

**QUESTIONS AND ANSWERS REF. SJU/LC/0102-CFP**

**SESAR Large Scale Demonstration Activities – Call for Proposals (ref SJU-LC-0102-CFP)**

N°	Subject	Reference in call documentation	Questions	Answers
1	<b>Definitions – “flight”</b>	Technical Specifications - Section 3 -	Could you please define what a “flight” under this call is?	Under this call for proposal a “flight” refers to the operation of aircraft on one or more stages on a scheduled or non-scheduled basis.
2	<b>Definitions – “proof of concept”</b>	Technical Specifications - Section 4.1 -	Could you please clarify what “proof of concept” under this call means?	Under this call for proposal, a “proof of concept” is to make use of a certain solution to demonstrate its feasibility in order to assess that this solution (concept or theory) has the potential of being implemented/deployed and may contribute to the achievement of the SESAR objectives.
3	<b>Participation of consortia in this procedure – consortia composition</b>	Technical Specifications - Section 6 -	Can participants from previous calls take part in the current call?	There is no restriction as regard to the participation of entities selected as a result of previous SJU grant and/or procurement procedures.
4	<b>Definitions – “trials” – Content of the demonstration activities</b>	Technical Specifications - Section 3 -	Could you give us the definition of “trials” under this call and clarify how many trials are required under each Project?	The performance of a minimum of 50 flight trials is required. A “trial” can be defined as a flight in operational environment making use of the selected solution to demonstrate its benefits, in any case in compliance with the necessary safety aspects which remain the full and only responsibility of the selected beneficiary.  This minimum of 50 flight trials should allow demonstrating that the proposed targeted solution(s)

				<p>can be implemented on the basis of data collected in real operational environments.</p> <p>Please note that the demonstrations may be complemented with simulation results where duly justified.</p>
5	<b>Demonstration report and Demonstration plan</b>	Technical Specifications - Appendices H & I -	What is the difference between a validation report and a demonstration report?	<p>Templates outlining the expected content of the Demonstration Plan and Demonstration Report are provided as Appendices H and I to the call for proposal.</p>
6	<b>Content of the demonstration activities</b>	Technical Specifications - Section 3 -	What are the necessary prerequisites to use new technologies?	<p>The purpose of this call for proposal is not to co-finance the development of new technologies as such. There is therefore no necessary requirement to use new aircraft technologies in the proposed projects.</p>
7	<b>Content of the demonstration activities</b>	Technical Specifications - Section 3.1 -	<p>Lot 1 is covering several focus areas. Should the proposed demonstrations cover all the focus areas?</p> <p>How were the ATM functionalities defined?</p>	<p>Under Lot 1, the proposed projects should at least cover one of the focus areas.</p> <p>The ATM functionalities (AF) were defined in the context of the SESAR Programme.</p>
8	<b>Applicable contractual conditions</b>	Draft grant agreement	Can we negotiate the draft grant agreement and can we have access to the Multilateral Framework Agreement?	<p>The proposed draft grant agreement is not negotiable. In case some inconsistencies/ drafting mistakes are detected by a potential bidder, an e-mail shall be sent to <a href="mailto:procurement@sesarju.eu">procurement@sesarju.eu</a>.</p> <p>Please note that, as per Section 8 of the invitation to submit a proposal, the bidder shall accept the proposed contractual terms and conditions. The SJU reserves the right to reject proposals stating that the provisions of the draft agreement are accepted to a number of conditions.</p>
9	<b>Participation of</b>	Technical Specifications - Section 6 -	<p>Which are the targeted consortium members?</p> <p>May Airframe manufacturers be involved?</p>	<p>Section 6 of the Technical Specifications details the expected composition of the consortia answering to</p>

