

Question/ Answer

Procurement procedure: EMSA/OP/06/2016- Contracts for Remotely Piloted Aircraft System (RPAS) services in the marine environment

Question 01 (02 May 2016, 15:29):

“We hereby request the extension of the bid submission (Invitation to Tender No. EMSA/OP/06/2016), deadline to 24 June 2016, so that we can respond in accordance with all points of the tender documents.”

Answer to question 01 (6 May, 12:00):

The bid submission deadline is currently 06 June 2016 at 20h00. The Agency agrees to postpone the final date for submission of tenders to the 24 June 2016 at 20h00 (Lisbon time). The opening of tenders will now take place on 4 July at 15h00 (Lisbon time).

Question 02 (03 May 2016, 15:47):

“With reference to the ‘Invitation to Tender No. EMSA/OP/06/2016’, could you please clarify the following?

Is the estimated value of the contract, specified in CLAUSE 13 of the Enclosure I-Tender Specifications (see excerpt herein below for your reference), the possible max value of each framework agreement? Or is it instead the budget available to cover all the framework agreements for both lots?

13.1 General

13.1.1.1 The estimated budget available for the contract is 10 Million Euros excluding VAT. This value does not indicate that this amount will be spent by EMSA under the contract.

Your reply would be highly appreciated.”

Answer to question 02 (11 May, 15:00):

The estimated budget is for all framework contracts together that are signed for both lots.

Question 03 (02 May 2016, 15:29):

“We have received the above mentioned tender and have noticed the tender delivery deadline of 06 June 2016 (20:00 Lisbon local time). Due to the comprehensive list of technical specifications attached to the invitation to tender and our intention to submit an offer that will have a close fit with these requirements, we kindly ask you to consider to extend the tender deadline with (approximately) 4 weeks.”

Answer to question 03 (11 May, 15:00):

See the answer to question 01.

Question 04 (05 May 2016, 13:21):

“As indicated in Para 10. of the subject Invitation to tender, we kindly require clarifications about:

1. In several parts of the RFQ (FWC, Technical Specifications) are called the activities to obtain the Authorizations to Flight in the Countries where the Services will be provided through the activation of a Specific Contract. Who is the responsible to obtain these authorizations to flights?
2. The Contractor is encouraged to suggest technical advantages to increase the requested capabilities. It is not clear whether these proposals shall increase the score inside the Table 10 (TE I – Tech. Spec.) “Grid Award Criteria”
3. With the scope to evaluate the real possible business, please clarify the interpretation about the applicability of the Availability/Reservation Fee:
 - a. It will be applied during the whole period also in addition to time of Flight Operations? Or it will be suspended during the Flight Operation period?
 - b. Inside Table 12, Para 21.3.2 (TE I – Tech. Spec.), it is indicated in 21 months: this means 24 months minus the initial 3 months for Set-Up?”

Answer to question 04 (11 May, 15:00):

- 1: As stated in section 7.1.5.1 of **Enclosure I-Technical Specifications**: “EMSA is aware of the difficulties to operate RPAS in the (non-)segregated air space and getting the permits to fly. The users request the services and as such provide an official need for a permit to fly. As the requesting users will in general have institutional contacts to the civil aviation agency responsible for the national Air Traffic Management (ATM), **it will also be the responsibility of the users in cooperation with EMSA to facilitate the process and to provide the permits to fly.**” However as stated in 7.1.5.3: “... **the contractor is obliged to provide all documentation necessary in a timely manner and to support the process of receiving flight approval.**” This means the company is responsible to assist but the requesting user will be the one responsible for the permit to fly.
 - 2: As stated in section 19.1.1.6 of **Enclosure I-Technical Specifications**: “All optional advantages indicated in these technical specifications will be considered positively during the evaluation however these should be offered as part of the overall bid. In order to be able to compare the bids, should these advantages have an additional price associated then they will not be considered as an advantage for the evaluation.” This means that should some of these advantages be presented free of charge that this will positively influence the points assigned by the evaluation committee for each of the criteria indicated in Table 10.
 - 3a: As shown in Figure 2 of **Enclosure I-Technical Specifications**: the availability fee will apply during the entire duration of the contract from the moment of the first mobilisation for the first deployment. It will continue throughout the mobilisation, on-site activities and flights. Therefore the prices given for the mobilisation, the on-site activities and the flight missions should not include any availability costs.
 - 3b: It is assumed in table 12 of **Enclosure I-Technical Specifications**: that the availability fee will be activated with the signature of the first specific contract for mobilisation and deployment which will take place 3 months after the signature of the framework contract. This is however just a scenario and may only take place at a later stage as the availability fee starts once there is a first request from a user and there is a first mobilisation for a deployment.
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Question 05 (06 May 2016, 11:00):

We are putting together a tender for EMSA/OP/06/2016 RPAS services. I have read on the web that Company XXX with aircraft XX (*the commercial name is anonymised by EMSA*) has been selected to participate in testing. Has the decision on this tender been premade?

