



**REGIÃO AUTÓNOMA DOS AÇORES**  
**Secretaria Regional do Mar, Ciência e Tecnologia**  
Direção Regional da Ciência e Tecnologia

**Azores ISLP:**  
**Azores International Satellite Launch Programme**

Procedure Programme of the Competitive Dialogue for the Construction, Operation and  
Exploitation of a Spaceport enabling a new generation of launch services, located in the island  
of Santa Maria, Azores

**Launched by**

**The Regional Government of Azores**

**With the technical assistance of the Portuguese Space Agency, PORTUGAL SPACE, in  
coordination with the technical support of the European Space Agency**

March 2019



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**The Portuguese Space Agency, PORTUGAL SPACE, provides technical assistance to the  
Azores ISLP including this Competitive Dialogue**

**In coordination with the technical support of the European Space Agency**

**A High-Level Committee will act as promoter of this Competitive Dialogue, fostering  
the project and the participation of undertakings in the procedure**



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**COMPETITIVE DIALOGUE PROCEDURE PROGRAMME**



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**CHAPTER I**  
**GENERAL PROVISIONS**

**1. Subject-matter**

1. This Procedure is a Competitive Dialogue and is aimed at the conclusion of a concession contract for the Construction, Operation and Exploitation of a Spaceport enabling a new generation of launch services, located in the island of Santa Maria, Azores (the “Spaceport”), following the «Atlantic International Satellite Programme» ([www.atlanticsatelliteprogramme.org](http://www.atlanticsatelliteprogramme.org)) <sup>1</sup>, given the impossibility to proceed with the definition and evaluation of the solutions that the market can offer in terms of technical, financial or legal solutions.
2. The procedure documents are available in both Portuguese and English languages. In case of any inconsistencies, the Portuguese version shall prevail.

**2. Contracting authority and other entities involved in the Procedure**

1. The contracting authority is the Autonomous Region of Azores, through the Regional Secretariat for the Sea, Science and Technology / Regional Directorate for Science and Technology, legal entity number 672002574 which has its headquarters at Rua do Mercado Nº 21 - 9500-326 Ponta Delgada, telephone number +351 292202400 and fax number 296288686, and e-mail address [info.drct@azores.gov.pt](mailto:info.drct@azores.gov.pt).
2. The Portuguese Space Agency, PORTUGAL SPACE, provides technical assistance in this Competitive Dialogue in coordination with the technical support of the European Space Agency.
3. The decision to contract, to be ratified by a Resolution of the Council of Government, was issued by the Regional Secretary for the Sea, Science and Technology, on behalf of the Regional Government of the Azores.

**3. Promoting entity of the project**

1. The High-Level Committee, established in September 2018 to assist the Atlantic International Satellite Launch Programme, will act as promoter of this procedure on behalf

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<sup>1</sup> For further information on the «Atlantic International Satellite Programme» please check the following website [www.atlanticsatelliteprogramme.org](http://www.atlanticsatelliteprogramme.org)



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of the Regional Government of the Azores. The role of the High-Level Committee will be to publicise this Procedure, as well as to foster the project and the participation of undertakings in the procedure.

2. The High-Level Committee is not a party of the Procedure and does not have access to any privileged information related to this Procedure.
3. Interested Candidates may contact the High-Level Committee through the following email address: [luis.r.santos@azores.gov.pt](mailto:luis.r.santos@azores.gov.pt).

**4. Competent body for providing clarifications**

1. The necessary clarifications for the proper understanding and interpretation of the Procedure Documents shall be provided by the jury.
2. The jury and the Portuguese Space Agency, PORTUGAL SPACE, invite interested parties to a workshop on 29 March, 11am-1pm, Lisbon, at the Thalia Theatre (Estrada das Laranjeiras, 205, Lisbon) to discuss the Azores International Satellite Launch Programme.
3. Other clarification sessions may take place and will be duly indicated in the procurement e-platform of AcinGov, available at <https://www.acingov.pt>.

