

QUESTIONS AND ANSWERS REF. SJU/LC/0095-CFT

Performance of a SESAR Strategy and Management Framework Study for Information Cyber-Security

N°	Subject	Reference in call documentation	Questions	Answers
1	<p>Documents related to this call for tenders;</p> <p>Eligible countries;</p> <p>Budget;</p> <p>Additional information</p> <p>11/10/2013</p>	n.a.	<p>Could you provide us the following details:</p> <p>1. A) List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.</p> <p>1. B) Soft Copy of the Tender Document through email.</p> <p>1. C) Names of countries that will be eligible to participate in this tender.</p> <p>1. D) Information about the Tendering Procedure and Guidelines.</p> <p>1. E) Estimated Budget for this Purchase.</p> <p>1. F) Any Extension of Bidding Deadline?</p> <p>1. G) Any Addendum or Pre Bid meeting Minutes?</p>	<p><u>Answer to questions 1.a), b) and d):</u> the documents related to this call for tender, including Invitation to tender, Tender specifications and Draft framework contract, describing amongst others, the tendering procedure, requirements for submitting tenders and terms of reference are published on the following website of the SESAR Joint Undertaking:</p> <p>http://www.sesarju.eu/about/procurement.</p> <p><u>Answer to question 1.c):</u></p> <p>Participation, with the meaning of submitting a tender as a member of an established grouping/consortium, is open on equal terms to all natural and legal persons falling within the scope of the Treaties; therefore, only economic operators registered in the EU and all EU citizens.</p> <p>Participation in procurement procedures with the meaning of subcontracting (subheading 3.3.2 of the tender specifications) does not have a geographical limitation.</p>

				<p><u>Answer to question 1.e):</u> The maximum allocated budget for this Study is 700.000,00 EUR (VAT excluded), see heading 3.2 of the tender specifications.</p> <p><u>Answer to question 1.f):</u> The deadline for reception of tenders at the SJU premises is set at 25 November 2013 at 11.30 AM Brussels time. No extension is currently foreseen. The SJU may, however, consider an extension under particular circumstances when duly justified.</p> <p><u>Answer to question 1.g):</u> neither addendum nor pre bid meeting minutes exist for this call for tenders.</p>
2	Participation 15/10/2013	Information about the procedure – Section 3.3	We would like to know if SESAR Members can apply to the Call for Tenders and if non-ECAC (i.e. USA) organisation can participate as well.	<p>See answer to question 1.c above</p> <p>Participation in procurement procedures with the meaning of subcontracting (subheading 3.3.2 of the tender specifications) does not have a geographical limitation.</p>
3	Participation 22/10/2013	Information about the procedure – Section 3.3	During the process of building the right consortium one question was put on the table. Can a member be involved in two different tenders? In the tender provided documentation it is said nothing against. Could you please confirm it?	<p>SJU members are allowed to participate to this call for tender.</p> <p>Entities can submit a tender as member of different consortia</p>
4	Participation 25/10/2013	Information about the procedure – Section 3.3	Dans le cadre de la formation de notre consortium, nous envisageons d'intégrer des société non Européennes. Pouvez-vous nous confirmer que cet autorisé?	<p>See answer to question 1.c above</p> <p>Participation in procurement procedures with the meaning of subcontracting (subheading 3.3.2 of the tender specifications) does not have a geographical limitation.</p>

5	Participation 25/10/2013	Information about the procedure – Section 3.3 of the tender specifications	Are we authorized to have non-European partners within the consortium?	See answer to question 1.c above Participation in procurement procedures with the meaning of subcontracting (subheading 3.3.2 of the tender specifications) does not have a geographical limitation.
6	Participation 29/10/2013	Information about the procedure – Section 3.3 Consortia composition	<p>We find in the specifications following text: <i>“Due to the nature of the activities to be performed, tenderers should be set up as a consortium and composed of at least two independent legal entities possessing each of them the following expertise:</i> 1. <i>General management and consultancy services with specific expertise in Cyber security also in domains beyond ATM, air transport.</i> 2. <i>European ATM systems”</i></p> <p>Do we understand correctly the point 2 that the consortium member must be either:</p> <ul style="list-style-type: none"> • one of the current integrators of the existing European ATM systems • an integrator that has installed ATM systems in the world with enough expertise • an organization that has participated in the integration or setup of this kind of systems in Europe <p>In the case you meant that it should be “an existing integrator for European ATM”, could we kindly ask you to provide a list of those integrators you accept in this position?</p>	<p>First paragraph of section 3.3 of the tender specifications contains an inaccuracy and is therefore replaced as follows:</p> <p>“Due to the nature of the activities to be performed, tenderers should be set up as a consortium composed of at least two independent legal entities. The members of the consortium shall cover the following expertise:”</p> <p>A corrigendum is to be found in http://www.sesarju.eu/about/procurement</p> <p>With regard to the requested expertise, under number 2, at least one of the consortium members shall possess expertise in the European ATM systems. This will be assessed by the experts evaluating the offers.</p>
7	Content of	Content of the tender – point 4 of	Would you confirm where do you require details of Subcontractors or Consortium members: in	Point 7 of the Letter of Invitation to tender lists the content of the offer.

