subcontracted.

The subcontractor must hold a valid operating licence and air operator certificate. Only air carriers which meet the requirements stated in the tender documents may be accepted as subcontractors.

The air carrier selected through the tendering procedure may not request a subcontractor to be accepted after the signing of the purchased services agreement. Information about the subcontractor and copies of the documents listed above must be presented in connection with the other tendering documents.

The leasing of aircraft with crew ('wet-leasing') is not allowed.

The tenderer is responsible for its subcontractor's actions as for its own.

Subcontracting during the agreement period is separately agreed on in the purchased services agreement.

3.6.1 Ground handling services

The selected tenderer must make sure and commit to that the ground handling service provider commissioned by it at the airport commits to compliance with the generally applicable collective agreement in the branch.

The ground handling services operator must commit to handling all the baggage, special baggage, etc. carried by and transported with passengers.

3.7 The interline agreement and ticket sales channels

The tenderer shall have in use an international reservation and ticketing system which is valid in Finland and an IATA interline agreement with through-pricing and baggage-handling arrangements. Information concerning ticket prices and timetables shall be included in the international reservations and ticketing system.

The tenderer must have an agreement, letter of intent or other reliable statement in place with an airline whose or whose partner offers weekly connecting flights from Helsinki-Vantaa to at least two major European destinations, which must be among the destinations listed below.

The cooperation agreement with the company or companies operating these connecting flights must be in effect no later than 60 days before the start of the scheduled flight services. At Traficom's request, the tenderer must be able to present a letter of intent or other reliable report of the intended agreement without delay before the tendering procedure is completed.

Based on a report published by Eurocontrol in 2022

(<https://www.eurocontrol.int/publication/eurocontrol-analysis-paper-2022-year-european-aviation-bounced-back>), the airports that Traficom considers to be valid destinations in regard to the aforementioned requirement are: Amsterdam - Schiphol (AMS), Frankfurt - Frankfurt am Main (FRA), Madrid – Bajas (MAD), London - Heathrow (LHR), Barcelona - El Prat Airport (BCN), Athens - Athens International Airport Eleftherios Venizelos (ATH), Munich - Franz Josef Strauss Airport (MUC), Zürich - Flughafen Zürich (ZRH), Berlin - Berlin Brandenburg Airport Willy Brandt (BER), Oslo - Gardermoen Airport (OSL), Paris - Charles de Gaulle (CDG), Milan - Malpensa (MXP), Rome - Fiumicino (FCO), Brussels - l'Aéroport de Bruxelles (BRU), Stockholm - Arlanda (ARN), Lisbon - Humberto Delgado Airport (LIS), Copenhagen - Kastrup (CPH), Dusseldorf - Düsseldorf Airport (DUS).

At least one computer-based reservations system must be used. At the time of submitting the tender, the tenderer must be able to sell tickets via at least one website intended for the sales of flight tickets operating in Finnish or English and via their own website. These websites intended for the sales of flight tickets must be specified on the tender documents.

The tender must state the information about these agreements and the information about the air carrier's cooperation partners in ticket sales and reservation operations.

If necessary, Traficom may request a report about the status of the interline agreement, reservations systems and cooperation partners. Evidence of the valid and compliant interline agreements must be submitted to the buyer no later than 60 days before the start of the regular scheduled flight services. Not complying with this requirement will result in the tender in question being rejected and the tenderer being issued a contractual penalty as referred to in section 5.7.

4. Selection criteria for the tendering procedure

The buyer will make its selection from the tenders which comply with the invitation to tender and meet the terms and requirements stated in the tender documents. The selection takes into consideration the grounds listed in Article 17 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council.

The selection criterion in the evaluation of tenders is the offered price of rotation, i.e. a round-trip flight. The price of the entire agreement period must also be provided on the tender. For destinations 1,2,3,4 and 5 this is done by multiplying the rotation price by the number of rotations. The tenderer whose tender has the lowest price in EUR will be selected.

5. Tendering procedure

5.1 General

The buyer may suspend the tendering procedure in whole or in part, or decline all tenders if their price level is too high and it exceeds the available appropriations, or if the circumstances or the preconditions for operating the service have significantly changed before the obligation enters into force in a way which makes it impossible or inappropriate to carry out the services as defined in the invitation to tender. The tendering procedure can be suspended in whole or in part until the purchased services agreement has been signed.

Until the signing of the agreement, the buyer also reserves the right to delay the start of the planned services. Delaying the starting time shall not affect the time when the operating period ends.

Tenders must be signed by a representative of the tenderer authorised to sign for the organisation. Each tender must contain an email address for the buyer to use in informing the tenderer about the decisions regarding the procurement and to contact the tenderer in other matters.

Tenders must be submitted for each destination separately. Tenderers may submit tenders for 1–5 destinations. Combined tenders are not accepted. An order of priority may not be stated for the tenders; the tenderer commits to operating all of the routes it submits a tender for, if necessary. When submitting the tender, the documents must be clearly labelled to state the number of the destination it applies to (1,2,3,4 or 5).

