



International Civil Aviation Organization

**EIGHTEENTH MEETING OF THE COMMUNICATIONS/NAVIGATION
AND SURVEILLANCE SUG-GROUP (CNS SG/18) OF APANPIRG**

Asia and Pacific Regional Sub-Office, Beijing, China
(21 – 25 July 2014)

Agenda Item 4: Aeronautical Fixed Service (AFS)

4.1) Review report of the First Meeting of the Aeronautical Communication Services Implementation Coordination Group (ACSICG/1) including development by CRV Task Force

**DRAFT MANAGEMENT SERVICE AGREEMENT
FOR THE STAGE 1 OF THE CRV PROJECT**

(Presented by Secretariat)

SUMMARY

This paper presents the draft Management Service Agreement for Stage 1 of the CRV program (Procurement).

1. INTRODUCTION

1.1 As a follow-up to the Decision 24/32 by the Asia/Pacific Air Navigation Planning and Implementation Regional Group (APANPIRG) to study on Implementation of an Aeronautical Regional Network in Asia Pacific and develop a detailed proposal by 2016, the CRV (Common Regional Virtual Private Network) Task Force has developed a number of documents including a draft Concept of Operations for the CRV network, a Cost-Benefit Analysis and a draft Document of Agreement. The CRV initiative will likewise allow addressing the Recommendation 1/6 adopted by the 12th Air Navigation Conference on Data communications issues.

1.2 In light of these documents and specifically the favorable Cost Benefit Analysis for CRV, nine States, namely Australia, Fiji, Hong Kong China, India, Japan, New Zealand, Singapore, Thailand, and USA, have already committed to become CRV Pioneer States and fund together a common procurement process.

1.3 Furthermore, the First Meeting of Aeronautical Communication Services Implementation Coordination Group (ACSICG/1) held in Seoul from 13-16 June 2014 noted the benefits to join the CRV initiative from stage 1 and not wait for stage 2, as it would offer the possibility to participate in the requirements definition, the selection of the service provider and the discussion of prices. It also agreed to continue promoting the widest commitment possible to CRV Procurement during 2014 by urging rest States/Administrations in APAC Region to become Pioneer Parties before 14 November 2014.

1.4 All States/Administrations in the APAC Region and not listed above have to consider the costs and benefits to join the initiative and make their decision before 14 November 2014.

2. DISCUSSION

2.1 During CRV TF/1 in December 2013 discussions were held to use the ICAO Technical Cooperation Bureau services for selecting the single regional Communication Service Provider. ICAO TCB then advised to use a Sealed Tender process. ICAO TCB Services would be contracted through a Management Service Agreement (MSA).

2.2 A draft MSA, placed at **Attachment A**, was prepared by ICAO Technical Cooperation Bureau in coordination with the ICAO APAC Regional Office and discussed with States. The updated table of comments resulting from review by ICAO TCB is placed at **Attachment B**.

2.3 APAC States/Administrations were invited through the letter T 8/2.11 & T 8/10.21:AP093/14 (CNS) dated 24 June 2014 to review the table of comments on the MSA and ICAO TCB's answers before 18 July 2014. Since the MSA is a template agreement approved by the ICAO Legal Bureau and used in the past by ICAO TCB and ICAO Member States in a number of other cooperation projects, only necessary changes should be considered to expedite the process.

2.4 The consolidated version of the MSA would then be submitted to the ICAO legal bureau, and the result of consultation be submitted to APANPIRG/25. The signing of MSA has to take place before 15 December 2014.

Cost of the stage 1 procurement management by ICAO TCB

2.5 Considering the total estimated cost of USD 109,300, the maximum individual share to participate in the Procurement will amount to approximately USD 12,145. If more than nine States join, this share would be accordingly reduced.

2.6 This fund will have to be transferred to the ICAO TCB bank account in advance and before the 31st of January 2015. The services by ICAO TCB (review of the user requirements, selection of the provider, etc.) are detailed in the Attachment A and are expected to start from the second quarter of 2015.

2.7 **The MSA concerns only the stage 1 of CRV project.** The stage 2 is covered by a DOA, a draft of which was already produced but will need to be further reviewed. **Thus, by signing the MSA before 15 December 2014 after the endorsement by APANPIRG/25, the States/Administrations commit only to the procurement phase, and not to the implementation of the network.**

Stage 2 - From end 2016 onwards: CRV Operations (stage 2)

2.8 It is expected that CRV operations would start by the end of 2016. At that time, individual contracts would be concluded by States/ANSPs directly with the selected communication service provider, based on common provisions resulting from the Sealed Tender process. An Oversight Operations Group (OOG) would oversee the performance of the selected provider. To establish and run the OOG which is a multinational service as per ICAO Doc 9673, a draft Document of Agreement has been drafted and initial considerations defined as to its role, responsibilities, and staffing.