	<b>consortia in this procedure – consortia composition</b>			<p>this call.</p> <p>Yes airframe manufacturers may be involved.</p>
<b>10</b>	<b>Participation of consortia in this procedure – consortia composition</b>	<p>Technical Specifications</p> <p>- Sections 3.1 and 6 -</p>	<p>May entities proceeding from non-EU member states take part in the consortia answering to this call for proposal?</p>	<p>Taking into consideration that a large component of the call is about interoperability, there is no restriction in this call regarding the participation of entities proceeding from non-EU member states under the conditions defined in Article 1 of the SJU Statutes attached to Council Regulation (EC) 219/2007, taking however into consideration the principle of reciprocity.</p>
<b>11</b>	<b>Content of the demonstration activities</b>	<p>Technical Specifications</p> <p>- Section 3.2 -</p>	<p>Under lot 2, may large airports be involved?</p>	<p>Lot 2 is targeting in particular, but not necessarily limited to, Small / Medium size airports. Consequently, where duly justified a larger airport may be involved.</p>
<b>12</b>	<b>Participation of consortia in this procedure – consortia composition</b>	<p>Technical Specifications</p> <p>- Section 6 -</p>	<p>Can the same legal entity participate in more than one consortium?</p>	<p>There is no restriction as regard to the participation of entities in several proposals submitted in response to this call.</p>
<b>13</b>	<b>Available budget</b>	<p>Technical Specifications</p> <p>- Section 2.3 -</p>	<p>Could you give us some indications regarding the split of the budget per lot?</p>	<p>The SJU did not intentionally provide more information regarding the breakdown of the budget per lot as some flexibility should be kept.</p> <p>Each proposal will be assessed in accordance with the criteria listed in Section 8 of the Technical Specifications per Lot. Equal consideration will be given to each lot. The final selection will reflect the scoring</p>

				given to each proposal under each respective lot.
14	<b>Participation of consortia in this procedure – consortia composition</b>	Technical Specifications - Section 6 -	Can military authorities participate?	Organisations which regulate, audit and assure all aspects of military aviation (“military authorities”) may participate to the demonstration activities resulting of this call and be member of the consortia. Nevertheless, the activities performed will not be eligible for co-financing.
15	<b>Assessment of the proposals</b>	Technical Specifications - Section 8 -	Will the demonstration projects be assessed in terms of performance & long term certification?	The proposals will be assessed in light of award criteria listed in Section 8.4 of the Technical Specifications. These criteria, and in particular criterion 2, contain a reference to the deployment.
16	<b>Role and responsibilities of entities submitting a proposal</b>	Invitation to submit a proposal - Section 3 – Draft grant agreement - Article 17 -	Can industry suppliers be a prime subcontractor?	In accordance with section 6 of the Specifications, the applicant shall be established as a consortium of at least two legal entities, of which at least one airspace user. The consortium may indicate subcontractors to be involved for the performance of the project, under the full responsibility of the consortium.
17	<b>Participation of consortia in this procedure – consortia composition</b>	Technical Specifications - Section 6 -	Can EASA be a subcontractor?	There is no obstacle at this stage to an involvement of EASA.
18	<b>Access Rights to SJU</b>	Draft Grant Agreement - Article 18.2 -	Will any SJU deliverable be made available for the execution of the demonstration activities? In such a	SJU deliverables developed prior or in parallel to the Large Scale Demonstration projects resulting of this call

	<b>Deliverables</b>		case, what will be their conditions of use?	<p>might be made available to the selected Consortia, on a need to know basis and in accordance with the SJU IPRs rules. In this case, the SJU deliverables shall be considered as Background for the Projects. These deliverables shall remain the property of their owners (i.e. the SJU or the SJU members) and access rights would be granted only to the extent strictly needed/technically essential for the performance of the performance of the selected Consortia obligations under the awarded grant agreement.</p> <p>More information regarding the conditions of use is available under Article 18.2 of the draft grant agreement.</p>
19	<b>Set-up of a consortium</b>	<p>Technical Specifications – Section 6 – Draft Agreement - Schedule 7 -</p>	<p>Could you clarify the term “<i>grouping which has been constituted informally for this specific procedure</i>”? How shall this informal grouping be constituted? What document shall be provided to demonstrate the set-up of such grouping?</p>	<p>If not set as formal legal entity such as a European Economic Interest Grouping, an association or a joint venture), the existence of a grouping shall be formalised by different documents, namely:</p> <ul style="list-style-type: none"> <li>- The mandates to be signed by each consortium member (see Appendix B of the Technical Specifications) and submitted as an integral part of the proposal; and</li> <li>- Accession forms (Schedule 4 of the draft grant agreement) to be duly completed and signed by each Consortium Member, collected and sent by the Consortium coordinator to the SJU at the latest 45 calendar days after signature.</li> </ul> <p>A consortium agreement should moreover in principle be negotiated and signed before starting the selected demonstration project.</p> <p>Please note that Schedule 7 of the Draft Grant Agreement details the conditions governing a Consortium not set up as a legal entity.</p>