Answer to question 05 (11 May, 15:00):

The procurement procedure EMSA/OP/06/2016 is governed by EU public procurement rules, i.e. rules intended to open up markets in a non-discriminatory and competitive way. It is open on equal terms to all natural and legal persons as specified in point 19 of the invitation to tender. All tenders submitted will be assessed according to these rules.

We regret that several press statements by industry last week might lead to wrong assumptions of EMSAs RPAS related activities. These press statements were not prepared by EMSA nor endorsed by the Agency.

Currently, EMSA in cooperation with the European Space Agency (ESA) is involved in two research and demonstration projects called STEAM and RAPSODY which are financed by the European Space Agency under the ARTES20 programme. For these projects industry will demonstrate RPAS for maritime pollution monitoring, search and rescue, and emissions monitoring and several on site missions will be organised with EMSA participating.

These projects with certain industry partners, under the framework of an ESA programme and subject to ESA rules, are parallel activities and are not at all linked to the EU public procurement process organised by EMSA. EMSA is in no way bound to use any of these RPA systems for its future operations and they are used solely for the purposes of these research projects.

Question 06 (13 May 2016, 07:35):

For the call EMSA/OP/06/2016, the technical requirements for the system contained within the category « mandatory » are quite high and above any current system proposed by manufacturers, or for those operated by existing civil RPAS operator. They are rather matching mainly characteristics existing for defence system with a very high price or even not acquirable due to ITAR or sensitivity of systems or sub-systems. On the other hand if such systems may be available at some point in the very next future, there is no possibility/intention for a SME to invest in such high price systems, which very often reach quickly obsolescence, just in order to be able to match perfectly the call's requirements.

In that context, we have the following questions:

- Does the European Commission intends to exclude all proposals proposing systems that do not (or do not yet) match these mandatory requirements;

- If not, will it be possible to have an assessment of the capability proposed and a potential acceptance based on future examination, test and validation of the system, even if capabilities offered are not 100% in line with expectations;
- In case that no proposal contains system not matching all the mandatory requirements, does EMSA intends to relaunch a call during 2016 or 2017;

Answer to question 06 (19 May, 15:15):

The Agency is aware of the challenge of transition of high performance RPAS technology from the military market to the civil domain with the associated “civil” price tag. As this procurement is one of the first in this domain, the Agency encourages all potential bidders to analyse their capabilities and to provide an offer in order to prepare for a civil market.

- Minimum requirements laid down in the tender specifications shall be satisfied by the tenders, in particular to meet the operational objectives as stated in chapters 1 to 4 of the Tender Specifications (how they will be achieved is at the tenderers discretion). This is important to ensure equal comparison of bids at the time of the evaluation (and not those that will be achieved at a later stage) as there is a need to offer RPAS services from the beginning of the contract.
- Tenders meeting the minimum requirements and being in compliance with the procurement documents will be taken into consideration for the evaluation. In order to ensure equal treatment, according to the EU procurement rules after a proposal has been submitted, it cannot be altered subsequently.
- The Agency believes it will receive proposals which are providing the services needed. There will however also be further procurements for RPAS services for maritime surveillance and other areas.

Question 07 (20 May 2016, 06:54):

Please see below questions regarding the call to tender referenced EMSA/OP/06/2016 – Contract for Remotely Piloted Aircraft System (RPAS) services in the maritime environment:

- In 7.1.6.1, it is said that the data must be presented in real time to the users and to EMSA. Can EMSA confirm the real time requirement (i.e with no additional delay than data transfer between data capture and presentation to users) ? Or is it near real time (a few minutes delay for data transfer, analysis and presentation to users) ? Is there, for each lot, a maximum delay acceptable?
- In 5.2.1.1, it is said the “FWC is valid two years with a possible renewal for a further one year period and then a final second renewal period for another year if requested by EMSA.” If such renewals for one or two further year(s) is(are) requested, will the estimated budget of 10 million Euros be extended proportionally?
- In 3.1.1.5, a “coordination centre” is mentioned. Could you please explain what is the exact function of this centre?