	<p>the offer 30/10/2013</p>	<p>the letter of invitation to tender</p> <p>Assessment of the offers and award of the contract – Section 4 of the tender specifications</p>	<p>the Technical or Financial offer, or both?</p>	<p>The administrative offer shall contain documentary evidence on with respect the exclusion criteria and selection criteria (legal capacity and economic and financial capacity of the tenderer) c.f. point 7.b) of the letter of invitation to tender.</p> <p>The technical offer shall include information regarding the selection criteria (technical and professional capacity of the tenderer) and award criteria c.f. point 7.b) of the letter of invitation to tender.</p> <p>Every consortium member is in principle assessed in light of both exclusion and selection criteria c.f. points 7.b, 7.c and 18bis of the letter of invitation to tender, and sections 4.2 and 4.3 of the tender documents.</p> <p>Subcontractors shall provide documentary evidence with respect the exclusion criteria c.f. points 7.b and 18 of the letter of invitation to tender, and section 4.2 of the tender specifications.</p> <p>In addition, page 10 and 11 of the tender specifications estate that the SJU may waive the obligation for a tenderer to submit the requested documentary evidence requested for both the exclusion and selection criteria if such evidence has already been submitted for another procedure and provided the documents were issued not more than one year earlier and are still valid. In such cases, the tenderer must declare on his honour that the documentary evidence has already been provided in a</p>
--	--	--	---	---

				previous procedure with the SJU, provide reference to that procedure, and confirm that there has been no change in the situation.
8	Templates, annexes and conflict of interest 30/10/2013	n/a	<p>The following questions are submitted in relation to the SJU/LC/0095-CFT invitation to tender:</p> <p>1. Section 4.4.2 of the SJU/LC/0095-CFT Tender Specification states that a template of the financial offer is to be found in Annex II, however no such template is provided as Annex II of either the tender specification or the invitation to tender. Can the SESAR JU please provide a copy of the financial offer template?</p> <p>2. Annexe 1 (Declaration of Honour) and Annex 2 (Mandate Consortium Coordinator) of the SJU/LC/0095-CFT Tender Specification are both form type documents that must include response information from the tenderer. To facilitate accurate submission of these forms, can the SESAR JU please provide a MS Word version or PDF fillable form version of these annexes for inclusion in the tender response?</p> <p>3. SJU/LC/0095-CFT Draft Contract, Article II.4 "Conflict of interest" and SJU/LC/0095-CFT Tender Specification, Annex 1, "Declaration of honour with respect to the exclusion criteria and absence of conflict of interest" define conditions of conflict of interest. Will participation in a tender by any of the categories of pre-existing SESAR JU participation listed on the www.sesarju.eu website (i.e., SESAR JU Members, Associate Partners, Associate partners to the SESAR JU, Stakeholders,</p>	<p>previous procedure with the SJU, provide reference to that procedure, and confirm that there has been no change in the situation.</p> <p><u>Answer to question 8.1):</u></p> <p>There is no template for the financial offer. First paragraph of subheading 4.4.2 contains an inaccuracy and is therefore replaced as follows:</p> <p>The price to be taken into account for the financial evaluation and for the award of the contract is the one proposed by the tenderer in the financial offer (a template of it is to be found in Annex II) as indicated in the Invitation to tender ref. SJU/LC/095-CFT.</p> <p>A corrigendum is to be found in http://www.sesarju.eu/about/procurement</p> <p><u>Answer to question 8.2):</u></p> <p>A word version of these annexes is to be found in http://www.sesarju.eu/about/procurement</p> <p><u>Answer to question 8.3):</u></p> <p>None of the categories listed in the SJU website and indicated in bracket in your question is excluded a priori considering the fact that the SJU strictly implement Article 6 of its Statutes and in the specific case Article 6.1.</p> <p>Nevertheless, it is up to the tenderer to analyse</p>