**5. Groupings**

1. The candidates or tenderers may be groupings of natural or legal persons, irrespective of the activity in which they are engaged, without there being any legal form of association between them.
2. The members of a candidate or of a tenderer grouping may not be candidates or tenderers in the same procedure or be part of another grouping of candidates or of tenderers.
3. All the members of a candidate or tenderer grouping are jointly and severally liable, to the contracting authority, for the maintenance of the terms and conditions of the request to participate, the solution and the tender submitted.

**6. Remuneration of qualified candidates and tenderers**

No remuneration will be attributed to the qualified candidates to participate in the competitive dialogue, in accordance with article 206, no.1, of the Public Contracts Code.



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**7. Procedure announcement**

The announcement for the Competitive Dialogue is sent for publication in the official gazette of the Regional Government of Azores, in *Diário da República* and in the Official Journal of the European Union (OJEU) on 25 March 2019.

**CHAPTER II**

**SUBMISSION OF REQUESTS TO PARTICIPATE PHASE**

**8. Clarification and rectification of the Procedure Documents**

1. In the first third of the deadline for the submission of the requests to participate, interested parties may request the necessary clarifications for the proper understanding and interpretation of the Procedure Documents and, within the same deadline, submit a list in which they identify, expressly and unequivocally, the errors and omissions detected in the Procedure Documents.
2. By the end of the second third of the deadline stipulated for the submission of requests to participate, the answers to the requested clarifications and to the identified errors and omissions shall be made available in the procurement e-platform AcinGov. The identified errors and omissions which are not expressly accepted are considered rejected.

**9. Submission of requests to participate in the competitive dialogue**

1. Candidates that wish to participate in the procedure shall submit the corresponding request to participate through the procurement e-platform of AcinGov.
2. The deadline for the submission of the requests to participate is expires 30 days after the publication of the official announcement.

**10. Selection of the candidates**

1. The selection of the candidates is assessed by ascertaining the fulfilment of the requirements defined in paragraph 11.
2. All candidates that fulfil the established requirements will be selected.





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**11. Requirements for the selection of candidates – selection criteria**

1. The selection of the candidates is based on a simple selection model.
2. The candidates shall fulfil the following technical capacity requirement: significant knowledge in the construction and/or operations of space ports and/or small launchers, which may be demonstrated by the experience of the candidate and/or of the candidate's personnel.
3. The candidates shall fulfil the following financial requirement: minimum share capital (capital social) of € 50.000 (fifty thousand euros).

**12. Selection documents**

1. The request to participate comprises the following documents:
  - a) the European Single Procurement Document, which shall be signed by the candidate or by a representative that has powers to bind it;
  - b) A declaration containing the following elements:
    - (i) Full identification of the candidate;
    - (ii) Demonstration of the fulfilment of the established necessary technical and financial capacity requirements.
2. The candidate may include in the request to participate documents which prove the fulfilment of each of the technical and financial capacity requirements.
3. When the request to participate is submitted by a candidate grouping, the European Single Procurement Document may be signed by the common representative, in which case the proxy instruments issued by each of its members shall be attached or, in case there is no common representative, it shall be signed by all its members or their representatives.
4. When, for the purposes of fulfilling the technical capacity requirement, the candidate uses third parties, irrespective of the relationship which it establishes with them, namely subcontracting, the request to participate in this case shall also include a declaration whereby these third parties commit, unconditionally, to performing certain parts of the subject-matter of the contract to be entered into.
5. The request to participate must be valid for a period of at least ninety days from the final date for submission and the candidates shall be notified of the Selection decision within such period.



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**13. Language of the documents of the request to participate**

1. Selection documents referred in paragraphs 12.1.a) and 12.1.b)(i) shall be written in Portuguese.
2. When, owing to their nature or origin, the selection documents referred in 13.1 are written in a foreign language, the candidate shall submit a duly legalised translation.
3. The documents identified in 12.1.b) (ii) and 12.2 may be written in English.