- In 6.5.1.2, it is said that “for each month 160 flight hours will be assumed however only the flight hours flown will be paid by EMSA”. How will these hours be distributed between the two lots, and between the two contractors per lot?

Answer to question 07 (26 May, 12:00):

- The data should be presented in the shortest possible time from when the data is acquired by the sensor on the RPAS to it being available to the EMSA applications for the user to access via an RPAS viewing system and enabling him to react immediately. There should be no additional delay other than the data transfer between data capture and availability at EMSA applications. In case the data products have to be processed and/or are derived from multiple measurements (e.g. an averaged figure) then the data should be made available immediately after the processing has been finalised with no additional delay.
Therefore the video data for example should be live streaming so that the user can see in almost real time what the RPAS is seeing or where it is flying or following a specific object at sea. The tenderers are invited to state the latency time of the different data products.
- The budget will be 10 million for the entire Framework contract and in principle the budget is not planned to be extended with the possible one plus one extension therefore it should cover the entire 4 year period.
- The role of the “coordination centre” indicated here is the Central Ground Control Station (CGCS). This normally may be at the contractor’s location or elsewhere but it will link with the Local Ground Control Station (LGCS) which will be located where the operations are taking place. The LGCS is responsible for take-off and landing of the aircraft and for the Radio Line of Sight (RLOS) communication with the RPAS. The CGCS is responsible for the data management, data analysis, for the communication with EMSA, and for payload data distribution. The operation of the RPAS can be done by either the LGCS or CGCS. However the bidder can also choose to combine the CGCS with the LGCS at the deployment site. All communications between the RPAS, the LGCS and the CGCS should be covered by the contractor within the costs it proposes for this tender.
- The 160 flight hours are an estimate number of monthly flight hours per contractor for a specific deployment, which is linked to a specific lot. This could be with one RPA or several RPAs. However for the contract only flight hours flown will actually be paid by EMSA. The distribution over the lots and between contractors is not known at this stage. This will depend on actual requests, actual matching capabilities and budget availability per year.

Question 08 (25 May 2016, 16:02):

Two different Divisions of our Company are going to prepare Proposals for the subject ITT: the first for Lot 1 and the second for Lot 2. With reference to Para 3 of the ITT, we are preparing two different Proposal packages that will be delivered to EMSA in two different envelopes, the first for Lot 1 and the second for Lot 2. Technical Documentation, prices and specific information will be dedicated to each specific Lot; legal documentation, certification and other general documentation will be doubled and annexed in total in each single Proposal package. Please kindly confirm we are following the right procedure.

Answer to question 08 (30 May, 14:00):

We confirm that you are following the correct procedure. However, you can also choose to send it as one company bid in only one inner envelope (to be put into the outer envelope) answering for each of the lots but just making it clear which division will be working on which lot. In the latter case only one copy of the legal and financial documents would be requested.

Question 09 (27 May 2016, 13:24):

I have the following questions regarding tender number EMSA/OP/06/2016. These questions are applicable to Lot 2.

- 1) Can we assume a safe location for the installation of a port a cabin/container for maintenance and ground control station/office?
- 2) What connections and facilities will be available on location (power, cable, phone line, water and sanitation)?
- 3) Having equipment on standby in a 30 days period implies that the equipment cannot be used on other contracts during the time that the framework agreement is in place. Can EMSA give some kind of guarantee as to the minimum number of days once a contract is in place so as to justify the extra investments required for this framework agreement?
- 4) On page 65 of tender enclosure 1 is Table 13. This table indicates the Fixed Aircraft Availability/Reservation fee whereas it is indicated earlier in the document that this does not apply for Lot2. Please clarify.

Answer to question 09 (1 June, 14:00):

- 1) A safe location will be provided by the requesting user or the hosting entity of the operations (Member State). This will be determined on a case by case basis however as requested in the Tender Specifications, EMSA cannot take responsibility for any of the contents of the cabin/container or local ground control station/office. This facility will normally be located in the near vicinity of the airport.
- 2) These will be provided by the hosting entity of the operations or requesting user (Member State) and will be on a case by case basis what will be available on site. However the general expectation is that all these things will be made available.
- 3) The equipment does not need to be on standby as such and can be used on other contracts.