2.9 Joining the initiative at stage 2 will be possible. New parties will have to sign the DOA and comply with the common provisions of the procurement before initiating an individual contract with the selected Communication Service Provider.

2.10 The ACSICG/1 meeting noted the benefits to join the CRV initiative from stage 1 as it would provide possibility to influence the requirements definition, the selection of the service provider and the prices. It was also agreed to continue promoting wider commitment possible to CRV Procurement during 2014 and before the cut-off date 14 November 2014. Accordingly, the meeting endorsed following draft conclusion developed by CRV TF/2 meeting:

Draft Conclusion 1/7 – CRV Pioneer Parties

That,

- a) Considering a number of States/Administrations (Australia, Fiji, Hong Kong China, India, Japan, New Zealand, Singapore, Thailand, and USA) that commit to be Pioneer Parties to sign the MSA;
- b) Considering the favorable Cost Benefit Analysis provided in **Appendix K** for CRV operations as a major enabler for achieving GANP 4th edition roadmap:
 - i) The Management Service Agreement provided in **Appendix L** be adopted;
 - ii) Rest States/Administrations in APAC Region be urged to become Pioneer Parties before 14 November 2014 or join for Stage 2;
 - iii) States/Administrations sign the MSA before 15 December 2014 and transfer the necessary funds to ICAO TCB for its services before 31 January 2015.

2.11 It is proposed that the Draft Conclusion 1/7 be reviewed by the meeting and amended with potential supplementary States/Administrations willing to commit to CRV Stage 1.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) note the information contained in this paper.
- b) amend and endorse as necessary **Draft Conclusion 1/7 – CRV Pioneer Parties**; and
- c) make appropriate recommendations to APANPIRG/25.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

**ANNEX 1 TO THE MANAGEMENT SERVICE AGREEMENT BETWEEN
THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AND
THE CIVIL AVIATION AUTHORITIES AND/OR RELATED ANSPs AS LISTED IN APPENDIX A**

Project Title: Common Regional Virtual Private Network (CRV) multinational service with a common service provider

Project No.: RAS/14/801

Initial duration: 01 June 2015. – 31 November 2016

Sector and Sub-Sector: Transport and Civil Aviation

Country Implementing Agency: Civil Aviation Authorities and/or related ANSPs

Executing Agency: International Civil Aviation Organization (ICAO)

Location: Asia Pacific

Estimated Start Date: June 2015, with informal coordination needed upfront

Estimated Project Cost: US\$ 109,300

Brief Description: ICAO will assist the Civil Aviation Authorities and/or related ANSPs in the procurement management (i.e. Stage 1) of the APAC CRV Project and in the selection of a common service provider. The ICAO assistance covers the specific work scope outlined in this project document.

Signed on behalf of:	Signature	Name/Title	Date
International Civil Aviation Organization	_____	Raymond Benjamin Secretary General	_____
Civil Aviation Authorities/ANSPs	_____	Pioneer State/Administration	_____

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Background:

1. The Civil Aviation Authorities and/or related ANSPs as listed in Appendix A, hereinafter collectively referred to as the “Parties” and individually as the “Party”, have determined that the Common Regional Virtual Private Network (CRV) multinational service with a common service provider can more effectively:
 - provide network services to the Parties;
 - support a common Internet Protocol (IP) network;
 - establish services based on Voice over IP (VoIP); and
 - enhance network diversity and timely service implementation and delivery.
2. All Parties jointly agree to appoint ICAO Technical Cooperation Bureau or TCB to assist in the procurement management (i.e. Stage 1) of the CRV project and in the selection of the common Service Provider. Upon selection of the common service provider after a Sealed Tender (ST) process through TCB, a Party shall subscribe to the Services by signing an individual Service Contract with the Service Provider for the procurement, installation, training, testing, commissioning and operation of the CRV network and the associated services.
3. The subsequent implementation and operation stage shall be managed by the CAAs/ANSPs themselves through the establishment of an Operational Oversight Group (OOG) of the CRV network.