**14. Analysis of the requests to participate**

1. All the candidates that fulfil the technical capacity and financial capacity requirements are selected.
2. The fulfilment of the technical and financial capacity requirements is proven through the selection documents.
3. When, for the purposes of the fulfilment of the technical capacity requirement, the candidate uses third-party entities, the capacity of the latter only benefits the former in what is strictly relevant for the scope of the contract to be entered into between these entities.
4. When the candidate is a grouping, it is considered to fulfil the technical capacity and financial capacity requirements if, in respect of each requirement:
  - a) at least one of its members fulfils it individually; or
  - b) some of its members fulfil it jointly.

**15. Clarification regarding the selection documents**

1. The jury may ask the candidates for any clarifications regarding the selection documents, in accordance with article 72 of the Public Contracts Code.
2. The jury asks the candidates to, within a maximum period of five working days, rectify the irregularities in their requests to participate to the extent such irregularities rely to non-essential formalities and provided that such rectifications do not affect competition and the equality of treatment.

**16. Preliminary report of the selection phase and prior hearing**

1. The preliminary report will be issued by the jury.
2. The jury sends all the candidates the preliminary report, stipulating a period of no less than



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five working days for them to provide their comments in writing.

**17. Final report of the selection phase**

Once the provisions in paragraph 16 of the Procedure Programme have been observed, the jury issues a final report.

**18. Selection decision and notification**

1. The competent body for the decision to contract decides on the approval of all the requests to participate contained in the final report, namely for the purposes of the selection of candidates.
2. The selection decision and the final report of the selection phase are notified to the candidates, and they will be granted a minimum period of five days to:
  - a) submit the documents proving the fulfilment of the technical and financial capacity requirements, if these requirements have only been declared through the submission of the European Single Procurement Document;
  - b) confirm within the period set for the purpose, as the case may be, the commitments undertaken by third-party entities relating to the requirements mentioned in the preceding subparagraph.
3. The selection decision expires in case a candidate fails to comply with the deadline stipulated under previous paragraph 18.2.
4. Whenever there is a fact which determines the expiry of the selection decision, pursuant to paragraph 18.3, the candidate shall be notified for the purposes of holding a prior hearing, in writing, within a maximum period of five working days, and the provisions of Article 86(3) and (4) of the Public Contracts Code will be applicable, with the adequate adaptations.

**CHAPTER III**

**SUBMISSION OF SOLUTIONS AND DIALOGUE WITH SELECTED CANDIDATES PHASE**

**19. Invitation to the qualified candidates for the submission of solutions**

Together with the notification of the selection decision, an invitation to submit solutions taking into consideration the requirements identified in the Descriptive Memory will be sent to the



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selected candidates at the same time.

**20. Submission of solutions by the candidates**

1. The submission of solutions, including all attached documents shall be made exclusively in electronic form through the procurement e-platform AcinGov.
2. Each candidate may only submit one solution in accordance with the Descriptive Memory.
3. The document with the solution (excluding annexes) cannot have more than 100 pages. Information provided above the 100 pages will not be considered.

**21. Language of the solutions**

Taking into consideration the technical specificities of the documents, all documents to be included in the solution may be written in English, except for the “Brief description of the Solution and underlying assumptions” (please refer to paragraph b) of Volume 0: Executive Summary of the Solution), which shall be written in Portuguese.

**22. Preliminary report on the admission and exclusion of solutions and prior hearing**

1. After the submission of the solutions, the jury issues a preliminary report in which it proposes, on a duly justified basis, the admission and exclusion of the submitted solutions.
2. The jury proposes the exclusion of solutions which:
  - a) have been submitted after the deadline stipulated for their submission;
  - b) have been submitted in breach of Article 210 of the Public Contracts Code and as established in paragraph 20 of the Procedure Programme;
  - c) fail to comply with paragraph 21 of the Procedure Programme;
  - d) prove to be manifestly inadequate for the satisfaction of the needs or the demands identified in the Descriptive Memory.
3. The jury sends all the candidates the preliminary report, stipulating a period of no less than three working days for them to give their comments in writing.