			<p>SESAR Experts or members of the Scientific Committee) be excluded due to a conflict of interest under the statement wherein “a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest”? For example, if any of the noted categories may be excluded due to a pre-existing “other shared interest”, please clarify which categories of pre-existing participation will be considered to have a conflict of interest and which would not.</p> <p>4. Given the considerable impact that the pending answer to the above question concerning “Conflict of Interest” could have on consortium composition and partnerships, it is requested that the closing date of the invitation to tender be extended to December 16th.</p>	<p>its individual situation with respect the points indicated in the “Declaration of honour with respect to the exclusion criteria and absence of conflict of interest”. This assessment should then be reported to the SJU with a description of the situations that could lead to actual, potential or perceived conflict of interest. The SJU will then consider the declaration provided in the context of the on-going procurement.</p> <p><u>Answer to question 8.4):</u></p> <p>In consideration of the interest shown in this procedure, the SJU has decided to extend the deadline for reception of tenders to Wednesday 8th January 2014.</p> <p>A corrigendum is to be found in http://www.sesarju.eu/about/procurement</p>
9	<p>Deadline, sources of information,</p> <p>05/11/2013</p>	n/a	<p>After studying the draft contract and tender documents, we have some questions we would like to ask:</p> <p>1. Is it possible to extend the deadline for submission of the documents?</p> <p>2. Which SESAR data sources are available for information?</p> <p>3. How do we need to see the set-up of the contract? Is this contract one-one-contract,</p>	<p><u>Answer to question 9.1):</u></p> <p>See answer to question 8.4 – Deadline extended to 08/01/2014</p> <p><u>Answer to question 9.2):</u></p> <p>Available sources of information are quoted in page 6 of the tender specifications, subheading 2.5 References.</p> <p><u>Answer to question 9.3):</u></p> <p>The nature of the contract to the concluded is a direct service contract, point 12 of the letter of invitation to tender, and paragraph 5 of</p>

			<p>meaning SESAR, one lead-contractor and possible co-contractors? Or a multi-contract, meaning SESAR and multiple co-contractors?</p> <p>4. In paragraph I.4.2 VAT is mentioned, which percentage of VAT should be used in the offer?</p> <p>5. In paragraph II: 3 liabilities is mentioned, is it possible to suggest a change in the text? We are used to work with other liability clauses, mostly all with a maximum amount mentioned.</p> <p>6. Is it possible to suggest a change in document content for Annex A?</p>	<p>subsection 2.1 of the tender specifications.</p> <p>The contract shall be signed by the SJU and the Coordinator of the consortium. The Coordinator needs to be duly authorised by the other consortium members via a mandate, page 7 of the tender specifications subheading 3.3.1 Consortia.</p> <p>In addition, points 18 and 18 bis of the Letter of invitation to tender define the responsibility of the members of the consortium and the supporting documents needed to prove the constitution of a consortium.</p> <p><u>Answer to question 9.4):</u></p> <p>For the purpose of submitting a tender in response to this call for tender, prices must be quoted free of VAT.</p> <p>Page 3 of the letter of invitation to tender, point 7 paragraph d) Volume 3 - Financial offer: "Prices must be quoted (.....) free of all duties and taxes (in particular VAT), as the SJU is exempt from such charges under Article 3 and 4 of the Protocol on the Privileges and Immunities of the EC".</p> <p>For the clarity, article 1.4.2 of the draft service contract mentions the relevant legal basis for the purpose of VAT exemption. The mention to VAT here refers to the payments implementing the contract.</p> <p><u>Answer to question 9.5):</u></p> <p>The text of the draft contract is fixed and not</p>
--	--	--	---	---

				<p>subject to change or negotiation.</p> <p><u>Answer to question 9.6):</u></p> <p>The text of Annexe A to the draft contract, Statement of contractor concerning right to delivered result, is a standard text that shall be respected within the limits set by the own text.</p>
10	<p>Deadline 06/11/2013</p>	<p>Point 2 of Letter of invitation to tender</p>	<p>We would like to ask for some more time for delivering the required documentation in order to build the proper consortium/tender.</p> <p>Would it be possible to have a new due date (instead of the 25th of November)? Is the 13th of December of 2013 a valid new due date?</p>	<p>See answer to question 8.4 above – Deadline extended to 08/01/2014</p>
11	<p>Deadline 06/11/2013</p>	<p>Point 2 of Letter of invitation to tender</p>	<p>Would you kindly postpone the submission deadline of the call in subject to the 16 December 2013?</p>	<p>See answer to question 8.4 above – Deadline extended to 08/01/2014</p>
12	<p>Deadline 07/11/2013</p>		<p>We kindly request to postpone the submission date of the call in subject to the 16th of December 2013.</p>	<p>See answer to question 8.4 above – Deadline extended to 08/01/2014</p>
13	<p>Access to documents and deadline 08/11/2013</p>	<p>n/a</p>	<p>1. As noted in the SJU/LC/0095-CFT SESAR Study for information cyber-security, the scope of the work is highly dependent on the System Wide Information Management (SWIM) infrastructure. This system is being developed under SESAR JU Work Package 8 (Information Management) and Work Package 14 (SWIM Technical Architecture). Since the publically available information concerning these work packages is limited to the description of work only, in order for bidders to more fully appreciate the scope of the work to be performed under this tender, can the SESAR</p>	<p><u>Answer to question 13.1):</u></p> <p>The SJU does not consider that the information requested is necessary at the stage of preparing and submitting a tender for this procedure.</p> <p><u>Answer to question 13.2):</u></p> <p>See answer to question 8.4 above – Deadline extended to 08/01/2014</p>