20	<b>Mandate consortium coordinator</b>	Technical Specifications - Appendix B -	Appendix B – “Mandate consortium coordinator” stipulates that there is a consortium with consortium coordinator and member(s). In case the consortium is set as a “grouping which has been constituted informally for this specific procedure”, shall the Appendix B be changed to reflect the informal grouping and how?	Appendix B is applicable to any consortia, independently its their set-up. The template should not be changed. Each consortium shall be composed of a coordinator and members.
21	<b>Deadline for submission of a proposal</b>	Invitation to submit a proposal - Section 4 -	I saw you recently published a call for SESAR Large Demonstration activities, with deadline 28th of April 2014. Do you know if it is possible to have an extension of the deadline of a few days?	Please note that the deadline for submission of a proposal has now been extended <b>to Wednesday 14<sup>th</sup> May 2014</b> . Please refer to the corrigendum dated 5 <sup>th</sup> March 2014 published on the SJU website.
22	<b>Financial proposal</b>	Technical Specifications - Appendix G -	Regarding the financial proposal: “the SJU may co-finance up to a maximum of 50% of the total eligible costs (...)”, could you clarify if the procured costs like sub-contractors or purchase, are to be considered as eligible costs and therefore co-financed at 50%?	As per Schedule 8 of the Draft Grant Agreement, the costs of subcontracting are eligible costs as well as costs of consumables and supplies,
23	<b>Financial proposal</b>	Technical Specifications - Appendix G -	Could you please specify what kinds of costs are considered as eligible?	Please refer to Schedule 8 of the Draft Grant Agreement, which details the criteria for determining the costs of the Project.
24	<b>Participation of consortia in this procedure – consortia composition</b>	Technical Specifications - Sections 3.1 and 6 -	Could you please could confirm that, as regards to consortium composition (Section 6), an aerospace and defence company can qualify as “an airspace user or, specifically with regard to Projects involving General Aviation and/or Business Aviation and/or Rotorcrafts (Lot 2), one entity with the necessary airspace user competence provided in other forms than through airspace users directly”?	Any company would have to demonstrate that it has the necessary airspace user competence so that it can reflect the view of the end users in the results of the project.
25	<b>Lot 1 Focus Areas</b>	Technical Specifications - Appendix D -	Could you please confirm that the EPP (part of the AF#6) as mentioned in PCP is included at least in:	The EPP is identified in the PCP proposal as being able to support the different AFs but is not required for the

			<ul style="list-style-type: none"> <li>- <i>Arrival Management extended to en-route Airspace (high-density TMAs),</i></li> <li>- <i>Airspace Management and Advanced Flexible Use of Airspace in fixed and direct-route environments at Functional Airspace Blocks (FAB) level,</i></li> <li>- <i>Collaborative Network Operations Plan (NOP),</i></li> </ul> described in the focus areas in Appendix D attached to the technical Specifications?	AFs to be implemented. Any use of EPP is the demo proposals however would be strongly encouraged.
26	<b>Ownership of the results (Foreground)</b>	Draft Grant Agreement - Article 18.1.2(a) -	<p>Article 18.1.2(a) states that the SJU only owns “<i>Foreground</i>” limited to Specs, Proposals, and Validation Reports.</p> <p>Could you clarify if the SJU shall own any technologies arising out of the performance of the “<i>Releases</i>” or “<i>Tasks</i>” and the flight evaluations under the selected Projects?</p>	As per Article 18.1.2 (a) of the draft grant agreement, the SJU shall may only own IPRs and Information arising out of the performance of the “releases”, “tasks” and flight evaluation if they are related to common specifications, to validation reports and, in view of future standardisation, to proposals for standards and norms (including the related preparatory documents). These IPRs and Information are referred to as “SJU Foreground”.
27	<b>Access Rights to Foreground and Background owned by the Consortium</b>	Draft Grant Agreement - Article 18.2.2 -	<p>In Article 18.2.2 of the draft grant agreement, it is stated that the SJU and SJU Members shall be granted Access Rights of any Background which they “<i>have a Need to use to carry out their own work under the SESAR Programme</i>”.</p> <p>Could you explain the grounds of these rules?</p>	<p>As per Article 18.2.2 of the draft grant agreement, access to the Background by the SJU and SJU Member is only to be granted if the SJU or the requesting SJU Member Need that access in order to carry out it to carry out its own work under the Programme.</p> <p>Assessing whether or not access rights are Needed must take place on a case-by-case basis, with all due care and in good faith. While no universal rules can be drawn up, the following situations are examples where access rights would appear to be Needed:</p> <p>(a) if without the access rights concerned, some of the R&amp;D tasks assigned to a SJU Member under the Project would be impossible to be carried out, or significantly delayed, or require significant</p>

