

## CLARIFICATION NO.2

Related to tender No. GSA/NP/09/12 – “EGNOS Service Provision”

1. Question: A consortium bid is excluded by section 4.3 of the Tender Information Package, this appears to be unusual. What does this mean for the participation of Consortia in the tender?

Answer:

Section 4.3 of the Tender Information Package reads:

“[...]

At the time of submission of their final Tender, the contractor has to be a certified ANSP for CNS under the applicable Regulations referred to in section

The contractor cannot be a consortium.

[...]”

Consortia may yet request participation in the procurement process and may also submit indicative tenders as a consortium in phase II. However, as the contract may only be awarded to a single legal entity being a certified ANSP for CNS the consortia should be ready to set up a single legal entity among themselves until the submission of the final Tender at the latest. This legal entity will have to be a certified ANSP for CNS as requested. Consortia requesting participation should therefore also submit their credible ANSP CNS Certification Plan (section 7.2.3) which will lead to the required certificate in time before submission of the final tender.

2. Question: Could GSA please explain why ANSP for CNS certification is required at the time of submission of final Tender rather than entry into force of the contract (potentially with some warranties on the certification process). This appears to be extremely burdensome on bidders other than the current incumbent and restricts the potential candidates.

Answer: The tenderer's capacity to achieve the certification as ANSP CNS at the time of the submission of its final tender has been judged necessary in order to ensure a subsequent timely certification for EGNOS Service Provision and to mitigate the risk of

contractor's failure to achieve certification for EGNOS Service Provision during the hand-over phase (i.e. after contract award). An application form can be found on the EASA website, the tenderer can check which documentation they need to develop. The tenderer is furthermore advised to read carefully the regulations 1034/2011 and 1035/2011 in order to understand the applicable requirements. Should the tenderer, during the implementation of the first steps of its certification plan, encounter unforeseen difficulties which are out of its control and prevent him from obtaining the ANSP CNS certificate prior to submitting its final tender, the tenderer shall provide as part of its final tender all the elements justifying that such a certificate will be obtained prior to contract award. These justification elements will be evaluated by the Agency as part of the award criteria assessment.

3. Question: We take note that the tender does not refer to any transfer of assets and/or personnel from the current incumbent and would ask for clarification on this point..

Answer: The EGNOS system related assets will remain under the ownership of the European Union and will be handed over to the contractor as Customer Furnished Items (CFIs). The aspects related to ESSP owned assets are described in the EGNOS Handback Plan [AD-15]. Transfer of personnel from the incumbent EGNOS Service Provider is currently not foreseen. Further clarifications on the hand-over from the incumbent will be provided in the EGNOS Handback Plan [AD-15] which will be released as part of the Tender Specification in Phase II.