5.2 Deadline for submitting tenders and the language of the tender

The publication of the information notice regarding the invitation to tender in the Official Journal of the European Union in accordance with Article 17(5) of the Air Services Regulation was published on 27.10.2023 - C/2023/584.

Tenders must be submitted latest on **the 2nd of January 2024 by 1 pm LT (EET)**.

The tender and its appendices must be submitted in Finnish and/or English. The documents must be submitted in PDF or, if necessary, Excel format.

The tenderer must supply all of the documentation requested by Traficom in Finnish or English. If requested by the buyer, the tenderer must supply the requested documentation as originals and

translated into Finnish. If documents are translated, they must be translated by an authorised translator where appropriate, and any certificates from authorities of countries other than Finland must be appropriately legalised.

5.3 Submitting tenders and the period of validity

Tenders must be submitted by email to **kirjaamo@traficom.fi** and to **maakuntienlentotuki@traficom.fi**. The tenders must be delivered to the buyer no later than on the date specified in section 5.2 'Deadline for submitting tenders and the language of the tender' **by 1 pm LT (EET), 2.1.2024.**

If the tenderer submits tenders for more than one destination, the destination-specific tenders must be submitted as separate files. The file names must clearly indicate the intended destination.

Submitted tenders must be valid for four months after the deadline defined in section 5.2 'Deadline for submitting tenders and the language of the tender'.

5.4 Questions, requests for additional information and inspections regarding the invitation to tender

Tenderers may ask Traficom questions regarding this invitation to tender within 20 days of the beginning of the tendering process. Questions received after this will not be answered. All questions must be submitted via email to **maakuntienlentotuki@traficom.fi**. Questions submitted to other email addresses will not be answered. The subject field of the message must mention the phrase 'PSO air services tendering procedure' and, if necessary, the destination number (destination 1: Joensuu; destination 2: Jyväskylä; destination 3: Kajaani; destination 4: Kemi; destination 5: Kokkola).

Within 10 days of receiving each question, the buyer shall submit the answers to the questions to all tenderers who have reported their email addresses.

In addition, the buyer shall draft a summary of the questions and answers no later than 45 days from the beginning of the tendering process. The summary will be available upon request from **kirjaamo@traficom.fi** and **maakuntienlentotuki@traficom.fi**. If required, the questions will be anonymised.

If necessary, the buyer may request tenderers to complete the tender documents. However, the buyer is not obligated to do so. The tenderer is responsible for ensuring that its tender complies with this invitation to tender and that its contents are clear.

The buyer is entitled to inspect the aircraft and maintenance services of tenderers and their proposed subcontractors.

These inspections do not decrease the responsibilities and obligations of the tenderer.

5.5 Publicity of the tenders

Pursuant to the Act on the Openness of Government Activities (621/1999), tenders submitted to Traficom in response to this invitation to tender are by default public documents. The documents are by default public from the signing of the agreement onwards. Pursuant to section 11 of the Act

on the Openness of Government Activities, the documents may be public to the parties before the signing of the agreement.

If the tenderer considers that the tender contains business or trade secrets, the tenderer shall clearly mark such information in the tender. The tender as a whole cannot be deemed confidential.

The unit price of a rotation flight, which is used as the selection criterion in the tendering procedure, cannot be deemed confidential either.

5.6 Changes and specifications to the subjects of the tendering procedure

The buyer may change or specify the subject of the tendering procedure during the procedure prior to the expiry of the deadline imposed for submission of tenders if deemed necessary due to facts that have come to light. The deadline for the submission of tenders may be extended if warranted by the changes and specifications. All parties known to have ordered the tender documents will be informed in writing of any changes and specifications at the same time.

5.7 Withdrawing a tender and contractual penalty

Withdrawing a tender is acceptable if the buyer receives the email regarding the withdrawal before the deadline for submitting the tenders. Withdrawals shall be sent by email to **kirjaamo@traficom.fi**, and as a copy to **maakuntienlentotuki@traficom.fi**.

The tenderer whose tender was selected as the winner may not withdraw their tender without acceptable cause nor abandon operations after the purchased services agreement has been signed. For instance, it would not be an acceptable cause that the winning tenderer would gain more revenue than as per the tender from operating a route different from the one concerned in the present tendering procedure, or that the ticket sales revenue has not met the estimate in the tendering phase.

If the winning tenderer nevertheless abandons operations, does not submit information about the agreements mentioned in section 3.7 above or does not commence operations at the time stated, the tenderer shall be liable to pay the State of Finland a lump sum compensation of EUR 50,000. The liability for compensation shall arise starting on 25 April 2024 or later if Traficom has exercised its right to defer the start date of the planned operations as provided for in section 5.10 'Deferring and abandoning the operations'.

5.8 Exclusion of tenderers

Tenderers that are deemed unable to fulfil the obligations detailed in the tender documents, whether because of technical, financial or other considerations, may be excluded from the tendering procedure.

