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**Belgium-Brussels: Support to the ERTMS Deployment Action
Plan as Baseline for Shift2Rail (IP2) Innovative Solutions
2021/S 201-520859**

Modification notice

Modification of a contract/concession during its term

Legal Basis:

Regulation (EU, Euratom) No 2018/1046

Section I: Contracting authority/entity

I.1) Name and addresses

Official name: Shift2Rail Joint Undertaking (S2R)

Postal address: Avenue de la Toison d'Or 56–60

Town: Brussels

NUTS code: BE10 Région de Bruxelles-Capitale / Brussels Hoofdstedelijk Gewest

Postal code: 1060

Country: Belgium

E-mail: procurement@s2r.europa.eu

Internet address(es):

Main address: <http://shift2rail.org/>

Address of the buyer profile: <https://shift2rail.org/participate/procurement/tender-archives/>

Section II: Object

II.1) Scope of the procurement

II.1.1) Title:

Support to the ERTMS Deployment Action Plan as Baseline for Shift2Rail (IP2) Innovative Solutions

Reference number: S2R.18.OP.02

II.1.2) Main CPV code

60200000 Railway transport services

II.1.3) Type of contract

Services

II.2) Description

II.2.3) Place of performance

NUTS code: BE10 Région de Bruxelles-Capitale / Brussels Hoofdstedelijk Gewest

II.2.4) Description of the procurement at the time of conclusion of the contract:

Deployment of European Railway Traffic Management System is a horizontal priority aiming at ensuring interoperability of the EU railway system. The action is a part of a global project on deployment of ERTMS in the European Union, as defined in the TEN-T Guidelines and the Memorandum of Understanding signed between the European Commission and the European Railway Associations in 2016. In parallel, the action constitutes one of the baselines of the S2R JU Innovation Programme 2 dedicated to the next generation of ERTMS.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months: 12

II.2.13) Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: yes
Identification of the project:
Horizon 2020.

Section IV: Procedure

IV.2) Administrative information

IV.2.1) Contract award notice concerning this contract

Notice number in the OJ S: [2018/S 197-444522](#)

Section V: Award of contract/concession

Contract No: S2R.18.OP.02

Title:

Support to the ERTMS Deployment Action Plan as Baseline for Shift2Rail (IP2) Innovative Solutions

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract/concession award decision:

03/10/2018

V.2.2) Information about tenders

The contract/concession has been awarded to a group of economic operators: yes

V.2.3) Name and address of the contractor/concessionaire

Official name: ERTMS Users Group (GEIE des utilisateurs d'ERTMS)

National registration number: BE 0455 935 830

Postal address: 123-133 rue Froissard

Town: Brussels

NUTS code: BE10 Région de Bruxelles-Capitale / Brussels Hoofdstedelijk Gewest

Postal code: 1040

Country: Belgium

The contractor/concessionaire is an SME: yes

V.2.3) Name and address of the contractor/concessionaire

Official name: Union internationale des chemins de fer (UIC)

National registration number: FR43 784 601 841

Postal address: 16, rue Jean Rey

Town: Paris

NUTS code: FR10 Ile-de-France

Postal code: 75015

Country: France

The contractor/concessionaire is an SME: yes

V.2.3) Name and address of the contractor/concessionaire

Official name: Union of European Railway Industries (UNIFE)

National registration number: BE 0453 405 417

Postal address: 221 avenue Louise

Town: Brussels

NUTS code: BE10 Région de Bruxelles-Capitale / Brussels Hoofdstedelijk Gewest

Postal code: 1050

Country: Belgium

The contractor/concessionaire is an SME: yes

V.2.3) Name and address of the contractor/concessionaire

Official name: Nokia Solutions and Networks Oy
National registration number: FI2058430-6
Postal address: Karaportti 3
Town: Espoo
NUTS code: FI1B Helsinki-Uusimaa
Postal code: 02610
Country: Finland
The contractor/concessionaire is an SME: no

V.2.4) **Information on value of the contract/lot/concession (at the time of conclusion of the contract;excluding VAT)**

Total value of the procurement: 8 000 000.00 EUR

Section VI: Complementary information

VI.3) **Additional information:**

Modification of section V.2.4) (value of the contract) through a procurement negotiated procedure under point 11.1(e) of Annex I to Financial Regulation (Reg. (EU, EURATOM) 2018/1046) consisting in the repetition of similar services.

The initial total value of the contract (EUR 8 000 000,00) is increased by EUR 3 000 000 (i.e.: 37,5 % of the initial FWC amount) up to a revised total amount of EUR 11 000 000. The use of this negotiated procedure was announced in the initial open tender procedure, the increase represent less than 50 % of the initial contract value, the other conditions of the initial open tender procedure are not altered and the procedure is concluded within three years after the framework contract's signature.