As indicated in Paragraph 6.3.1.2 of the Tender Specifications: For a new deployment EMSA– with the support of the contractor – will start the procedure to obtain the permits to fly. When the process has reached a mature state, EMSA will prepare the specific contract for this deployment and will give at least a 30 day notice (mobilisation alert) prior to signing the specific contract. It is then clear in Paragraph 6.3.1.3 “that the maximum time after the signature of the contract for the mobilisation, deployment, and missions shall then not exceed two weeks.” This means that the mobilisation should take place within two

weeks of the signing of the specific contract. Therefore in essence there should normally be at least 6 weeks for the contractor to prepare for operations.

EMSA cannot give any guarantee as to the minimum number of days once a contract is in place as this will be up to the requesting user on how long they wish to contract the RPAS service. However each deployment will last a minimum of 2 months (refer to paragraph 6.4.1.1). Furthermore, as stated in Paragraph 6.5.1.2 of the Tender Specifications: "For each month 160 flight hours will be assumed ..." and EMSA will clarify upfront with the user its expectations on the use of the RPAS. Considering Lot 2 are smaller RPAS, EMSA assumes that there would be a lower investment, and these RPA will already be used on other contracts.

- 4) Table 13 in paragraph 21.3.3 of the Tender Specifications has an error in that some text was omitted from the table. The text to be inserted is N/A (not applicable) in both Scenarios A and B columns. This is in line with Table 8 Price Grid template for Lot 2 in paragraph 19.2.1.7 where the N/A was actually already inserted. As you correctly indicate the Availability/Reservation fee **is not applicable** for the Evaluation of the Scenario for Lot 2.

Question 10 (27 May 2016, 17:09):

Could you please clarify and/or confirm the following?

- 1) The Tender does not specify who is responsible for the payment of the fees associated to the usage of aircraft control (C2) and mission payload data links radio frequency within the operational areas in the different UE states, once the authorization is obtained. Please clarify
- 2) Reading the operational requirements, the focus is on the operative daily hours and, in order to satisfy the mandatory requirements, it seems that EMSA's intention is to operate 7 days per week. This requirement associated with the minimum flight hours per day (8 hours) is an important element in order to evaluate the number of Teams to be deployed on site, especially considering the international Pilot Duty regulations. Please confirm
- 3) In Paragraph 7.1.3.2, it seems the internet connection is provided by the hosting End User and the bidder has to specify the minimum band width needed. On the contrary, from Paragraph 7.1.3.19 to Paragraph 7.1.3.26 there is a detailed description of the communications between the Ground Control Station and EMSA/End User and it seems that the Contractor has to provide the connection. Please clarify
- 4) Is the bidder allowed to provide comments to the wording of the Framework Agreement and the Specific Contracts and include them within its response to tender? Please clarify
- 5) Shall the bidder fill in the Framework and Specific Contracts with its details and provide them together with its response to tender? Please clarify

Answer to question 10 (1 June, 14:00):

- 1) The C2 and the mission payload communication charges should be covered by the contractor and therefore these should be included in the prices given for the flight operations/missions and therefore in the quote for flight hours. See paragraphs 7.1.3.7 to 7.1.3.18 of the Tender Specifications which cover this point and it is requested in paragraph 7.1.3.18 that the bidder describe which

communication contracts are already in place or foreseen and which frequencies are supported (please see paragraph 7.1.3.4).

- 2) As indicated in paragraph 6.5.1.5 of the Tender Specifications “different operational scenarios in terms of the number of flight hours could be foreseen, depending on user requests”. Paragraph 6.5.1.2 has assumed 160 hours per month however the number of hours may vary throughout the month which means flights do not necessarily need to take place every day of the week.. All pilot duty regulations should be followed when an estimate of the teams which will be deployed on site are given. However as indicated it will be the customer or requesting user from the Member State that will be deciding how many flight hours are needed per day. The bidder shall make the staff available to cover the maximum endurance of the RPA.
- 3) In paragraph 7.1.3.2 the internet connection is provided and installed (if necessary) by the hosting Member State for the Local Ground Station (LGCS) as depicted in figure 1. The contractor however should cover the costs of the internet connection of the Central Ground Control Station (CGCS) as this is located at a different location from the LGCS. As paragraph 7.1.3.3 indicates “the communication links shall be contracted for the entire area of operation as specified in the SC”, this relates to the radio and satellite communication between the RPA and the ground segment which could be the LGCS or the CGCS. In essence all communication costs except the internet connection to the LGCS are to be covered by the Contractor. See also paragraph 7.1.3.23 which indicates all costs should be borne by the contractor.
- 4) The Framework Contract is a draft because it needs to be adapted with specific names to be included for the signing including the requesting user however the conditions cannot be changed. The Specific Contract will only be amended based on the type of request received. Please note point 7 of the “Invitation to Tender”, which states: “Submission of a tender implies acceptance of all the terms and conditions set out in the procurement documents and, where appropriate, the waiver of the tenderer's own general or specific terms and conditions. These requirements are binding on the tenderer to whom the contract is awarded for the duration of the contract.”
- 5) The bidder does not need to fill in the Framework and Specific Contracts for the bid as these will be filled in at the time of signing of the contracts following the Evaluation of the bids.