Services to be provided:

1. Through this Annex to the above-mentioned Management Service Agreement, the following services will be provided by ICAO:
 - Tender Preparation Stage
 - Review the technical specifications provided by the CRV Task Force with the aim to have SMART (Simple, Measurable, Assignable, Realistic and Time-related) and consolidated requirements;
 - Develop the evaluation criteria for CRV Task Force consideration and finalization;
 - Prepare tender documents including integrating the technical specifications, and any other information required in the tender documents.
 - TCB Publication of Sealed Tender
 - Investigate market and propose and identify suitable suppliers to register with ICAO, including those having participated in the Request For Information (RFI), which is handled by the ICAO APAC Regional Office;
 - Advertise Sealed Tender (ST) on ICAO’s tendering website and notify the appropriate suppliers.
 - Consultation & RFP Response
 - Coordinate any site survey needed by RT, as appropriate;
 - Handle all the tender clarifications including consultation with the CRV Task Force, organization of tender clarification meetings (by telephone, webconference, etc), and fair dissemination of information to all RT;
 - Optionally, to set up a Face to Face meeting with RT to exhaust questions before submission of responses.

- Selection
- Receive tender responses at ICAO’s tendering website, carry out a pre-evaluation, and provide support to the CRV Tender Evaluation Committee meetings, including a final physical evaluation meeting;
- Award the tender.
- General On-going Assistance
- Participate as a technical advisor to the CRV Task Force ;
- Any other related services.

Budget:

The detailed budget is as attached at Appendix B.

1. Funds will be equally shared among the Civil Aviation Authorities and/or related ANSPs as listed in Appendix A, and provided by them in advance of commencement of the project.
2. The total estimated amount is of US\$ 109,300 as per Appendix B. This amount is the total estimated amount including administrative and technical support.

Risk Assessment

Initial Major Risk Factor

- 1.1 Delay in the signing of this project document and remittance of funds.

Risk Level: Medium

Mitigation: ICAO will work through the Chairman of the CRV Task Force with the Civil Aviation Authorities and/or related ANSPs to facilitate the signing of the project document and the remittance of required funds.

Other Risk Factors

- 1.2 Delay in the signing the DOCUMENT OF AGREEMENT (DOA) on the joint administration of a Common Regional Virtual Private Network (CRV) for aeronautical telecommunications services (stage 2).

Risk Level: Low

Mitigation: ICAO through APANPIRG will engage with the CAAs/States to expedite the acceptance of the concept of operations of a multinational service with a common service provider.

Project Plan (CRV planning):

The CRV Project planning as per May 2014 is attached at Appendix D.

Appendix A

PARTIES TO THIS MSA (FOR STAGE 1)

The Civil Aviation Authorities, related Organizations of the Governments such as Air Navigation Service Providers, Organizations representing States and/or act on behalf of States) as listed below, agree to be parties of the aforementioned MSA. All parties commit to complying with the Management Service Agreement and have appointed the Chairman of the CRV Task Force to sign the MSA and associated Annex 1 of the Project Document on their behalf.

- Australia
- Fiji
- Hong Kong China
- India
- Japan
- New Zealand
- Singapore
- Thailand
- United States of America (USA)

NOTE: This list will be finalized on 14 November 2014 at the latest.

Appendix B

PROJECT BUDGET COVERING MSA CONTRIBUTION (IN UNITED STATES DOLLARS)

COUNTRY: REGIONAL PROJECT
 PROJECT NO: RAS14801
 PROJECT TITLE: ASSISTANCE WITH THE PROCUREMENT OF A CRV (COMMON REGIONAL V
 WORK ORDER: RAS14801-01

	TOTAL		2015	
	w/m	\$	w/m	\$
PROJECT PERSONNEL				
INTERNATIONAL PROFESSIONAL POSTS				
B554A CONSULTANTS FOR TSS	2.0	81 800	2.0	81 800
SUB-TOTAL (INTERNATIONAL PROFESSIONAL POSTS)	2.0	81 800	2.0	81 800
TOTAL (PROJECT PERSONNEL)		81 800		81 800
MISCELLANEOUS				
B807L REPORTING COSTS		5 000		5 000
B807M MISCELLANEOUS EXPENSES		4 300		4 300
B754A OVERHEAD CHARGES		18 200		18 200
TOTAL (MISCELLANEOUS)		27 500		27 500
PROJECT TOTAL		109 300		109 300



Appendix C

International Civil Aviation Organization Technical Cooperation Bureau – Job Description

POSITION INFORMATION

Generic Title:	Communications expert	Position Number (ID):	
Specific Title:	Aeronautical communications procurement expert	Skill Code: (By FRU)	
Project Number:		Post Number/Job Code:	
Duty Station:	Home and Bangkok	Classification Level: (By FRU)	
Duration:	58 days at Home and 9 in Bangkok (3 missions to Bangkok of 3 w/d each)		
Starting Date:	June 2015		

ORGANISATIONAL SETTING

The Technical Cooperation Bureau (TCB) of ICAO is responsible for planning, development, implementation, and evaluation of the ICAO Technical Co-operation Programme. TCB provides assistance in identifying priority development needs of the civil aviation sector and provides technical cooperation to the receiving States. The Field Operations Section (FOS) implements projects and programmes in accordance with the policies and practices of TCB.