			<p>JU provide the latest technical specifications from WP8 and WP14 to bidders for review?</p> <p>2. Given the impact that the answer to Question 1 may have on the scope analysis of bidder proposals, can the bid closing date be extended to December 16th?</p>	
14	<p>Content of the offer 08/11/2013</p>		<p>In the course of the project, we intend to organize a number of workshops with SESAR/SWIM stakeholders. We understand SESAR already has a mechanism for stakeholder involvement. Can we use this mechanism in our project?</p>	<p>The proposed approach shall be included in the final proposal you intend to submit in the answer to the call and it will be considered in the evaluation. As far as possible, in the interest of the best outcome of the project, the SJU will collaborate with the contractor making available the necessary tools if needed.</p>
15	<p>Participation; minimum requirements; technical specifications 08/11/2013</p>	n/a	<p>1. In the technical specifications On page 7 under point 3.3 two expertise areas are required. Point 2: European ATM Systems – Does this expertise area require each independent legal entity to be a company producing EATMS or could it be a consultancy with the knowledge and expertise of EATMS?</p> <p>2. In the technical specifications on page 12 under point 4.3.3 “Minimum requirements” point 2. What is the definition of “International level”?</p> <p>3. In the invitation to tender page 3 one of the elements to be described is: “Mechanisms for technical monitoring, advice and consultation” – Please elaborate this further.</p>	<p><u>Answer to question 15.1):</u> It is requested that at least one entity possess EATMS expertise, in whatever form this is available and obtained (system production, consultancy, etc.). This expertise shall be demonstrated.</p> <p><u>Answer to question 15.2):</u> International level for the case in question means beyond national borders.</p> <p><u>Answer to question 15.3):</u> The tenderer shall describe as precise as possible the measures, systems or mechanisms that the tenderer intends to put in place in order to allow the SJU monitor the technical implementation of the contract, and to advice and consult the SJU on technical and key aspects for the achievement of the objectives of</p>

			<p>4. In the technical specification on page 3, section 2.1, the fifth paragraph and last sentence read “It is also important to understand the economic implications of any proposed investments in this area, for an accepted level of risk.” Please elaborate what this actually means.</p> <p>5. Is the tender open for consortium members that are universities and organizations from United States</p>	<p>the contract.</p> <p><u>Answer to question 15.4):</u></p> <p>The SJU considers the paragraph is sufficiently elaborated.</p> <p><u>Answer to question 15.5):</u></p> <p>See answer to question 1.c above</p> <p>Participation, with the meaning of submitting a tender as a member of an established grouping/consortium, is entities registered in the EU and all EU citizens.</p> <p>Participation in procurement procedures with the meaning of subcontracting (subheading 3.3.2 of the tender specifications) does not have a geographical limitation.</p>
16	<p>Participation; Content of the offer; technical specifications</p> <p>08/11/2013</p>	<p>Participation – Section 3. Information about the procedure</p> <p>Content of the tender – Letter of invitation to tender, Point 7; and Tender specifications, Sections 2. Terms of reference, and 4. Assessment of the tenders and award of the contract</p>	<p>1. Chapter 3.3.1 “Consortia”: A consortium is defined as a legally established grouping or a grouping which has been constituted for the present procedure.</p> <p>Questions:</p> <p>a) A consortium must that be with an external party or is it also allowed to form one with another legal entity but of the same company?</p> <p>b) Is it mandatory to form a consortium? A tenderer might be able to deliver all capabilities without forming a consortium.</p> <p>2. Page 3, point c “Invitation to Tender Ref.</p>	<p><u>Answer to question 16.1.a):</u></p> <p>The requirement is that the consortium shall be composed of at least two independent legal entities, paragraph 1 of subheading 3.3. Participation in this procedure of the tender specifications.</p> <p><u>Answer to question 16.1.b):</u></p> <p>Yes, it is mandatory to form a consortium, as indicated in subheadings 3.3 Participation in this procedure and 4.3.3 Technical and professional capacity.</p> <p><u>Answer to question 16.2.a):</u></p> <p>The list of associated risks and foreseeable work is an open requirement, there is no format</p>