Question 11 (31 May 2016, 18:13):

In our understanding the documents needed to satisfy the requirements as per sections 20.2 and 20.6 are:

- “Chamber of Commerce Registration Certificate”;
- “Tax Payer Certificate”;
- “Social & Health Insurance Certificate”;
- “Certificate of Company's Administrative Breaches”;
- “Judicial Record Board Members of the Company”

May you please confirm our understanding on this regard? Please kindly confirm we are following the right procedure.

Answer to question 11 (3 June, 15:00):

As it is stated in the "Tenderer's Checklist" as well as under section 20.6.1.1 of the tender specifications, the tenderer has to submit with the offer a duly completed and signed "Declaration of Honour on Exclusion Criteria and Selection Criteria".

The following certificates:

- "Tax Payer Certificate";
- "Social & Health Insurance Certificate";
- "Certificate of Company's Administrative Breaches";
- "Judicial Record Board Members of the Company"

could satisfy the requirements as per sections 20.2 and 20.6.

These supporting documents for the Exclusion Criteria, as well as the other documents mentioned under sections 20.6.1.2 to 20.6.1.4 of the tender specifications, must be provided only "upon request" of EMSA. In any case the winning tenderer(s) to be awarded the contract(s) will be requested by EMSA at a later stage, before signature of the contract, to submit the above mentioned supporting evidence.

The "Chamber of Commerce Registration Certificate" does not satisfy the requirements as per sections 20.2 and 20.6 but may satisfy the requested accompanying document to the Legal Entity Form.

As it is stated in the "Tenderer's Checklist" and under section 20.1.1.1 of the tender specifications, in order to submit an offer in this procurement procedure the tenderer has to complete and submit the Legal Entity Form (LEF) and to attach to this form copies of official supporting documents, as for example an extract from the register(s) of companies, the official gazette, the VAT registration etc. You might also attach a "Chamber of Commerce Registration Certificate" in case you are not able to submit an extract from the register(s) of companies in your country.

Question 12 (1 June 2016, 12:52):

Some of the formal/legal documentation requested is composed by hundreds pages and, multiplied for one original plus three copies means thousands of pages to be printed and delivered to your attention. Is it possible to provide some of them in electronic format only? (i.e. Financial Statements years 2013-2015)

Answer to question 12 (3 June, 15:00):

In the Invitation to Tender paragraph 2 "Bids shall be submitted in **paper AND electronic versions**. In case of inconsistencies, the paper version prevails over the electronic version."

The supporting documents for the selection criteria listed under section 20.4. and 20.5 of the tender specifications, like e.g. a) "financial statements or their extracts for the last three years for which accounts have been closed", and the CV's for the Technical and professional capacity are mandatory to be submitted. Supporting documents will have to be submitted as hardcopies, in accordance with point 2 of the invitation to tender.

Question 13 (1 June 2016, 17:20):

Clause 20.5.2.6 of the Enclosure I – Tender Specifications states that the bidder shall provide a detailed curriculum vitae in the European format for each key staff member (coordinating positions, pilots, and any other relevant staff) and a filled in summary table as in “ANNEX B: Experience of staff to be working on this contract” (Tender Enclosure IV).

Since at this stage it is difficult to properly define the exact persons that will be involved in the execution of the program, may the bidders in alternative clearly state the minimum expertise, experience and capacities of the personnel that they would make available?

Answer to question 13 (6 June, 14:00):

As indicated in the Tender Specifications paragraph 20.5.2.6, the table in Annex B must be filled in and the names of the team members should be included with their experience and capabilities and this should be accompanied by the detailed CVs. This is essential as the service set-up will start very soon after the contract is signed and therefore the staff should already be able to work for the company offering its bid.

As indicated in the Tender Specifications in paragraph 7.1.7.7, should your company wish to change the key personnel during the lifetime of the contract, this can be done with persons with at least similar qualifications and with EMSA approval.

