

PROCUREMENT DECISION

Date
5 September 2022
Reg. no.
TRAFICOM/120167/02.03.01/2022
Reference
Invitation to tender 27 June 2022

PROCUREMENT DECISION OF THE FINNISH TRANSPORT AND COMMUNICATIONS AGENCY TRAFICOM

Tendering process for air services to five regional airports

TENDERING PROCEDURE

1. Object of the procurement and agreement period

The object of the procurement is the operation of scheduled air services from Kemi, Kokkola, Kajaani, Jyväskylä and Joensuu to Helsinki Airport in accordance with the public service obligation.

The contract period of the public service obligation for scheduled air services is from 31 October 2022 to 30 July 2023.

2. Estimated total value of the procurement

According to the buyer's estimate, the value of the procurement with services to all destinations combined is EUR 14 million. This covers the base agreement period without optional flights. With optional flights, the total appropriation reserved for the procurement is EUR 17 million. The sum only covers procurement in the base agreement period. If the procurement option is utilised, an appropriation must be allocated for it. The longest possible option period is from 31 July 2023 to 28 April 2024.

3. Tender procedure and invitation to tender

The tender procedure used was in accordance with the Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community (hereinafter 'the Air Services Regulation'). According to section 9, subsection 1, paragraph 15 of the Act on Public Procurement and Concession Contracts (1397/2016), the Act on Public Procurement and Concession Contracts shall not apply to the procedure. The announcement concerning the tendering procedure was published on 27 June 2022 in the Official Journal of the European Union 2022/C 241/09.

In accordance with the invitation to tender, the deadline for submitting tenders was 29 August 2022 at 13:00 Finnish time (LT EE).

The tender opening events were held on 29 August 2022, 30 August 2022 and 31 August 2022.

4. Documents examined in the tender procedure

Eight (8) tenders were received by the deadline:

DESTINATION 1 JOENSUU

- Finnair Oyj, a total of two separate email messages on 26 August 2022 at 15:53 and on 29 August 2022 at 9:52
- Amapola Flyg AB, 29 August 2022 at 12:02
- DAT A/S, 29 August 2022 at 11:28 and at 12:36

DESTINATION 2 JYVÄSKYLÄ

- Finnair Oyj, two separate email messages on 26 August 2022 at 15:53 and on 29 August 2022 at 9:52
- NyxAir OÜ, 29 August 2022 at 12:58

DESTINATION 3 KAJAANI

- Finnair Oyj, two separate email messages on 26 August 2022 at 15:53 and on 29 August 2022 at 9:52
- DAT A/S, 29 August 2022 at 11:28 and at 12:36

DESTINATION 4 KEMI-KOKKOLA

- Finnair Oyj, two separate email messages on 26 August 2022 at 15:53 and on 29 August 2022 at 9:52

5. Assessment of the suitability of the tenderers and the compliance of the tenders with the invitation to tender

The conditions for the suitability of the tenderers were specified in section three of the invitation to tender. Along with the tender, tenderers were required to submit the forms 3, 4, 5 and 6 appended to the invitation to tender (net cost calculation, background information table, tender form and tender selection criteria). In addition to these, the tenderers had to attach 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 in accordance with Article 6. They also had to present a description of the aircraft used in the operations, an account of at least two years of experience in scheduled air services for passengers in the EU during 2016–2022; the Articles of Association and financial statements for the past three financial years, a statement from the tax authorities on outstanding taxes of the tenderer, and a statement from the relevant insurance company indicating that employee accident insurance premiums and pension contributions for the tenderer are fully paid up.

Moreover, they had to present a report about the interline agreement (section 3.7 of the invitation to tender). A commitment to the schedules presented as well as the ticket pricing was required in the tender.

In connection with the suitability assessment, supplements to the documentation were requested.

Amapola Flyg AB (hereinafter 'Amapola') was asked to provide a more recent statement on outstanding taxes as well as an insurance certificate, which were received and found appropriate.

