

III

(Notices)

COMMISSION

UK-Lerwick: operation of scheduled air services

Invitation to tender issued by the United Kingdom under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between the Shetland Mainland (Tingwall/Sumburgh) and the islands of Foula, Fair Isle, Out Skerries and Papa Stour

(2006/C 54/09)

(Text with EEA relevance)

1. **Introduction::** In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, the United Kingdom has imposed public service obligations (PSOs) in respect of scheduled air services operated between the Shetland Mainland and the islands of Foula (from Tingwall), Fair Isle (from Tingwall/Sumburgh), Out Skerries (from Tingwall) and Papa Stour (from Tingwall). The standards required by the public service obligations were published in the *Official Journal of the European Communities* C 394/05 of 30.12.1997, as modified in the *Official Journal of the European Union/Communities* C 356/3 of 12.12.2000, C 358/07 of 15.12.2001, C 306/24 of 10.12.2004, C 223/08 of 10.9.2005 and C 53/06 of 3.3.2006.

Insofar as by 1 July 2006 no air carrier has commenced or is about to commence scheduled air services between the Shetland Mainland and the islands of Foula (from Tingwall), Fair Isle (from Tingwall/Sumburgh), Out Skerries (from Tingwall) and Papa Stour (from Tingwall) in accordance with the PSOs imposed and without requesting compensation, the United Kingdom has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to continue to limit access to the routes to a single air carrier and to offer the right to operate such services from 1 August 2006 by public tender.

The contract shall be awarded by Shetland Islands Council, hereinafter referred to as the 'Awarding Authority' which shall provide one Britten Norman Islander aircraft for use on the above-mentioned routes.

2. **Object of invitation to tender::** Operation from 1.8.2006 of scheduled air services between the Shetland Mainland and the islands of Foula (from Tingwall), Fair

Isle (from Tingwall/Sumburgh), Out Skerries (from Tingwall) and Papa Stour (from Tingwall) in accordance with the public service obligations imposed on the routes and published in the *Official Journal of the European Communities* C 394/05 of 30.12.1997, as modified in the *Official Journal of the European Union/Communities* C 356/3 of 12.12.2000, C 358/07 of 15.12.2001, C 306/24 of 10.12.2004, C 223/08 of 10.9.2005 and C 53/06 of 3.3.2006. In operation of the scheduled air services the carrier will be expected to use an aircraft which will be provided by the Awarding Authority to the air carrier at no cost (but subject to the conditions contained in tender documentation).

3. **Participation::** Participation is open to all air carriers holding a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 on 23 July 1992 on licensing of air carriers. The services will operate under the Civil Aviation Authority (CAA) regulatory regime.

4. **Tender Procedure::** This invitation to tender is subject to the provisions of Article 4(1)(d), (e), (f), (g), (h), and (i) of Regulation (EEC) No 2408/92.

5. **Tender dossier/qualifications etc.::** The complete tender documentation, including form of tender, specification, conditions of contract/schedule to the conditions of contract, as well as the text of the original public service obligations published in the *Official Journal of the European Communities* C 394/05 of 30.12.1997, as modified in the *Official Journal of the European Union/Communities* C 356/3 of 12.12.2000, C 358/07 of 15.12.2001, C 306/24 of 10.12.2004, C 223/08 of 10.9.2005 and C 53/06 of 3.3.2006 may be obtained free of charge from the Awarding Authority as follows:

Shetland Islands Council, Infrastructure Services Department, Transport Services, Grantfield, Lerwick ZE1 0NT, Shetland. Tel. (44) 15 95 74 48 00. Fax (44) 15 95 74 48 69 (Contact: Ian Bruce, Service Manager — Transport Operations).

Airlines will be required to include in their tender documents evidence of their financial standing (a bank reference to cover the contract value together with an annual report and audited accounts for the past 3 years must be provided and must include turnover and pre-tax profit for the past 3 years), previous experience and technical capability to provide the services described. The Awarding Authority reserves the right to solicit further information about any applicant's financial and technical resources and abilities.

Tenders should be priced in Pounds Sterling and all supporting documents must be in English. The contract will be considered as a contract made under Scots Law and subject to the exclusive jurisdiction of the Scottish Courts.

6. **Financial compensation::** The tenders submitted should indicate the amount required by way of grant for operating the services for 3 years from the scheduled starting date. The grant should be calculated in accordance with the specification. The maximum limit finally granted may be revised only in the event of an unforeseen change in the operating conditions.

The contract will be awarded by Shetland Islands Council. All payments under the contract will be in Pounds Sterling.

7. **Period of validity, amendment and termination of the contract::** A 3-year contract for the 4 routes will commence on 1 August 2006 and will terminate on 31 July 2009. Any amendment or termination of the contract will be in accordance with the conditions of contract. Variations in the services will be permitted only with the agreement of the awarding authority.
8. **Penalties in the event of the carrier failing to comply with the contract::** In the event of the carrier failing to operate a flight for any reason, then subject as aftermen-

tioned, the Awarding Authority may reduce the grant on a pro rata basis for each occasion on which a flight is not operated provided that the Awarding Authority shall not make any such reduction in the grant where the failure to operate the flight is as a consequence of any of the following, and the appropriate occurrence has not arisen as a consequence of the acts or omissions of the carrier:

- weather,
- closure of the airports,
- security reasons,
- strikes,
- reasons of safety.

An explanation from the carrier for such non-operation is also required in accordance with the conditions of contract.

9. **Deadline for submission of bids::** One month after the date of publication of this notice.
10. **Application procedure::** Tenders must be sent to the following address:

Head of Legal and Administration, Shetland Islands Council, 4 Market Street, Lerwick ZE1 0JN, Shetland, United Kingdom.

Persons admitted to open tenders are designated staff and elected members from the Awarding Authority. Tenders should not be delivered to the address stated in paragraph 5.

11. **Validity of invitation to tender::** In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community air carrier presents, by 1 July 2006, a programme for operating the routes in question from 1 August 2006 or before that date, in accordance with the PSOs imposed, as amended, without receiving any subsidy. The Awarding Authority reserves the discretion to refuse to accept any tender if, on appropriate grounds, none is considered suitable for acceptance.