Question 14 (2 June 2016, 21:58):

We have a question about the operational experience required in the technical specifications of the tender. The minimum number of flight hours specified are 500 (paragraph 20.5.3.2), which has to be evidenced by letters, testimonials and also with annex C. Annex C requires to specify the projects, aircrafts and number of flight hours with different platforms.

Is it mandatory that we offer single UAV model with 500 flight hours? Or would it be enough to demonstrate 500 flight hours total by adding the flight hours of other platforms (not included in the offer, but within the same order of weight and dimensions)?

Answer to question 14 (6 June, 14:00):

The flight hours to be indicated can be on any type of Remotely Piloted Aircraft in addition to the one(s) being offered in the bid. As indicated however in the paragraph 20.5.3.2, “The company must show at least a significant number of proven flight hours with its Remotely Piloted Aircraft being offered for the contract”.

Question 15 (4 June 2016, 12:04):

“... we are aware that to get a representative sample that will be meaningful in calculating a weighted sample of SO_x, CO₂ and optionally NO_x, the RPAS will need to remain directly in the emissions trail for a not insignificant period of time. With the common practice of slow steaming and the average normal steaming speed of a vessel compared to a drone this would require a very slow flight speed from the drone. Is there a minimum speed required to enable the drone to analyse a valid sample of emitted emissions?”

Answer to question 15 (7 June, 14:00):

There is no minimum speed required in the Tender specifications for the RPAS. However the bidder is requested to analyse the tender specification such, that the overall requirements (e.g. of the range) will be met including meeting the relevant objectives of how the RPAS will be used and for what purposes. The bidders are requested to demonstrate and to describe the operational procedures and that they are able to measure the SO_x, CO₂ and optionally NO_x (see section 7.3.6 of the tender specifications) with the sufficient accuracy allowing to use the measurements for maritime emission monitoring (see section 7.3.3 of the tender specifications).

Question 16 (6 June 2016, 12:33):

I would like to request the following clarifications for the subject tender:

1. In section 3.1.1.7 you mention that there will be several framework contracts signed for each contract. Since you are going to award the Specific Contracts in a Cascade order, is there a maximum number of companies that may be awarded with a framework contract?
2. In section 7.1.6.9 you ask us to provide access to a mock-up or test account during the evaluation phase demonstrating the visualization and data exploitation capabilities of the offered systems. Questions are:
 - a. Please elaborate more on what you want us to describe and show?
 - b. Is this necessary for both Lots or only for Lot 1?
 - c. the data visualization system may be something that needs to be set up during the Set-Up period. For this reason it is impossible to already provide a mock up test account so early during the evaluation phase.
3. Is it possible to subcontract part of the contract? If yes what is the maximum amount permitted in percentage?
4. Due to the high workload and information you require to be submitted with the responses I would kindly ask you to extend the deadline to give us the opportunity to submit a high quality compliant offer. This would be in the best interest of EMSA as it would increase the chances to receive more quality and economically advantageous offers.

Answer to question 16 (7 June, 14:00):

1. In section 3.1.1.7 of the tender specifications it is stated that there will be several framework contracts signed for each lot. EMSA will award the Framework Contracts in a cascade order (see chapter 5 of the tender specifications). and it is envisaged that a minimum of 2 companies will be contracted per lot. See section 5.2.1.2 of the Tender Specifications:
“Framework contracts will be signed with two companies for each Lot indicated in section 5.1. Should the relevant number of RPAS or sensors or the required capabilities not be reached with the two companies, framework contracts may be signed with other companies.”
2.
 - a. In order for EMSA to be able to evaluate and compare bids, bidders should ensure that their proposals include the capabilities and functionalities of the data visualisation technology which is

being proposed. For this purpose, EMSA requests a mock-up solution or test account during the evaluation phase in paragraph 7.1.6.9 which will be analyzed and compared to the other bidder solutions.

- b. This is requested for both Lots.
 - c. As EMSA wants to build its RPAS services on existing solutions, EMSA is convinced that the bidders already have visualisation and data exploitation capabilities. The mock-up solution or test account refers to these existing systems. If changes are foreseen by the bidders on these solutions, then they should be described in the offers.
3. It is possible to subcontract part of the contract, please see chapter 16 of the tender specifications. There is no limit as to the share of subcontracting. However it should be noted that the full responsibility for the performance of the contract remains with the tenderer.
 4. The bid submission deadline was initially 06 June 2016 at 20h00. The Agency has already agreed to postpone the final date for submission of tenders to the 24 June 2016 at 20h00 (Lisbon time) – please see the answer to question 1. Another postponement is not foreseen.