A tenderer may be excluded from the tendering process in the following cases:

- a) The tenderer does not comply with currently valid national and international aviation regulations.
- b) The tenderer's technical capabilities or financial standing based on their tender and its appendices is estimated to be so poor that it can fairly be assumed that the tenderer would struggle to fulfil the obligations resulting from the agreement during the agreement period. The financial standing of the tenderer can also be estimated to be poor if the tenderer is bankrupt,

in a liquidation process or if it has interrupted its business or if the tenderer's creditor in a confirmed accord, a liquidation programme or in another process based on similar legislation has been arranged, or if bankruptcy or liquidation or another similar process is under way.

- c) The tenderer has been convicted by a final court decision of a not-insignificant offence related to transport operations or has committed a serious breach of agreement or other procedural breach in transport operations.
- d) The tenderer has submitted false information to the buyer in connection with the tender procedure concerning a factor which is significant for the procurement.
- e) The tenderer is unable to operate the flights in accordance with the purchased services agreement due to insufficient technical preconditions. The technical requirements related to the approaching procedures, for example, are defined in the decision on the public service obligation for each airport.
- f) The tenderer has not submitted its tender in Finnish or English.
- g) The tenderer cannot submit the possible additional reports or other documents required by the buyer in accordance with the invitation to tender.

5.9 Suspending the tendering procedure

This tendering procedure may be suspended in whole or in part if within 60 days of the public service obligation being published in the Official Journal of the EU even one air carrier proves its intention to start scheduled air services on this route either directly or via a stopover airport in accordance with the public service obligation without exclusive right and without financial compensation.

The buyer may suspend the tendering procedure or decline all tenders if their price level is too high and it exceeds the available appropriations. The buyer may also suspend the tendering procedure for one or several destinations and continue it for other destinations. If the tendering procedure is suspended only in part due to the sufficiency of the appropriations, the destinations to be suspended will be based on demand so that the destination with the lowest passenger numbers shall be suspended first, followed by the destination with the second lowest passenger numbers, and so on.

5.10 Deferring and abandoning the operations

Traficom reserves the right to defer the start date of the planned operations until the signing of the purchased services agreement. If the circumstances or conditions for organising the services have changed in a way that the planned operations are not appropriate or cannot be carried out as presented in the invitation to tender, the buyer may abandon the subject of the tendering procedure during the tendering process or after the tendering process up until the purchased services agreement has been signed.

6 Service agreement and the public service obligation

6.1 Purchased services agreement

Once the winning tender has been selected, a purchased services agreement shall be signed between the buyer and the selected air carrier. The winning tenderer shall accept the terms and conditions of delivery of the Finnish Airport Operator Finavia 30 days before beginning operations.

The tender shall be based on the terms and conditions of the purchased services agreement. A draft of the purchased services agreement is attached to this invitation to tender. By submitting a tender in this tendering procedure, the air carrier accepts the terms and conditions.

The agreement may be amended only if the requirements based on the public service obligation are still met after the amendment. The amendments to the agreement shall be made in writing. The parties have the right to cancel or terminate the agreement for a reason mentioned in the terms of the agreement.

6.2 Public service obligation and other legislation

Tenders shall comply with the requirements of the public service obligation set out in Appendix 1 to this invitation to tender. By submitting a tender in this tendering procedure, the air carrier accepts the terms and conditions.

The air carriers participating in this tendering procedure agree to comply with currently valid legislation. This includes Finnish consumer legislation and tax legislation, the Act on the Provision of Digital Services (306/2019), relevant EU regulation concerning air transport and all Finnish and international regulation concerning safety and security. The buyer urges tenderers to pay attention to regulation concerning safety and security in particular.

7. Appeals

The buyer shall inform the tenderers about the procurement decision by email to the address stated in the tender. The procurement decision contains information about the evaluation of the tenders, the grounds for the decision, and instructions for appeal. Those dissatisfied with the decision may submit a request for an administrative review to Traficom or a request for a judicial review to the Administrative Court.

The agreement between Traficom and the selected operator is only established once the written purchased services agreement is signed. The agreement is not established through informing the tenderers of the decision.

Request for judicial review address:

Helsinki Administrative Court, Radanrakentajantie 5, 00520 Helsinki, helsinki.hao@oikeus.fi

<https://oikeus.fi/hallintooikeudet/helsinginhallinto-oikeus/en/index.html>

8. Appendices

Appendices to the invitation to tender:

- 1) Decision on the public service obligation TRAFICOM/526598/05.00.29.00/2023
- 2) Schedules
- 3) Net cost calculation model
- 4) Background information table

A) Joensuu

B) Jyväskylä

C) Kajaani

D) Kemi

E) Kokkola

5) Tender template

A) Joensuu

B) Jyväskylä

C) Kajaani

D) Kemi

E) Kokkola

6) The reporting template for the selection criteria for the tendering procedure

A) Joensuu

B) Jyväskylä

C) Kajaani

D) Kemi

E) Kokkola

7) Draft of the purchased services agreement (in English)

8) Signed declaration (international legislation on sanctions)