**23. Final report on the admission and exclusion of solutions**

The jury prepares the final report on the admission and exclusion of solutions and sends it to the competent body for the decision to contract.



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**24. Decision on the admission and exclusion of solutions**

The decision on the admission and exclusion of solutions is simultaneously notified to all the selected candidates, together with the final report.

**25. Dialogue**

1. The jury notifies the selected candidates whose solutions have been admitted, with a minimum prior notice of three days, of the date, time and place of the first dialogue session, scheduling the remaining sessions on the terms it deems convenient.
2. During the dialogue phase, the jury always meets separately with each selected candidate, guaranteeing equality of treatment of all, which includes not providing information which may afford an advantage to some over others.
3. The solutions submitted or other information which, in whole or in part, have been transmitted as confidential by the candidates during the dialogue phase sessions may only be disclosed with their express written consent to other candidates or third parties.
4. The candidates will have equal opportunities to propose, accept and counter-propose modifications to their solutions during the dialogue sessions.
5. The dialogue with the candidates proceeds until the jury:
  - a) identifies, if necessary by comparison between solutions, the solution capable of satisfying the needs and demands of the contracting authority;
  - b) declares that none of the solutions satisfies the needs and demands of the contracting authority.

**26. Dialogue report**

After the end of the dialogue phase, the jury prepares a report proposing the solution capable of satisfying the needs and demands of the contracting authority or declaring that none of the solutions submitted satisfies those needs and demands.

**27. Decision on the solution**

1. The competent body for the decision to contract decides on the report presented by the jury.
2. The selected candidates whose solutions have been admitted will be notified of the decision taken.



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**CHAPTER IV**

**SUBMISSION AND ANALYSIS OF TENDERS AND AWARD PHASE**

**28. Invitation to submit tenders**

1. If a solution is identified, all the selected candidates whose solutions have been admitted will be invited to submit tenders.
2. The invitation is sent simultaneously with the notification of the identified solution, as well as with the tender evaluation model and with the Tender Specifications, or an indication of their availability on the procurement e-platform AcinGov.

**29. Clarifications, rectifications and errors and omissions**

1. In the first third of the deadline for the submission of tenders, the tenderers may request the necessary clarifications for the proper understanding and interpretation of the Procedure Documents and, within the same deadline, submit a list in which they identify, expressly and unequivocally, the errors and omissions detected in the Procedure Documents.
2. By the end of the second third of the deadline for the submission of tenders, the answers to the requested clarifications and to the identified errors and omissions shall be made available in the procurement e-platform AcinGov. The identified errors and omissions which are not expressly accepted are considered rejected.

**30. Deadline and conditions for the submission of tenders**

1. The tenders shall be submitted within the deadline and in accordance with the conditions to be established in the invitation.
2. The deadline for the submission of tenders shall be of at least forty days from the date invitations have been sent.

**31. Analysis of the tenders**

In the case the analysis of the tenders shows that they are fall in any of the situations envisaged in Article 146(2) of the Public Contracts Code, they will be excluded.



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**32. Award criterion**

Considering the nature of the present procedure and the manifest impossibility to define the values of the factor weighting coefficients and of any sub-factors which may increase the award criterion, as seen in the Descriptive Memory, the award criterion is henceforth that of the most economically advantageous tender, considering the following factors, in decreasing order of importance:

	<b>Evaluation Factors</b>
1	Technical Solution and Implementation Plan
	Spaceport Model and Commercial Case
3	Industrial Organisation and Management Plan
4	Legal Solution

**33. Preliminary report**

1. Following the analysis and assessment of the tenders, the jury issues a preliminary report in which it proposes the ranking of the tenders on the basis of the award criteria and its evaluation factors.
2. In the preliminary report the jury also proposes, on a duly justified basis, the exclusion of tenders under Article 146(2) of the Public Contracts Code.
3. Once the preliminary report has been prepared, the jury sends it to all the tenderers, stipulating a period of no less than five working days for them to give their comments in writing.

