

Clarification Note #4

GSA internal reference: 254324

Procurement procedure: GSA/NP/02/19

EGNOS geostationary SBAS payload service GEO-4

Question #17: Could the GSA provide the Reference Documents listed in the Descriptive Document?

[RD-1] ICAO SARPS Annex 10, including up to Amendment 91, 08/11/2018.

[RD-2] DFMCS SBAS SARPS Part A and Part B, 12/11/2018

Answer #17: The Reference Documents are available online, on the ICAO website.

Question #18: The following comments are to be adapted in the Non-disclosure Undertaking attached to the TIP:

- 1) Clause 2.8 is not acceptable as there is no exclusions of consequential damages.**
2.8 The Recipient acknowledges and accepts that the GSA will not be liable for any damage related to the disclosure of the Proprietary Information, even when such disclosure has been authorised by the GSA, including, but not limited to, damages for loss of profit, business interruption, loss of business information, or any other pecuniary loss arising out of the use of, or inability to use, the Proprietary Information.
- 2) There is no reference to duration and expiration of the NDU**

Answer #18: No change of the NDU text is considered necessary.

- 1) Clause 2.8 does not list exhaustively the damages concerned. However, it is recalled that, as a principle, the GSA shall not be held liable for any damage related to the disclosure of the Proprietary Information, including consequential damages.
- 2) The duration of the NDU is detailed under Article 4 of the NDU.

End of document