Question 17 (8 June 2016, 12:47):

We would like to clarify the following questions:

1. The technical specification and the overall structure of the tender suggests that only runway dependent were considered. Would EMSA consider VTOL platforms? Would shipboard VTOL capability be seen as an advantage for the provision of services in maritime domain?
2. Section 7.2.2.1 – Range and Communication specifies BRLOS capability as mandatory. However, if the RPAS platform is shipboard VTOL and the vessel-born ground control station is constantly mobile, the range is practically unlimited. Would EMSA consider a platform that is VTOL shipboard-capable but without the BRLOS capability, but with RLOS capability of 200km.

Answer to question 17 (15 June, 16:30):

1. The tender specifications do not explicitly require a runway dependent RPAS. If a bidder wants to offer RPAS which includes a VTOL capability they can do so. However the RPAS offered has to be compliant with the technical specifications regardless if the RPAS is a VTOL type or a runway dependent one. A shipboard VTOL capability is not specified in the tender specifications as being an advantage.
2. EMSA is requesting a Remote Piloted Aircraft System which can also consist of multiple devices (e.g. shipboard VTOL). However, the bidder should offer a solution which meets all the requirements listed in the tender specifications. All solutions require a BRLOS communication link enabling the land based Central Ground Control Station (see paragraph 3.1.1.5 of the Tender Specifications) to provide the user with the payload data in near real time.

For all solutions the bidder shall state which endurance and range it can achieve with its proposed Remote Piloted Aircraft System and should describe the configuration of the system, in particular if the system includes multiple devices. The range of the system should only be based on the devices as offered by the bidders..

There will however also be further procurements for RPAS services for maritime surveillance and other areas including using VTOL.

Question 18 (9 June 2016, 19:46):

Would it be possible to get a copy of the attached document in word format?

Answer to question 18 (15 June, 16:30):

Yes the tender specifications are available in Word format and are now included in the Zip file with all the other tender documentation. The file is there now in both pdf and word format.

Question 19 (10 June 2016, 15:17):

I would like to add the following additional clarifications:

1. When is it expected that the contract will be awarded?
2. In the Requirement Table 4 and 5 you write that you require an AIS Transponder while in the Payload list in Annex A abbreviation you are referring to an AIS receiver. It makes sense to us that the AIS should only be able to receive data from other ships rather than also transmitting its own. Kindly clarify if having an AIS receiver would be deemed acceptable.

Answer to question 19 (15 June, 16:30):

1. It is envisaged that the contract should be awarded by 3rd quarter of 2016.
 2. The AIS device on-board the RPAS shall receive the AIS signals from surrounding vessels and shall relay the AIS messages to the LGCS or CGCS (therefore the word 'transponder' was used). However it is understood that a receiver with capabilities to relay the data is the more appropriate definition. This kind of AIS device is indicated as mandatory within 6 months in Table 5 for the sensor requirements for Lot 2. This is also mandatory for Lot 1 in Table 3. The abbreviations list in Annex A is simply referring to the definition of payload.
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Question 20 (13 June 2016, 13:25):

Would it be possible to extend for one week (end of June) the deadline for proposals submission in the context of the open procedure?

Answer to question 20 (15 June, 16:30)

The Agency does not plan on delaying the submission of proposals any further. The deadline for submission of the bids of this tender is **24 June 2016 20H00**.

Question 21 (14 June 2016, 10:10):

We are building an interesting Industrial Consortium but the complexity of the tender require some more analysis from our side in order to find the best possible solutions. As you know the maturity level of such type of services is very low. It is a very challenging ITT and we would like to be as much as possible compliant with the tender requirements. We hereby request EMSA an extra delay in the submission date of 2 weeks (to 8/07/2016).

Answer to question 21 (15 June, 16:30):

The Agency does not plan on delaying the submission of proposals any further. The deadline for submission of the bids of this tender is **24 June 2016 20H00**.

Question 22 (14 June 2016, 11:37):

Could you please address the clarification below?

- In Table 1 "Data Exchange Formats" you have different Video Stream data (STANAG 4609 /MISB 0902 (time coded video data), H.264) and different Feature data (XML(GML, GEOJASON, NetCDF). Please confirm that either one of these standards per applicable category will be deemed acceptable and that not all of them need to be provided.

Answer to question 22 (15 June, 16:30):

The final standards will be defined in the Interface Control Document (ICD) which will be provided with the specific contract for module 6. It is the intention to only select one format type per category, if possible. However the bidders shall be capable to support any of the standards mentioned for each of the video stream data and feature data. Please take into account that video stream data shall be delivered as time coded video data as provided by STANAG 4609 / MISB 0902. These standards also use the H.264 compression format. For the feature data the use of XML(GML), GEOJASON or NetCDF for the data products will be chosen as appropriate.