				<p>additional financial or human resources;</p> <p>(b) without the access rights concerned, the use of a given element of Foreground by the SJU or by one of its member would be technically or legally impossible, or would require very significant additional R&amp;D work outside the frame of the Project (in order to develop an alternative solution equivalent to that Background).</p> <p>The granting of access rights may be refused by the owner of Background concerned, if it considers that such access rights are not needed by the SJU or by the SJU Member requesting them. In such a case, the SJU or its Member will have to better substantiate its request and negotiate (in good faith) with the owner of the Background, or to withdraw its request.</p>
28	<b>Scope of the proposals</b>	Technical Specifications - Section 3.2 -	Can proposals cover different areas than the ones identified under Lot 2?	The proposed projects shall necessarily focus on the demonstration of the full operational and technical scope of at least one or a combination of the focus areas identified in Appendix E.
29	<b>Participation of entities proceeding from non-EU member states</b>	Technical Specifications - Section 6 -	Would you please confirm that partners in a consortium answering on Lot 3 of this call may be eligible to the SJU grant (if complying with the conditions listed in sections 8.2 and 8.3 of the specifications), even if not being established in a EU or ECAC member state ? Typically, as an example, that a US company may be declared as a consortium partner, and not as a subcontractor of an EU partner?	Please see the answer provided to question 12 above.
30	<b>Participation of</b>	Technical Specifications - Sections 3.3 and 6 –	May Eurocontrol participate under Lot 3 activities?	Eurocontrol may participate to Lot 3 activities in case of absence of professional conflicting interest that may affect the performance of the proposed



	consortia in this procedure – consortia composition			<p>project. A situation of professional conflict of interest would be a situation which generally would prevent an organisation/ contractor to fulfill his or her duties impartially under the agreement.</p> <p>This will be assessed in the proposal evaluation. In case of identified professional conflict of interest, the SJU may decide to reject the proposal.</p>
31	Assessment of the proposals in light of selection criteria	<p>Technical Specifications</p> <p>- Section 8.3.2 -</p>	<p>How does a newly created company (start-up) prove its eligibility for bidding and in particular its sufficient economic and financial capacity?</p>	<p>The company in question should provide as many required document in the call as possible in order to prove its sufficient economic and financial capacity and explain in a letter the situation.</p> <p>If the economic and financial selection criteria are fulfilled by relying on a third party, the SJU may demand – in case of award - that this third party signs the contract (i.e. becomes a contractor) or, alternatively, provides a joint and several first-call guarantee.</p> <p>Please note that the selection criteria are applied on the consortium as a whole, i.e. on all the economic operators involved in a proposal (including consortium members and / or subcontractors, or third parties on which the consortium relies to fulfil some criteria).</p>
32	Lot 1 Focus Areas	<p>Technical Specifications</p> <p>- Section 3.1 -</p>	<p>In the scope of preparing an offer under Lot 1 focussing on ATM Functionality 6, we would like to know if a project of performing EPP sending</p>	<p>The SJU consider that it is necessary to include the EPP into a wider proposal linked to one of the 6 mentioned focus areas.</p>