			<p>SJU/LC/0095-CFT”, a list of associated risks and foreseeable follow on work must be provided.</p> <p>Questions:</p> <p>a) is there a given format to list the risks and foreseeable follow on work?</p> <p>b) if we have to supply a risk log, can we also create a log of opportunities? This could be different from the follow-up work.</p> <p>3. Page 5, Section 2.4.2 in “sju-lc-095-specifications”</p> <p>Question:</p> <p>Can we change the order of the actual delivery of D1-D4 capabilities or is it D1, then D2, then D3 and lastly D4</p>	<p>foreseen.</p> <p><u>Answer to question 16.2.b):</u></p> <p>Tenderers shall address in the technical offer both the risk log and the follow up work. In addition, since the requirement is open and does not foresee a given format, extra information such as a log of opportunities, although not mandatory, can be provided.</p> <p><u>Answer to question 16.3):</u></p> <p>D1 to D4 is the order designed in principle by the SJU for the production of deliverables. Tenderers are free to propose the methodology they consider more relevant for the achievement of the objectives of the study.</p> <p><u>General answer to question 16.2.b and 16.3):</u></p> <p>Extra information with respect the requirements set in the tender documents is welcome as long as relevant and proportionate to the case.</p> <p>The fact of including extra information or the way the tenderer decides to structure the information in the tender is part of the approach and methodology. The quality of the offer and the methodology to be used by the tenderer will be assessed in the award phase, point 7 of the letter of invitation to tender and subheading 4.4.1 technical evaluation of the tender specifications.</p>
17	Contacts point with SJU;	Contacts point with SJU - Letter of invitation to tender	<p>1. We have had no response to the question below, sent last week to info@sesariu.eu</p> <p>2. Would you confirm which one (A or B) is the</p>	<p><u>Answer to question 17.1):</u></p> <p>The email address indicated in the question is</p>

	Participation 08/11/2013	point 11 Information about the procedure – Section 3.3 Consortia composition	correct Tenderer requirement? A. From p 7 of the Technical Specification "Due to the nature of the activities to be performed, tenderers should be set up as a consortium and composed of at least two independent legal entities possessing each of them the following expertise: 1. General management and consultancy services with specific expertise in Cybersecurity also in domains beyond ATM, air transport. 2. European ATM systems." B. From p 12 of the Technical Specification "2. Each member of the consortium must have participated and/or directly contributed in at least three assignments on a relevant subject (ATM and/ or cybersecurity) at international level in the past three years." The first implies expertise for both sectors for all consortium members; the second implies contribution to one or other of the sectors.	not correct, point 11 of the letter of invitation to tender states that requests for information before the deadline of submission of tenders must be made in writing only to the following e-mail address procurement@sesariu.eu <u>Answer to question 17.2):</u> See answer to question 6 above.
18	Contacts point with SJU 19/11/2013	Letter of invitation to tender point 11	Please let us know the direct contact to submit our questions.	See answer to question 17.1) above requests for information before the deadline of submission of tenders must be made in writing only to the following e-mail address procurement@sesariu.eu
19	Participation	N/a	Kindly confirm whether "in-kind contribution" (at cost of work performed) is requested in the	The current procedure is a "procurement procedure" through which the SJU procure

	19/11/2013		context of this procedure.	services provided by a consortium. As a result it is paid 100%. Nevertheless, there are no limits to a consortium to propose extra free services beyond the ones requested in the tender specifications. If that is the case, please note that SJU will not take into consideration any extra free service in the evaluation of the tenders in order to ensure the principle of equal treatment and non-discrimination of the tenderers.
20	Documents 21/11/2013		Je souhaiterais recevoir le DCE de la consultation en objet	The tender documents needed for the preparation of a tender in response to the contract notice reference 2013/S 198-341379 as modified by notice 223/2013 – 387500 are available in SJU's website: http://www.sesarju.eu/about/procurement
21	Financial offer; award formula 04/12/2013	Letter of invitation to tender point 7.d) Volume 3; Draft contract; and Tender specifications – 4.4 Assessment in the light of the award criteria	1. In the QUESTIONS AND ANSWERS REF. SJU/LC/0095-CFT, dated 22 Nov 2013, item #8, and represented in the Corrigendum, Call for tender REF. SJU/LC/0095-CFT, item #2, the reference to a financial offer template to be included with the bid has been removed. Lacking the proposal template, there is no statement within the tender documents to indicate if the bid is expected to be Firm Fixed Price, Time and Materials with Limit of Liability, or other. Can the SJU please clearly state the type of financial offer expected? 2. Draft Contract, Article II.16 describes the contractual terms for "reimbursements" for travel and other expenses, however, there are no statements in the tender specifications	<u>Answer to question 21.1</u> The minimum requirements of the financial offer to be submitted are specified in point 7 of the Letter of Invitation to Tender. The prices to be quoted in the financial offer shall be <i>"Inclusive of all costs directly and indirectly connected with the services to be provided"</i> . The tenderer is therefore free to choose the way of presenting the financial offer within the limits set in point 7, but it is clear that the bid is a Firm Fixed Price. <u>Answer to question 21.2</u> As per Point 7 of the Letter of Invitation to Tender, prices shall be quoted <i>"Inclusive of all costs directly and indirectly connected with the services to be provided"</i> . This price should also

