

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 29 April 2024 to 28 March 2026.

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 36 million. This covers the base agreement period without optional flights. If the procurement option is utilized, an appropriation must be allocated for it. The longest possible option period is from 29 March 2026 to 27 February 2028.

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 October 2023 in the Official Journal of the European Union C/2023/584 and C/2023/586.

In accordance with the invitation to tender, the deadline for submitting tenders was 2 January 2024 at 13:00 Finnish time (LT EE).

The tender opening events were held on 2 January 2024, 3 January 2024 and 10 January 2024.

4. Documents examined in the tender procedure

Fourteen (14) tenders were received by the deadline:

DESTINATION 1 JOENSUU

- Finnair Oyj, a total of two separate email messages on 29 December 2023 at 10:29 and 2 January 2024 at 10:35
- DAT A/S 1 January 2024 at 18:18
- AMELIA 2 January 2024 at 11:59

DESTINATION 2 JYVÄSKYLÄ

- Finnair Oyj, two separate email messages on 29 December 2023 at 10:29 and 2 January 2024 at 10:35

- NyxAir OÜ 2 January 2024 at 2:19
- AMELIA 2 January 2024 at 11:59

DESTINATION 3 KAJAANI

- Finnair Oyj, two separate email messages on 29 December 2023 at 10:29 and 2 January 2024 at 10:35
- DAT A/S 1 January 2024 at 18:18
- AMELIA 2 January 2024 at 11:59

DESTINATION 4 KEMI

- Finnair Oyj, two separate email messages on 29 December 2023 at 10:29 and 2 January 2024 at 10:35
- AMELIA 2 January 2024 at 11:59

DESTINATION 5 KOKKOLA

- Finnair Oyj, two separate email messages on 29 December 2023 at 10:29 and 2 January 2024 at 10:35
- NyxAir OÜ 2 January 2024 at 2:22
- AMELIA 2 January 2024 at 11:59

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 2017–2022; 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.

Finnair Oyj was asked to clarify its position regarding Appendix 8. The documents were found to be appropriate.

DAT A/S was asked for a more recent tax debt certificate (arrived in 2021) as a supplement. It was not possible to get a newer document, so the documents were found to be appropriate.

Documents proving the fulfillment of suitability to complement NyxAir OÜ; statement of interline. The customer documents arrived by the deadline, so the documents were found to be appropriate.

Amelia was asked to complete the documents showing that the suitability was met; certificates of possible tax liabilities. The documents that arrived were in French. In response to the preliminary request, the information that there are no debts according to the documents, but it is also not possible to get these from the agency in English. It was noted that, if necessary, they will be translated. The documents were found to be appropriate.

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 the selection criterion for the tendering process was the tender price of a rotation (a round-trip flight). 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 (VAT10 %)	Rotation (VAT10 %)
Finnair Oyj (1)	5 734 814 € (641 989 €)	5 695 € (638 €)
DAT A/S (2)	12 729 165,42€ (1 425 605,04 €)	12 729,17€ (1 425,61€)
Amelia (3)	13 897 296€ (1 539 705 €)	13 801 € (1529 €)

Destination 2 Jyväskylä

TENDERER (RANK)	Entire contract period (VAT10 %)	Rotation (VAT10 %)
Finnair Oyj (1)	7 340 572 € (825 117 €)	7 341 € (825 €)
NyxAir OÜ (2)	9 001 854€ (1 011 854 €)	8 789€ (799 €)
Amelia (3)	13 990 272€ (152 984 €)	14 232€ (1 589 €)

Destination 3 Kajaani

TENDERER (RANK)	Entire contract period (VAT10 %)	Rotation (VAT10 %)
Finnair Oyj (1)	5 316 706 € (594 942 €)	5 538 € (620 €)

DAT A/S (2)	11 792 343€ (1 319 569 €)	11 792,34€ (1 319,55 €)
Amelia (3)	14 664 920€ (1 624 608 €)	14 680€ (1 626 €)

Destination 4 Kemi

TENDERER (RANK)	Entire contract period (VAT10 %)	Rotation (VAT10 %)
Finnair Oyj (1)	8 585 720€ (964 266 €)	8 586 € (964 €)
Amelia (2)	13 864 017€ (1 543 737 €)	14 988€ (1 669 €)

Destination 5 Kokkola

TENDERER (RANK)	Entire contract period (VAT10 %)	Rotation (VAT10 %)
Finnair Oyj (1)	8 889 972€ (994 086 €)	8 890€ (994 €)
NyxAir OÜ (2)	13 161 771€ (1 471 771 €)	12 859€ (1 169 €)
Amelia (3)	16 883 463€ (1 882 338 €)	15 590 (1 738 €)

7. Decision

The following company has been chosen as the operator of scheduled air services on the routes Helsinki-Joensuu, Helsinki-Jyväskylä, Helsinki-Kajaani, Helsinki-Kemi and Helsinki-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

Saarimäki Jarkko

Director-General

Eklund Pipsa

Director

This document has been signed electronically. Finnish Transport and Communications Agency Traficom 16 January 2024. The authenticity of the signature can be verified with reader software that supports digital signatures or by contacting Traficom's registry.

Distribution

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