

**Supplement to the Official Journal of the European Union**Info and online forms: <http://simap.ted.europa.eu>**CONTRACT AWARD NOTICE**Results of the procurement procedure
Directive 2014/24/EU**SECTION I: CONTRACTING AUTHORITY****I.1) Name and addresses**

(please identify all contracting authorities responsible for the procedure)

| | | | |
|---|-----------------|-------------------|-------------------------------|
| Official name: Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung | | | National registration number: |
| Postal address: Wagramer Straße 19 | | | |
| Town: Wien | NUTS code: AT13 | Postal code: 1220 | Country: Austria |
| Contact person: | | | Telephone: +43 51703-1840 |
| E-mail: vergabeservices@austrocontrol.at | | | Fax: +43 51703-1846 |
| Internet address(es) Main address: (URL) www.austrocontrol.at Address of the buyer profile: (URL) | | | |

I.2) Joint procurement☐ The contract involves joint procurement

In the case of joint procurement involving different countries, state applicable national procurement law:

☐ The contract is awarded by a central purchasing body**I.4) TYPE OF THE CONTRACTING AUTHORITY**

- | | |
|--|--|
| <input type="checkbox"/> Ministry or any other national or federal authority, including their regional or local subdivisions | <input checked="" type="checkbox"/> Body governed by public law |
| <input type="checkbox"/> National or federal agency/office | <input type="checkbox"/> European institution/agency or international organisation |
| <input type="checkbox"/> Regional or local authority | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Regional or local agency/office | |

I.5) MAIN ACTIVITY

- | | |
|---|---|
| <input type="checkbox"/> General public services | <input type="checkbox"/> Housing and community amenities |
| <input type="checkbox"/> Defence | <input type="checkbox"/> Social protection |
| <input type="checkbox"/> Public order and safety | <input type="checkbox"/> Recreation, culture and religion |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Education |
| <input type="checkbox"/> Economic and financial affairs | <input checked="" type="checkbox"/> Other activity: Flugsicherung |
| <input type="checkbox"/> Health | |

II.1) Scope of the procurement

| | |
|--|--------------------------------------|
| II.1.1) Title: ADD Upgrade | Reference number: ADD Upgrade |
| II.1.2) Main CPV-Code: 50324100 Supplementary CPV-Code: [][][][][][][] | |
| II.1.3) Type of contract <input type="radio"/> Works <input type="radio"/> Supplies <input checked="" type="radio"/> Services | |
| II.1.4) Short description: Die Austro Control GmbH beschafft einen unbefristeten Maturing- und Maintenance Vertrag für den ADD Upgrade auf Mainstream. | |
| II.1.6) Information about lots | |
| This contract is divided into lots <input type="radio"/> yes <input checked="" type="radio"/> no | |
| II.1.7) Total value of the procurement (excluding VAT) | |
| Value: [605000] (Please give the total value of the procurement. For information about individual contracts, please use section V) or Lowest offer: [] / Highest offer:[] taken into consideration Currency: EUR (for framework agreements – total maximum value for their entire duration) (for dynamic purchasing systems – value of contract(s) not included in previous contract award notices) (for contracts based on framework agreements, if required – value of contract(s) not included in previous contract award notices) | |