			<p>concerning terms related to the reimbursements. This was anticipated in the financial offer template, which is no longer being provided. Can the SJU please clarify the expectations in the financial offer concerning reimbursements (e.g., limitations on flat rate, number of trips allowed, etc.)? Also, please clarify if “Reimbursements” are included in the “Price of offer” for financial evaluation purposes, or are these excluded?</p> <p>3. In the SJU/LC/0095-CFT Tender Specification, Item #4.4.2, the following formula is indicated for financial evaluation:</p> <p>“Ratio Quality/Price = (Total quality score of Offer Y/Highest quality score x 70%) + (Lowest price/Price of Offer Y x 30%)”</p> <p>By this formula, it appears that the proposal ratios may result in comparison against two other bids, one with “Highest quality score” and a different one with “Lowest price.” Since the “Highest quality score” may also come with the Highest price, and the “Lowest price” may have the lowest quality the formula seems to result in an unbalanced ratio. Will the SJU confirm that the “Highest quality score” actually refers to the “Highest possible quality score” which would result in a technical ratio compared to the maximum possible score of 100? Otherwise, if another bidder technical score must be used, will the SJU confirm that the quality score to be used will be the “Quality score of the bidder with lowest price”?</p> <p>4. In the SJU/LC/0095-CFT Tender</p>	<p>cover the trips deemed necessary for the completion of the activities.</p> <p>The provisions related to “reimbursement” of Article II.16 form part of the General Conditions applicable to all contracts issued by EU bodies. These provisions are applicable only when needed considering the call documentation and or the special conditions or the tender specifications. In the specific case, these provisions will not be used.</p> <p><u>Answer to question 21.3</u></p> <p>The “Highest quality score” is the highest score given by the assessment board between the proposals received in answer to the call. Consequently is not necessarily 100 and it is not necessarily the related to the lowest price/</p> <p><u>Answer to question 21.4</u></p> <p>To further clarify the formula, the formula is a combination of the scores (quality and price) obtained in the technical evaluation (quality) and in the financial evaluation (price), indicates the “Score” of a given tender.</p>
--	--	--	--	---

			<p>Specification, Item #4.4.2, the following formula is indicated for financial evaluation:</p> <p>“Ratio Quality/Price = (Total quality score of Offer Y/Highest quality score x 70%) + (Lowest price/Price of Offer Y x 30%)”</p> <p>This formula indicates a ration formula of “Ratio Quality/Price”, but instead of a ratio, the actual formula indicates addition of Quality + Price = Quality score at 70% “+” Price at 30%. Can the SJU please clarify the formula for calculating the evaluation score?</p>	
22	<p>Objective and Scope; Evidence for technical capacity 04/12/2013</p>	<p>Tender specifications – 2.Terms of reference</p>	<p>1. Regarding the objective and scope, as described on page 3 of the Tender Specification, it is stated that the "strategy could then participate to the effective deployment of the new ATM systems and to their interoperability". Please confirm that by this you mean the framework, strategy and the whole study shall consider its scope beyond the actual SESAR scope that reaches V3 maturity target.</p> <p>2. On page 12 of the Tender Specifications, under "4.3.3 Technical and professional capacity / Evidence to be provided", it is stated that the tendered should provide "references or evidence from other entities to which similar services were provided or for which studies with similar objectives were performed".</p> <p>2. A) Please confirm that by this you mean a signed or certified statement from our client(s), as a proof that it (they) has (have) received our services in this area.</p> <p>2. B) Also, please confirm that you require a</p>	<p><u>Answer to question 22.1</u></p> <p>In chapter "2.2 Objective and scope" it is mentioned that "... These results (<i>results of the Study</i>) would later be applied to support the SESAR Programme next developments, in particular on SWIM, and be the grounds of a cyber-security strategy aiming at adequately managing information on cyber-security aspects in the new ATM systems. Such strategy could then participate to the effective deployment of the new ATM systems and to their interoperability"... It means that the results of the study ("such strategic"), which belong to the SJU once approved by the SJU, could be implemented in the next development of SESAR.</p> <p><u>Answer to question 22.2.A</u></p> <p>By reference or evidence, the SJU means a signed or certified statement from a client, as a proof having provided services or conducted</p>

