

PROCUREMENT DECISION

Date

9 July 2024

Reg. no.

TRAFICOM/155628/02.03.01/2024

Reference

Invitation to tender 30 April 2024

PROCUREMENT DECISION OF THE FINNISH TRANSPORT AND COMMUNICATIONS AGENCY TRAFICOM

1. Object of the procurement and agreement period

The object of the procurement is the operation of scheduled air services to Pori in accordance with the public service obligation. The obligation is imposed on scheduled air services from Pori to Helsinki from 1 of January 2025 to 27 of March 2027 (the Option Period from 28th of March 2027 to 27th of February 2028).

The agreement period starts from the 1 of January 2025 and ends on 27 of March 2027.

2. Estimated total value of the procurement

The funding of the air services is included in the General Government Fiscal Plan for the years of the agreement period. The decision on the annual appropriation granted by the state is made by Parliament in connection with the annual confirmation of the Budget.-The decision on the funding provided by the City of Pori is made annually in connection with the confirmation of the City's budget.

If the state or the city of Pori does not reserve the necessary funds, traffic will cease without any other measures at the beginning of the following year and the traffic compensation will no longer be paid.

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 Traficom's website on 30 April 2024 (<https://traficom.fi/en/news/new-air-services-tender-helsinki-pori-connection-has-started>).

The announcement concerning the tendering procedure was also published in the official journal of Finland (Virallinen lehti) on 30 April 2024 (34/30.4.2024).

In accordance with the invitation to tender, the deadline for submitting tenders as 1 July 2024 at 13:00 Finnish time (LT EE).

The tender opening events were held on 1 July 2024 and 3 July 2024.

4. Documents examined in the tender procedure

Two (2) tenders were received by the deadline:

OBJECT: Pori - Helsinki

Budapest Aircraft Service Ltd. (Hereinafter BAsE Airlines Ltd.)	29 June 2024 at 13:38
NyxAir OÜ (hereinafter NyxAir)	1 July 2024 at 12:34

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 uninterrupted scheduled air services for passengers in the EU during 2018–2024; 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). The tenderers were also required to indicate in their tender that they commit to the proposed schedules and ticket pricing.

Based on the suitability assessment, it was found that both tenders needed clarifications and supplements to the aforementioned requirements. Both operators were asked to supplement their tender by 2 July at 12:00.

BAsE Airlines Ltd. and NyxAir OÜ's tenders were supplemented with the requested additional information.

Based on the suitability assessment, BAsE Airlines Ltd.'s and NyxAir OÜ's tenders were found to meet the requirements of the suitability assessment detailed above.

After the assessment of the suitability of the tenderers and the compliance of the tenders with the invitation to tender, the decision was made to accept the following tenderer for the comparison of tenders:

BAsE Airlines Ltd.
NyxAir OÜ

6. Tender comparison method and a summary of the comparison

The selection criterion for the tendering process is the tender price of a rotation (a round-trip flight) multiplied by the number of rotations. The comparison criteria are described in section 4 of the invitation to tender.

Price comparison:

OBJECT
PORI - HELSINKI

TENDERER	ENTIRE AGREEMENT PERIOD, VAT 14%	ROTATION VAT 14%	ROTATIONS/FLIGHTS
BASe Airlines Ltd	EUR 7 581 432 ,06	EUR 7807,86	971 / 1942
NyxAir OÜ	EUR 8 346 327 ,60	EUR 8595,60	971 / 1942

7. Decision

The following companies have been chosen as the operators of scheduled air services and invited to agreement negotiations:

BASe Airlines Ltd

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

8. Applicable sections of law

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

5. 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

Pentinsaari Pietari
Deputy Director-General

Frösen Nina
Director

This document has been signed electronically. Finnish Transport and Communications Agency (Traficom) 9 July 2024.

The authenticity of the signature can be verified by using document reader software that supports electronic signatures or by contacting the Traficom Registry.

Distribution

Tenderers

For the information

City of Pori

Ministry of Transport and Communications

APPENDICES

Appendix 1: Instructions for requesting an administrative review