

## Clarification to Tender: No 8

### **Title of Procedure: Airborne Ground Surveillance and Reconnaissance (AGSR) Services in Bosnia and Herzegovina**

**Ref: 14.OP.OS.001**

**Date: 18/08/2014**

	Question	Answer
1	Special and Conditions 15. Do the exemptions that will be provided referred to within these conditions on all supplies delivered and services/works performed or procured in Bosnia & Herzegovina and subject to the Contract apply to i) VAT? ii) customs duties? iii) corporate income tax? iv) withholding tax? Can you please advise whether or not such exemptions apply to each of these four categories?	The Tax and Customs arrangements clause specifies conditions under which tax exemption forms are issued as well as customs forms (all supplies delivered and/or services/works performed in Bosnia and Herzegovina). Please, refer to Article 15 of Special Conditions.
2	General Conditions section 11: Can you please advise the maximum amount foreseen by the legislation of the State of contract performance which we note is Bosnia Herzegovina.	An example of maximum amount foreseen by the Bosnia and Herzegovina legislation is the one for motor vehicles compulsory insurance. This maximum is 1.000.000 (one million) BAM. For all other types of so-called contractual insurances, there is no fixed minimum and/or maximum amount. It is up to contractual parties to set up eventual maximum or/and minimum amounts as one of terms of contract in question. As in Bosnia and Herzegovina no maximum amount is foreseen by the legislation for the indemnity insurance, the amount foreseen by the legislation of the State of origin of the Contractor applies.
3	Within Annexes XI, XII and XIII can you please confirm or otherwise what jurisdiction applies? We note that it is Belgian Law that applies but need to make sure that we specify the correct jurisdiction.	The jurisdiction which applies to the contract and all its annexes is the same as the one mentioned in Article 34 of the Special Conditions of the Contract – <i>“the courts of Brussels in Belgium”</i> .
4	Annex X. Can you please advise where a	The excel file of Annex X has been

	spreadsheet version of this form can be located?	uploaded together with the tender documents, here: <a href="http://www.eda.europa.eu/procurement-gateway/opportunities/eda-procurement/procurement-view/14.op.os.001---airborne-ground-surveillance-and-reconnaissance-(agrs)-services-in-bosnia-and-herzegovina">http://www.eda.europa.eu/procurement-gateway/opportunities/eda-procurement/procurement-view/14.op.os.001---airborne-ground-surveillance-and-reconnaissance-(agrs)-services-in-bosnia-and-herzegovina</a>
5	For the Tender Guarantee at Annex XIII: We note that the submission deadline is 25 August '14 and we also note that the Period of Tender Validity instructions are specified at section 7 of the Instructions to Tenderers section. We nonetheless, wish to be advised the specific words to specify into the grey box which currently states "submission deadline and valid throughout the validity of the submitted bid". We are unsure as section 7 specifies potential extensions to the validity. We would be grateful for your advice.	You are advised to follow the tender instructions, article 7.1 and article 20, when filling in information with regard to tender guarantee validity period.
6	Annex II, ITT Page 60, Section 5.1.2b - How is the term 'adverse weather & visibility conditions' defined? Is this pertinent to Reconnaissance and Surveillance tasks using the fitted sensors or just to aircraft flying availability?	It is just for aircraft flying availability.
7	Annex II, ITT Page 60, Section 5.1.2d - Independent pointing control of all sensors - Is this a requirement for ALL sensors for both Recce & Surveillance tasks or just for Surveillance?	It is a requirement for ALL sensors.
8	Annex II, ITT Page 57, Section 4.2.2 – What formats are expected by NATO Intelligence Toolbox?	All electronic formats are expected.
9	Annex II, ITT Page 60, Section 5.1.2 – Is NIIRS 7 required for both Reconnaissance & Surveillance or just Surveillance tasks?	It is required for both Reconnaissance and Surveillance.
10	Annex II, ITT Page 56, Section 4.1 – Is the requirement for 'simultaneous' Reconnaissance and Surveillance of different parts of the AOI?	No
11	Annex II, ITT Page 57, Section 4.2.2 – What AGSR Mission data is the contractor expected to store and for how long? - Mission reports & imagery or ALL raw FMV (in all formats)? - For 1 year, 3 years or 5 years?	All formats for 5 years.
12	Annex II, ITT Page 59, Section 4.7 – Please provide the definition of an 'accomplished scheduled mission'?	Mission that is successfully completed as scheduled.