			certification from the client for each citation of experience presented or if there is a minimum number of client references to be presented.	<p>studies with similar objectives.</p> <p><u>Answer to question 22.2.B</u></p> <p>References from at least 3 (three) clients must be provided.</p> <p>A second corrigendum containing this clarification can be found at http://www.sesarju.eu/about/procurement</p>
23	<p>Payments</p> <p>04/12/2013</p>	<p>Tender specifications - Section 2.4.2 Deliverables and Milestones and Draft contract Article I.4</p>	<p>About the interim payment, article I.4.1. Interim payment of the draft contract states that the contractor shall submit an invoice for an interim payment of EUR [amount in figures and in words] equal to [30] % of the total amount referred to in Article I.3.1. - The SJU shall make the payment within [60] [90]1 days from receipt of the invoice.</p> <p>About the payment of the balance, article I.4.2. of the draft contract states that The contractor shall submit an invoice for payment of the balance. The SJU make the payment within [60] [90] days from receipt of the invoice.</p> <p>a) At what point can the invoice for the 'interim payment' be submitted (e.g. what work/capabilities need to have been delivered to issue this invoice)?</p> <p>b) At what point can the invoice for the 'balance payment' be submitted (e.g. ones all work/capabilities have been delivered)?</p>	<p>Two of the deliverables listed in section 2.4.2 of the tender specifications will trigger payments.</p> <p>The interim payment is subject to the acceptance by the SJU of the Final version of Deliverable D.2, the SESAR Target ATM Cyber-Security Framework.</p> <p>The payment of the balance is subject to the acceptance by the SJU of the Final version of Deliverable D.4, the SESAR Cyber-Security Strategy and evolution.</p> <p>In order to avoid confusion, an update of articles I.4.1 and I.4.2 of the draft contract is added to the second corrigendum available at http://www.sesarju.eu/about/procurement</p>
24	<p>NEW!!</p> <p>Liability and</p>	<p>General conditions – Draft contract</p>	<p>1. Article II.3 - Liability: It is stated that the "The contractor shall be held liable for any loss or damage sustained by the SJU in</p>	<p><u>General answer to question 24:</u></p> <p>Both articles are part of the General Conditions which and applicable to all contracts issued by</p>

	checks and audits 10/12/2013		<p>performance of the contract, including in the event of subcontracting, and for any claim by a third party".</p> <p>1. A) Please clarify what you mean by third party.</p> <p>1.B) As required, the performance of the contract and deliverables will be provided to SJU and the liability we understand is with SJU, who will be the owner of the intellectual property rights and with whom we will sign the contract.</p> <p>2. Article II.18 - Checks and audits: could you please clarify under which framework you may check or have an audit on the performance of the contract?</p>	<p>EU bodies.</p> <p><u>Answer to question 24.1.A)</u></p> <p>Third party means any entity which is not a party to the contract to be signed as the outcome of the procurement procedure.</p> <p><u>Answer to question 24.1.B)</u></p> <p>Article II.3 of the General Conditions of the draft contract defines the provisions on liability.</p> <p>The SJU will be the owner of the intellectual property rights of the</p> <p><u>Answer to question 24.2</u></p> <p>Article II.18 provides a description and the legal base for checks and audits. This article provides for the legal basis for such checks and audits.</p>
25	<p>NEW!!</p> <p>Sources of information and award criteria</p> <p>10/12/2013</p>	<p>Tender specifications – Section 4.4 Assessment in the light of award criteria</p>	<p>1. The scope of the work is highly dependent on existing results of SESAR projects, for instance WP8 or WP14, whose deliverables are not publicly available. For this reason, the tenderers may have a partial vision of the current achievements in SESAR. Our question is: Will SJU grant access to relevant documentation during the execution of the project? In other words, will SJU support the consortium by facilitating results of projects related with cybersecurity in ATM or SWIM?</p> <p>2. One of the evaluated points is “Added value to the SESAR programme”. Which kind of answer you could like to receive:</p> <p>2. A) How can contribute this project to SESAR</p>	<p><u>Answer to question 25.1</u></p> <p>The SJU does not consider that the information requested necessary at the stage of preparing and submitting a tender for this procedure. Nevertheless, the SJU will, at the appropriate time and in the interest of the best outcome of the project, provide to the selected contractor the necessary results subject to the applicable intellectual property provisions governing these results.</p> <p><u>Answer to question 25</u></p> <p>“Added value to the SESAR programme” is one of the factors to be taken into consideration by the panel of independent evaluators when</p>

			<p>main objectives?</p> <p>2. B) Additional tasks proposed by the consortium that could bring to the project additional value?</p>	<p>assessing the technical quality of the offer and methodology proposed. The tenderer is free to propose what considers as the best approach for the purpose of the achievement of the objectives of the present procurement procedure.</p>
26	<p>NEW!!</p> <p>Several questions on contractual conditions: Payment time limits, liability, intellectual property rights and bank guarantees</p> <p>16/12/2013</p>	Draft contract	<p>1. Could payment terms be negotiated from [60] [90] days to [30] [45] days?</p> <p>2. The sentence should read</p> <p>A) Article II.3.3: <i>'The contractor shall not be held liable for any loss or damage sustained by the SJU....'</i></p> <p>B) Article II.3.3: <i>'Nevertheless, if the damage or loss is caused by the gross negligence or wilful misconduct of the contractor or its personnel or subcontractors, the contractor shall have reasonable and direct liability for damage or loss'.</i></p> <p>3. Liability amount changed from <i>'three times the total amount of the contract'</i> to <i>'the total amount of the contract'</i>?</p> <p>4. Article II.10.2, add the following: <i>"Any proposal by the contractor to publish results of the Project shall be subject to prior written consent of the SJU, such consent not to be unreasonably withheld:"</i> and <i>"All background IP (IP generated by the Contractor which is pre-</i></p>	<p><u>Answer to question 26.1</u></p> <p>Payment terms are not negotiable.</p> <p>60 days is time limit foreseen for payments linked to reports, instead, 30 days is applicable to payments without a report. The present procedure is a procurement procedure and as a general rule in procurement applicable to all the contracts placed by the EU institutions and EU bodies, payments are made upon provision of a service i.e.: delivery and acceptance of a report.</p> <p><u>Answer to question 26.2. and 26.3</u></p> <p>The text of Article II.3. is fixed, nor negotiable neither adjustable.</p> <p>Please see above general answer to question 24.</p> <p><u>Answer to question 26.4</u></p> <p>Please see above general answer to question 24, and answers to questions 26.2. and 26.3</p> <p>The study to be procured is intended for use within the SESAR programme and potentially</p>