**34. Final report**

Once the provisions in the preceding paragraph 33. of the Procedure Programme have been observed, the jury issues the final report.

**35. Notification of the award decision**

1. The award decision is notified simultaneously to all the tenderers, together with the final report.
2. Together with the notification of the award decision, the winning tenderer will be notified



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to:

- a) submit all the qualification documents according to the Public Contracts Code and under Article 40 of the Legal Regime of Public Contracts in the Autonomous Region of Azores, approved by Regional Legislative Decree no. 27/2015/A, 29 December (“Legal Regime of Public Contracts in the Autonomous Region of Azores”);
- b) provide a security deposit, if applicable, according to Article 42 *et seq.* of the Legal Regime of Public Contracts in the Autonomous Region of Azores, expressly stating its amount;
- c) confirm within the period determined for the purpose, as the case may be, the commitments assumed by third-party entities relating to attributes or to terms or conditions of the winning tender;
- d) comment on the draft of the contract.

**36. Qualification documents**

1. Within a period of 5 (five) working days from the notification of the award decision, the winning tenderer shall submit the following documents:
  - a) Declaration issued according to the template contained in Annex III of the Legal Regime of Public Contracts in the Autonomous Region of Azores;
  - b) Documents proving that it is not covered by any of the situations envisaged in subparagraphs b), d), e) and h) of Article 55(1) of the Public Contracts Code.
2. When the winning tenderer is a grouping, each of its members shall submit the documents referred to in the preceding paragraphs.
3. The qualification documents shall be written in Portuguese, except when, owing to their nature or origin, they are written in a foreign language, in which case they have to be accompanied by a duly legalised translation.
4. In case there is any irregularity with the qualification documents in terms that may lead to the expiry of the award decision, the winning tenderer is notified to rectify the irregularities at stake and is granted a period of no less than five working days for that purpose.
5. The award decision expires if the winning tenderer fails to submit the qualification documents for a fact attributable to it:
  - a) within the period stipulated in the Procedure Programme;
  - b) within the period stipulated by the competent body for the decision to contract, in





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the case envisaged in Article 81(8) of the Public Contracts Code;

- c) written in Portuguese or submitted together with a duly legalised translation if they are, owing to their nature or origin, written in another language.
6. Whenever there is a fact that determines the expiry of the award, the winning tenderer is notified, being granted at least five working days to give its comments, in writing.
7. In the cases provided for in the preceding paragraphs, the competent body for the decision to contract shall issue the award decision in favour of the next ranked tenderer.

**37. Contract**

- 1. The draft of the contract is approved by the competent body for the decision to contract and notified to the winning tenderer simultaneously with the award decision.
- 2. The draft of the contract is considered accepted by the winning tenderer upon express acceptance or when there is no complaint in the five days following the notification, in accordance with articles 101 and 102 of the Public Contracts Code.
- 3. The signature of the contract shall take place within a period of 30 (thirty) days from the date of acceptance of the draft or of the decision regarding the complaint, but not before:
  - a) 10 (ten) days from the date of notification of the award decision to all the tenderers;
  - b) submission of all the required qualification documents;
  - c) proof that the security deposit has been provided, where applicable;
  - d) the commitments assumed by third-party entities have been confirmed, where applicable.

**38. Applicable legislation**

Anything that is not especially provided for in this programme is governed by the provisions of the Public Contracts Code and of the Legal Regime of Public Contracts in the Autonomous Region of Azores.