DAT A/S was asked to supplement their tender by providing the *attestato cumulativo* in Finnish, English or Swedish, the air operator certificate of the tenderer translated into English, part OM-A of the Operations Manual, tender pages 164–169 in English, Swedish or Finnish as far as the tenderer is concerned,

and the identification of the aircraft to be used.

Finnair Oyj was asked to supplement the documents proving suitability; a report of the interline agreement and the available back-up aircraft.

NyxAir OÜ was asked to supplement the documents proving suitability; an extract of the Operations Manual OM-A, financial statements for 2021, articles of association and proof of insurance payments.

The assessment concluded that the tenders included all the information required by the invitation to tender, that the tenders did not contain any terms or conditions contrary to the invitation to tender and that the tenders were compliant with the invitation to tender in other respects as well.

6. Tender comparison method and a summary of the comparison

For destinations 1, 2 and 3, the selection criterion for the tendering process was the tender price of a rotation (a round-trip flight). For destination 4, the selection criterion was the price for the entire contract period. The comparison criteria are described in section 4 of the invitation to tender.

Price comparison and (rank)

Destination 1 Joensuu

TENDERER (RANK)	Entire contract period	Rotation
Finnair Oyj (1)	EUR 1,891,492.33, including VAT EUR 171,953.85	EUR 6,326.06, including VAT EUR 575.10
DAT A/S (3)	EUR 3,837,784.00, including VAT EUR 348,889.00	EUR 12,814.00, including VAT EUR 1,165.00
Amapola Flyg AB (2)	EUR 2,418,910.00, including VAT EUR 219,901.00	EUR 8,090.00, including VAT EUR 735.00

Destination 2 Jyväskylä

TENDERER (RANK)	Entire contract period	Rotation
Finnair Oyj (1)	EUR 2,010,639.54, including VAT EUR 182,785.41	EUR 6,957.23, including VAT EUR 632.48
NyxAir OÜ (2)	EUR 2,459,581.00, including VAT EUR 223,598.00	EUR 8,496.00, including VAT EUR 772.00

Destination 3 Kajaani

TENDERER (RANK)	Entire contract period	Rotation
Finnair Oyj (1)	EUR 3,068,220.96, including VAT EUR 278,929.18	EUR 10,365.61, including VAT EUR 942.23
DAT A/S (2)	EUR 3,522,206.00, including VAT EUR 320,201.00	EUR 11,980.00, including VAT EUR 1,089.00

Destination 4 Kemi-Kokkola

TENDERER (RANK)	Entire contract period	Triangle route
Finnair Oyj (1)	EUR 5,565,741.26, including VAT EUR 505,976.48	EUR 12,060.11, including VAT EUR 1,096.37

7. Decision

The following company has been chosen as the operator of scheduled air services on the routes Helsinki-Joensuu, Helsinki-Jyväskylä, Helsinki-Kajaani and Helsinki-Kemi-Kokkola and invited to contract negotiations:

Finnair Oyj

No contractual relationships with the selected service provider is established yet based on this decision; they will only be established with a separate decision.

8. Applicable sections of law

Air Services Regulation (EC) No 1008/2008, Articles 16 and 17

9. Request for review

A party dissatisfied with this decision may request a review of the decision in accordance with the accompanying instructions for requesting administrative or judicial review.

FINNISH TRANSPORT AND COMMUNICATIONS AGENCY

This document has been signed electronically. Finnish Transport and Communications Agency Traficom 5 September 2022. The authenticity of the signature can be verified with reader software that supports digital signatures or by contacting Traficom's registry.

Saarimäki Jarkko
Deputy Director-General

Pentinsaari Pietari
Director

Distribution

Amapola Flyg AB

DAT A/S

Finnair Oyj

NyxAir OÜ

For the information of

the Joensuu, Jyväskylä, Kajaani, Kemi and Kokkola regions

Ministry of Transport and Communications

Finavia

APPENDICES

Appendix 1: Instructions for appeal