			<p><i>existing to the project) vest in the contractor and the contractor may use and reproduce any foreground data as they so with".</i></p>	<p>for publication by the SJU. Any publication of the results of the study by the contractor shall consequently be agreed by the SJU prior to any publication.</p> <p>In addition to the rights to the results and licences for the pre-existing rights, the SJU is also acquiring the rights to authorise, license, or sub-license those rights to third parties. A list of pre-existing rights and rights of third parties shall for this purpose be provided by the contractor.</p> <p>The Contractor shall remain nevertheless the owner of the intellectual property rights pre-existing to the project.</p> <p>Article I.8 of the Special Conditions applicable to the Contract resulting of this procurement procedure has been clarified in order to reflect SJU Intellectual Property Rights (IPR) policy and intended use of the results of the contract.</p> <p>A new corrigendum containing this adjustment can be found at http://www.sesarju.eu/about/procurement</p> <p>Please note that the budget earmarked by the SJU for this study considers the costs inherent in acquiring the IPR resulting of the procured study.</p>
			<p>5. Is a bank guarantee required?</p>	<p><u>Answer to question 26.5</u></p>

				Bank guarantees will not be not required.
27	NEW!! Evidence for technical capacity 18/12/2013	Tender specifications – Section 4.3 Assessment in the light of selection criteria	<p>In reference to the invitation to tender ref. SJU/LC/0095-CFT, on page 12 of the tender specifications document, it is said that minimum requirements of technical and professional capacity include: <i>"(....) each member of the consortium must have participated (...) in at least three assignments on a relevant subject (ATM and/or cyber security) at international level in the past three years"</i>.</p> <p>1. We would like to confirm that by this you mean that each member of the consortium needs to present evidence of 3 international experiences on ATM and/or Cybersecurity.</p> <p>2. Does this mean that national experiences in ATM or Cyber Security will not be considered valid as to meet this requirement?</p>	<p><u>Answer to question 27.1</u> It is not requested that each Member of the consortium complies with the minimum requirement but collectively the consortium.</p> <p>The references to be provided shall be about the Tenderer as a whole, the coordinator and/or members performing critical tasks. Please note that in order to assess the compliance of Tenderers with minimum requirements, the documents requested as evidence will be assessed in a combined way.</p> <p>A new corrigendum containing this adjustment can be found at http://www.sesarju.eu/about/procurement</p> <p><u>Answer to question 27.2</u> Yes there should be evidence in the consortium of the international experience. Minimum requirement n.2 of Section 4.3.3 of Tender Specifications regarding technical and professional capacity sets - at international level - the type of expertise needed for the performance of the future assignment.</p> <p>For further precision on the definition of international level, please see above answer to question 15.2).</p>
28	NEW!!	Tender specifications –	In reference to the invitation to tender ref. SJU/LC/0095-CFT, on page 12 of the tender	The recognition of being an ANSP as such is sufficient.

	Technical capacity 18/12/2013	Section 4.3 Assessment in the light of selection criteria	<p>specifications document, it is said that minimum requirements of technical and professional capacity include: <i>"(....) each member of the consortium must have participated (...) in at least three assignments on a relevant subject (ATM and/or cyber security) at international level in the past three years"</i>.</p> <p>We wonder what kind of experience should demonstrate an Air Navigation Service Provider (ANSP) as a member of a Consortium, because the ANSP does not provide professional services similar to the ones requested in this tender. Which kind of experience should be certified for an ANSP? And who should certify and sign?</p>	Please consult also the last version of the corrigendum referred to here above.
29	NEW!! Financial offer 19/12/2013	Letter of invitation to tender - Point 7.d) and Tender specifications – 4.4.2 Financial evaluation and recommendation for award	I would like to kindly ask you if there is an existing template for the financial proposal. We haven't found it in the procurement portal.	There is no template for the financial offer, please see above answer to question 8.1):