			through a ferry flight can be proposed as a stand-alone project proposal in response to the call or if it shall be included into a wider proposal linked to one of the 6 mentioned focus areas?	
33	<b>Access to documents</b>	Technical Specifications - Appendixes H & I -	How to access appendixes H & I?	Appendixes H & I can be downloaded in Word format from the SJU website ( <a href="http://www.sesarju.eu/procurement/calls-for-tenders">http://www.sesarju.eu/procurement/calls-for-tenders</a> ).
34	<b>Demonstration report</b>	Technical specifications - Section 4 -	Would a study evaluating the impact of the use of variant technologies in terms of operational benefits be eligible as part of the demonstration report?	The SJU confirms that such study would be eligible as part of the demonstration report if a complementarity with the Programme and alignment with the demonstration objectives is demonstrated.
35	<b>Draft Grant Agreement</b>	Draft Grant Agreement - Schedule 8 -	Is “duration of use” referring to the duration of use of the equipment as such or to the duration of use of the equipment during the trials?	“Duration of use” refers to the duration of use of the equipment during the trials. This schedule enables the SJU to check whether the costs are eligible under the project itself so as to make the calculations of the SJU co-financing (each selected project shall be co-financed up to a maximum of 50% of the maximum estimated project costs as presented in the submitted financial proposal).
36	<b>Content of the demonstration activities</b>	Technical Specifications - Section 3.2 -	Regarding the title of Lot 2 (“Solutions targeting improvements in particular, but not necessarily limited to, at small/medium size airports (targeting in particular Business and General Aviation, including rotorcraft))”, shall an airspace user such as business, general aviation or rotorcraft be included in any consortium?	At least one entity within the consortium would have to demonstrate that it has the necessary airspace user competence so that it can reflect the view of the end users in the results of the project.
37	<b>Content of the demonstration activities</b>	Technical Specifications - Section 3.2 -	Can this call be addressed with commercial aviation partners only?	Yes, nevertheless this call is not restricted to commercial aviation partners only. For instance, General Aviation partners are although sought as part of this call.

38	<b>NEW!</b>  Participation of consortia in this procedure – consortia composition	Technical Specifications - Section 6 -	In case Eurocontrol would participate as a member of future Consortia, which administrative documents should be submitted?	Like any other applicant, Eurocontrol shall submit all the documents requested in the framework of this call for proposals. However, as Eurocontrol is both a public body and an international organisation, the verification of its financial capacity shall not apply (art. 131 of the Financial Regulation applicable to the general budget of the Union).
39	<b>NEW!</b>  Participation of consortia in this procedure – consortia composition	Technical Specifications - Section 6 -	We haven't found any reference about power of attorney. Could the SJU confirm that such document is not requested?	Upon grant award, the SJU shall sign the Grant Agreement with the Coordinator duly authorised by the other consortium members via a mandate in accordance with Appendix B attached to the Technical Specifications.
40	<b>NEW!</b>  Participation of consortia in this procedure – consortia composition	Technical Specifications - Section 6 -	We would like to provide an offer for Lot 2 focusing on Remote Towers without having any Airspace User in the Consortium. The entity providing the necessary Airspace User competence would be the ANSP, resulting in an offer submitted by the Consortium leader only. The demonstrations would of course be closely co-ordinated with Airspace Users and airports. Would such a proposal be rejected for formal reasons as the Consortium is set up by only one partner or could it be eligible on an exceptional basis?	Such a proposal would be rejected by the SJU since, due to the nature of the Demonstration Project Activities to be performed, applicants should be set up as a consortium and composed of at least two independent legal entities. In addition, the airspace user competence provided by the ANSP shall be well demonstrated.
41	<b>NEW!</b>  Draft Grant Agreement	Draft Grant Agreement - Schedule 9.2 -	Could you give the exact definition of an "affiliated entity"?	As defined in art. 122.2 of the Financial Regulation applicable to the general budget of the Union, an entity that is linked to a beneficiary through a permanent capital or legal link which is neither limited to an action nor established for the sole purpose of its implementation is considered as an affiliated one.