II.2) Description

| | |
|--|--|
| II.2.1) TITLE: | |
| II.2.2) Additional CPV code(s) | |
| Main CPV code: [][]-[][]-[][]-[][] Supplementary CPV-Code: [][][][] [][][][] | |
| Main CPV code: [][]-[][]-[][]-[][] Supplementary CPV-Code: [][][][] [][][][] | |
| Main CPV code: [][]-[][]-[][]-[][] Supplementary CPV-Code: [][][][] [][][][] | |
| Main CPV code: [][]-[][]-[][]-[][] Supplementary CPV-Code: [][][][] [][][][] | |
| Place of performance | |
| NUTS code: AT | |
| Main site or place of performance: Österreich | |
| II.2.4) Description of the procurement: Austro Control GmbH beschafft einen unbefristeten Maturing- und Maintenance Vertrag für den ADD Upgrade auf Mainstream. (nature and quantity of works, supplies or services or indication of needs and requirements) | |
| II.2.5) Award criteria | |
| <input checked="" type="checkbox"/> Quality criterion Name: Qualität / Weighting: 50 | |
| <input type="radio"/> Cost criterion <input checked="" type="radio"/> Price Price – Weighting: 50 | |
| II.2.11) Information about options | |
| <input type="checkbox"/> Options: Description of options: | |
| II.2.13) Information about European Union funds | |
| The procurement is related to a project and/or programme financed by European Union funds <input type="radio"/> yes <input checked="" type="radio"/> no | |
| Identification of the project: | |

II.2.14) Additional information:

SECTION IV: PROCEDURE

IV.1) Description

IV.1.1) Type of procedure

- ☐ Open procedure
- ☐ Accelerated procedure:
Justification:
- ☐ Restricted procedure
- ☐ Accelerated procedure:
Justification:
- ☐ Competitive procedure with negotiation
- ☐ Accelerated procedure:
Justification:
- ☐ Competitive dialogue
- ☐ Innovation partnership
- ☒ Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below (please complete Annex D1)

IV.1.3) Information about a framework agreement or a dynamic purchasing system

- ☐ The procurement involves the establishment of a framework agreement
- ☐ A dynamic purchasing system was set up

IV.1.6) Information about electronic auction

- ☐ An electronic auction has been used

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement ☒ yes ☐ no

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number in the OJ S: 2019/S 228-560603

(One of the following: Prior information notice used as a call for competition; Contract notice; Voluntary ex ante transparency notice)

IV.2.8) Information about termination of dynamic purchasing system

- ☐ An electronic auction has been used:

IV.2.9) Information about termination of call for competition in the form of a prior information notice

- ☐ The contracting authority will not award any further contracts based on the above prior information notice

SECTION V: AWARD OF CONTRACT

Contract No:[] Lot No:[] Title:

A contract/lot is awarded ☒ yes ☐ no

V.1) Information on non-award

| |
|---|
| <p>The contract/lot is not awarded</p> <p><input type="radio"/> No tenders or requests to participate were received or all were rejected</p> <p><input type="radio"/> Other reasons (discontinuation of procedure)</p> <p>Notice reference: [][][][]-[][][][][] (year and document number)</p> |
|---|

V.2) Award of contract

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|--|
| Date of conclusion of the contract: 09/12/2019 (dd/mm/yyyy) |
| <p>Number of tenders received: [1]</p> <p>Number of tenders received from SMEs: [] (SME – as defined in Commission Recommendation 2003/361/EC)</p> <p>Number of tenders received from tenderers from other EU Member States: []</p> <p>Number of tenders received from tenderers from non-EU Member States: []</p> <p>Number of tenders received by electronic means: []</p> <p>The contract has been awarded to a group of economic operators <input type="radio"/> yes <input checked="" type="radio"/> no</p> |

V.2.3) Name and address of the contractor

| | | | |
|--|-----------------|-------------------|-------------------------------|
| Official name: Frequentis AG | | | National registration number: |
| Postal address: Innovationsstraße 1 | | | |
| Town: Wien | NUTS code: AT13 | Postal code: 1100 | Country: Austria |
| E-mail: | | | Telephone: |
| Internet address:(URL) | | | Fax: |
| The contractor is an SME <input type="radio"/> yes <input checked="" type="radio"/> no | | | |

V.2.4) Information on value of the contract/lot (excluding VAT)

| |
|---|
| <p>Initial estimated total value of the contract/lot: []</p> <p>(for framework agreements or dynamic purchasing systems – estimated total maximum value for the entire duration of this lot)</p> <p>Total value of the contract/lot: [605000]</p> <p>or</p> <p>Lowest offer: [] / Highest offer: [] taken into consideration</p> <p>Currency: [][][]</p> <p>(for framework agreements – total maximum value for this lot)</p> <p>(for dynamic purchasing systems – value of contract(s) for this lot not included in previous contract award notices)</p> <p>(for contracts based on framework agreements, if required – value of contract(s) for this lot not included in previous contract award notices)</p> |
|---|