13	For the export of data onto DVD and/or USB memory sticks, what are the security/encryption requirements for such devices?	No security/encryption requirements for DVD and/or USB.
14	STANAGS: Annex II, Table III-2  STANAG: AC 224 (AG/4)D-67 – this is a STANAG we cannot locate. Can you please advise? STANAG 3768: We are of the view this has been cancelled since 1998. Can you please comment?	Please see the answer provided in clarification 6 for STANAG related questions.
15	Is the concept of the proposed operation similar to the current operation, in terms of requirements of communications, area coverage, fidelity of sensors and data collection/analysis?	Yes, the concept of the new contract is similar to the current one, in terms of requirements of communications, area coverage, fidelity of sensors and data collection/analysis.
16	May we please ask what make and model of aircraft is currently used?	Cessna 208 caravan.
17	Page 5, Section 1 – Services to be provided, Paragraph 3: May we please ask how many relay stations are currently used and where are they located? We wish to know so that a potential new supplier can investigate taking over space and power contracts.	Info provided in minutes from site visit document which is already published (point 3.4).
18	May we please ask what frequencies are used by the current links to assist in radio telephone approvals?	Part of this info provided under clarification 4 pint 3, however precise frequencies are not releasable to public.
19	Page 61, Section 5.1.2 – Platform & Sensor Systems – Collection Requirements, Point m. The ITT specifies two hand-held radios for communication between the aircraft and ground, which must be secure and at V/UHF frequencies. Would sat-phone meet this requirement? As it gives greater range although it does not use the frequencies stated?	Sat - phone will meet this requirement.
20	Page 5, section 1 – Services to be provided, Paragraph. 3: Can you please advise -is there direct access between Camp Butmir and the airfield and hangar?	No, there is no direct access between Camp Butmir and the airfield and hangar.
21	We are not clear about the costs regarding provision of an extra crew in times of crisis. The text on page 57, Section 4.2.1 – Operational Tempo and response, Para. 2, asks, we believe, for a price proposal to mobilise this crew. Whilst Annex V – Financial Offer “A” Table, “B” Table and “C” Table on page 75 onwards asks for an	There are two additional (not taken into consideration during the evaluation) prices in Annex V; 1) Additional flight hour - beyond base hours specified in Annex II point 4.3., 2) Additional Crew - engagement specified in Annex II point 4.2.1.

	hourly rate. Can you please clarify?	The costs of the Additional Crew, which should be operational in the circumstances defined in point 4.2.1 of the Annex II to the Contract (ToR), should be presented in Annex V and expressed in hours.
22	Could a minimum hours/duration in theatre be specified by EDA to allow costing?	As mentioned in the Article 4.3 of the Annex II (ToR) to the Contract, <i>“the Contractor shall provide sufficient resources for the availability of maximum 500 hours per year (average of 41.6 base hours per month) for EUFOR reconnaissance and surveillance missions”</i> .
23	Does the evaluation method include demobilisation costs at the end of the basic period and option year 1? Annex V states the ‘Total Price’ is used for evaluation, but the N/A annotations on “A” table on page 75 and the “B” table on page 76 have left us in doubt.	As mentioned in the Annex V the Evaluation price = Mobilization costs Basic Period + Provision of AGSR service total price Basic Period + Provision of AGSR service total price Option year I + Provision of AGSR service total price Option year II + Demobilization costs of Option Year II. It means that the tenderers should provide the costs of demobilizations for Basic Period, Option year I and Option year II, but only the costs of demobilization of Option year II will be taken into consideration for the financial evaluation together with Mobilization costs Basic Period, Provision of AGSR service Basic Period + Provision of AGSR service Option year I + Provision of AGSR service Option year II.