VI.4) **Procedures for review**

VI.4.1) **Review body**

Official name: General Court
Postal address: rue du Fort Niedergrünewald
Town: Luxembourg
Postal code: L-2925
Country: Luxembourg
E-mail: GC.Registry@curia.europa.eu
Telephone: +352 4303-1
Internet address: <http://curia.europa.eu>

VI.4.3) **Review procedure**

Precise information on deadline(s) for review procedures:

Precise information on deadline(s) for review procedures: see internet address provided in Section I.3).

VI.5) **Date of dispatch of this notice:**

08/10/2021

Section VII: Modifications to the contract/concession

VII.1) **Description of the procurement after the modifications**

VII.1.1) **Main CPV code**

34632000 Railways traffic-control equipment

VII.1.2) **Additional CPV code(s)**

VII.1.3) **Place of performance**

NUTS code: BE10 Région de Bruxelles-Capitale / Brussels Hoofdstedelijk Gewest

VII.1.4) **Description of the procurement:**

Increase the maximum amount of the initial framework contract through a procurement negotiated procedure under point 11.1(e) of Annex I to Financial Regulation (Reg. (EU, EURATOM) 2018/1046) consisting in the repetition of similar services.

VII.1.5) **Duration of the contract, framework agreement, dynamic purchasing system or concession**

Duration in months: 12

VII.1.6) **Information on value of the contract/lot/concession (excluding VAT)**

Total value of the contract/lot/concession: 8 000 000.00 EUR

VII.1.7) **Name and address of the contractor/concessionaire**

Official name: ERTMS Users Group (GEIE des utilisateurs d'ERTMS)

National registration number: BE 0455 935 830

Postal address: 123-133 rue Froissart

Town: Brussels

NUTS code: BE10 Région de Bruxelles-Capitale / Brussels Hoofdstedelijk Gewest

Postal code: 1040

Country: Belgium

The contractor/concessionaire is an SME: yes

VII.1.7) **Name and address of the contractor/concessionaire**

Official name: Nokia Solutions and Networks Oy

National registration number: FI2058430-6

Postal address: Karaportti 3

Town: Espoo

NUTS code: FI1B Helsinki-Uusimaa

Postal code: 02610

Country: Finland

The contractor/concessionaire is an SME: no

VII.1.7) **Name and address of the contractor/concessionaire**

Official name: Union of European Railway Industries (UNIFE)

National registration number: BE 0453 405 417

Postal address: 221 avenue Louise

Town: Brussels

NUTS code: BE1 Région de Bruxelles-Capitale / Brussels Hoofdstedelijk Gewest

Postal code: 1050

Country: Belgium

The contractor/concessionaire is an SME: yes

VII.1.7) **Name and address of the contractor/concessionaire**

Official name: Union internationale des chemins de fer (UIC)

National registration number: FR43 784 601 841

Postal address: 16, rue Jean Rey

Town: Paris

NUTS code: FR10 Ile-de-France

Postal code: 75015

Country: France

The contractor/concessionaire is an SME: yes

VII.2) **Information about modifications**

VII.2.1) **Description of the modifications**

Nature and extent of the modifications (with indication of possible earlier changes to the contract):
Increase the initial estimated total value of the contract.

VII.2.2) **Reasons for modification**

Need for additional works, services or supplies by the original contractor/concessionaire (Art. 43(1)(b) of Directive 2014/23/EU, Art. 72(1)(b) of Directive 2014/24/EU, Art. 89(1)(b) of Directive 2014/25/EU)
Description of the economic or technical reasons and the inconvenience or duplication of cost preventing a change of contractor:

The maximum amount of the FWC will be reached soon and the work performed to support the ERTMS Deployment Action as baseline for Shift2Rail (IP2) innovative solutions requires the award of new services. Therefore the Contracting Authority must increase the maximum amount of the initial framework contract through a procurement negotiated procedure under point 11.1(e) of Annex I to Financial Regulation (Reg. (EU, EURATOM) 2018/1046) consisting in the repetition of similar services. The conditions of point 11.1(e) of Annex I to Financial Regulation (Reg. (EU, EURATOM) 2018/1046) has been met, i.e.: the use of this negotiated procedure was announced in the initial open tender procedure, the increase represent less than 50 % of the initial contract value, the other conditions of the initial open tender procedure are not altered and the procedure is concluded within three years after the framework contract's signature.

VII.2.3) **Increase in price**

Updated total contract value before the modifications (taking into account possible earlier contract modifications and price adaptations and, in the case of Directive 2014/23/EU, average inflation in the Member State concerned)

Value excluding VAT: 8 000 000.00 EUR

Total contract value after the modifications

Value excluding VAT: 11 000 000.00 EUR