Question 23 (15 June 2016, 17:08):

The tender specifications section 4.1.4 refer to RPAS as an expected deliverable: "RPAS fitted with (ad-hoc) payload, communications, and deployment support". On the other hand, the contract draft article I.10 "Intellectual Property Rights" specifies that ownership of results and of pre-existing rights should be transferred/licensed to EMSA. Please confirm that RPAS is not a delivery per se but rather it's physical availability in the form of the system itself and license to use it.

Answer to question 23 (17 June, 11:00):

The RPAS deliverable is an RPAS service to be provided to EMSA. The RPA system and relevant sensors remain the property of the company that is providing the service. As for the contract, this refers to the data that is going to be sent from the sensors on the RPA to the EMSA systems. This will be data or results which is transferred to EMSA's systems and become EMSA's property.

Question 24 (15 June 2016, 17:45):

Could you clarify if it is necessary to split the Financial Bid from the Technical Bid and seal it in a different envelope? Or is it enough to provide everything under the same document (of course with its 3 additional copies)?

Answer to question 24 (17 June, 11:00):

As indicated in Section 18 of the Tender Specifications, it is not necessary to split the Financial Bid from the Technical Bid in separate envelopes. The bid should however be presented as a document with separate parts (Part A to Part E) as indicated in Section 18.2 to 18.6 of the Tender Specifications. As indicated in the Invitation to Tender, the bids shall be submitted in paper AND electronic versions on CD or USB key or similar and the paper copies should include one original duly signed and three copies.

Question 25 (17 June 2016, 09:42):

Please how can I find the following 3 models:

- “Social & Health Insurance Certificate”;
- “Certificate of Company’s Administrative Breaches”;
- “Judicial Record Board Members of the Company”

Answer to question 25 (21 June, 09:30):

As mentioned on page 5 of the “Declaration of honour on exclusion criteria and selection criteria”, the certificates or extracts listed in the question are issued by the competent authorities of the State concerned, which will often be the country of establishment of the tenderer. Lists of certificates issued by the EU Member States can be found on the e-CERTIS website: <http://ec.europa.eu/markt/ecertis>.

Please note that the supporting documents listed under sections 20.6.1.2 to 20.6.1.4 of the tender specifications have to be submitted only “upon request” of EMSA (see section 20.6.1.2 of the tender specifications as well as page 4 of the “Declaration of honour on exclusion criteria and selection criteria”). In any case the winning tenderer(s) to be awarded the contract(s) will be requested by EMSA at a later date, before signature of the contract, to submit the a.m. supporting evidence. Please see also the answer to question 11.

Question 26 (17 June 2016, 11:00):

Is it possible to extend the bid submission deadline to 1st July 2016 so that we can respond in detail to all points of the tender documents? We would highly appreciate it.

Answer to question 26 (21 June, 09:30):

The Agency does not plan on delaying the submission of proposals any further. The deadline for submission of the bids of this tender is **24 June 2016 20H00**.

Question 27 (17 June 2016, 17:15):

In Article III.4.1.4 "Specific Contract for Initial Set-up phase" you state that partial acceptance of the initial set-up is also possible. Could you explain more how this is possible? I was of the idea that during the Initial Set-up the system needs to be ready to immediately commence operations.

Answer to question 27 (21 June, 09:30):

This article links to section 6.2 of the Tender Specifications and specifically to point 6.2.1.4 which states that "the setup-phase will be with the successful acceptance of the "minimum capabilities" as requested within the tender specifications in section 7." The next point 6.2.1.5 indicates that the successful completion of all tests performed will show the contractor is ready for a potential deployment. Article III.4.1.4 of the draft "Specific Contract for Initial Set-up phase" was included to enable EMSA to partially accept if for example one minor test would need to be repeated or just delayed a few days.

Please note that the deadline for requests for additional information has expired (see point 10(a)(i) of the invitation to tender) and therefore they will no longer be processed.

Requests for additional information regarding this tender should be sent by e-mail to the following address **Open062016@emsa.europa.eu**. Requests for additional information received less than six working days before the closing date for submission of tenders will not be processed.

The deadline for submission of the bids of this tender is **24 June 2016 20H00**.

The responsibility for monitoring the Agency's website for replies to queries and/or further information remains with potential applicants.