V.2.5) Information about subcontracting

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| <p><input type="checkbox"/> Value or proportion likely to be subcontracted to third parties:</p> <p>Value or proportion likely to be subcontracted to third parties</p> <p>Value excluding VAT: [] Currency: [][][]</p> <p>Proportion: [] %</p> <p>Short description of the part of the contract to be subcontracted:</p> |
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SECTION VI: COMPLEMENTARY INFORMATION**VI.3) Additional information**

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VI.4) Procedures for review

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| VI.4.1) Review body | | |
| Official name: Bundesverwaltungsgericht | | |
| Postal address: Erdbergstraße 192 – 196 | | |
| Town: Wien | Postal code: 1030 | Country: Austria |
| E-mail: | Telephone: | |
| Internet-Address:(URL) | Fax: | |
| VI.4.2) Body responsible for mediation procedures | | |
| Official name: | | |
| Postal address: | | |
| Town: | Postal code: | Country: Austria |
| E-mail: | Telephone: | |
| Internet-Address:(URL) | Fax: | |
| VI.4.3) Review procedure | | |
| Precise information on deadline(s) for review procedures: | | |
| VI.4.4) Service from which information about the review procedure may be obtained | | |
| Official name: | | |
| Postal address: | | |
| Town: | Postal code: | Country: Austria |
| E-mail: | Telephone: | |
| Internet-Address:(URL) | Fax: | |

VI.5) Date of dispatch of this notice: (dd/mm/yyyy) (dd/mm/yyyy) 09/12/2019

Annex D1 – General procurement

Justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union

Directive 2014/24/EU

(please select the relevant option and provide an explanation)

☒ **1. Justification for the choice of the negotiated procedure without prior publication of a call for competition in accordance with Article 32 of Directive 2014/24/EU**

☐ No tenders or no suitable tenders/requests to participate in response to:

☐ **open procedure**

☐ **restricted procedure**

☐ The products involved are manufactured purely for the purpose of research, experiment, study or development under the conditions stated in the directive (for supplies only):

☒ The works, supplies or services can be provided only by a particular economic operator for the following reason:

☐ **absence of competition for technical reasons**

☐ **procurement aiming at the creation or acquisition of a unique work of art or artistic performance**

☒ **protection of exclusive rights, including intellectual property rights**

- ☐ Extreme urgency brought about by events unforeseeable for the contracting authority and in accordance with the strict conditions stated in the directive:
- ☐ Additional deliveries by the original supplier ordered under the strict conditions stated in the directive:
- ☐ New works/services, constituting a repetition of existing works/services and ordered in accordance with the strict conditions stated in the directive:
- ☐ Service contract to be awarded to the winner or one of winners under the rules of a design contest:
- ☐ Procurement of supplies quoted and purchased on a commodity market:
- ☐ Purchase of supplies or services on particularly advantageous terms:
 - ☒ **from a supplier which is definitively winding up its business activities**
 - ☒ **from the liquidator in an insolvency procedure, an arrangement with creditors or a similar procedure under national laws and regulations**
- ☒ **2. Other justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union**
 - ☐ The procurement falls outside the scope of application of the directive:

3.Explanation

Die erforderlichen betrieblichen Erweiterungen und Upgrades an den bestehenden ADD Panels dürfen auf Grund der Urheberrechte an der Software ausschließlich vom ursprünglichen Hersteller und Lieferanten der Systeme Fa Frequentis vorgenommen werden. Die Durchführung eines Verhandlungsverfahrens ohne vorherige Bekanntmachung gem. § 37 (1) Z3 BVergG 2018 mit Fa. Frequentis ist daher zulässig.