The objective of the CRV project (Common Regional Virtual Private Network) is to build the Asia Pacific aeronautical network that will carry aeronautical data and voice communications between the States of this region from end of 2016 onwards, and that will also be connected to other regional networks as needed and practicable. The project consists in procuring a service of transportation (and not equipment) through a virtual network provided by a Telecommunication Service Provider.

The CRV project constitutes a follow-up to the decision 24/32 made by APANPIRG in June 2013 that a Task Force with Subject Matter Experts be established to study the virtual private network and develop a detailed proposal by 2016. It is conducted by the CRV Project management team composed of the CRV Task Force chairman in coordination and the ICAO APAC CNS Officer. The ICAO TCB is in charge of facilitating the procurement process.

IMPACT OF OUTCOME OF THE POSITION

Selection of a single Communication Service Provider (CSP) for the CRV network in APAC region.

MAJOR DUTIES AND RESPONSIBILITIES

Under the supervision of the Director, Technical Cooperation Bureau, the consultant will:

1. Main Tasks:
 1. Review all documentation developed for this project in order to understand the Concept of Operations developed for CRV
 2. Review the user requirements (general, technical and process) provided by the CRV Task Force with the aim to have consolidated requirements;
 3. Develop the evaluation criteria for CRV Task Force consideration and finalization;
 4. Assist TCB, if required, to handle the tender technical clarifications including consultation with the CRV Task Force,
 5. If needed, participate in a Face to Face meeting with Registered Tenderers to exhaust questions before submission of responses;

6. Carry out a pre-evaluation, and provide support to the CRV Tender Evaluation Committee meetings, including a final physical evaluation meeting;
7. Participate as a technical advisor to the CRV Task Force for tender preparation and evaluation.
8. Perform any other task related to the points mentioned above, as required.

Specifically, On-Site work at ICAO Regional Office facilities in Bangkok, Thailand, will consist in the following tasks:

- Provide technical support for the review of CRV user requirements with APAC States as appropriate;
- Provide technical and Secretariat support to the Face to Face meeting with Registered Tenderers and some APAC States to clarify the project technical requirements before submission of responses; and
- Provide technical support to the final CRV Tender Evaluation Committee meeting.

2. Deliverables include:

- a) A consolidated List of CRV validated user requirements (general, technical and process);
- b) Draft evaluation criteria for CRV Task Force consideration;
- c) Provide technical support for clarifications requested by the Registered Tenderers,
- d) A pre-evaluation of the proposals from Tenderers;
- e) A final evaluation of the proposals from Tenderers including recommendation of the winner; and
- f) A summary report of the procurement process.

3. Reporting duties:

- a) Prepare and submit Periodic Progress and Final Reports to CRV Project Management Team and TCB, in accordance to the approved project Work Plan Report. Participate in periodic teleconferences CRV Project Management Team and TCB, as appropriate.

4. Coordination duties:

- a) Coordinate with ICAO TCB and CRV Project management team, the preparation of the Work Plan, and submission of the Work Plan report within 5 working days of start of assignment.
- b) Act as focal point liaising with CRV Project management team, TCB, and other stakeholders as appropriate.
- c) Perform any other project management/coordination duties as required.

QUALIFICATIONS AND EXPERIENCE

Educational background

University degree in Telecommunications Engineering or Equivalent acceptable academic and technical qualifications

Professional experience and knowledge

Minimum 10 years of professional experience with aeronautical telecommunications
 Minimum 5 years of professional experience in the preparation of specifications, negotiations and acquisition of aeronautical telecommunications services
 Minimum 5 years of professional experience in the Planning, installation, operation and maintenance of aeronautical telecommunications facilities
 Experience in safety cases related to Air Traffic Services
 In-depth experience with review of tender documentation and recommendation for selection of suppliers
 In-depth Knowledge of related ICAO SARPS regarding Aeronautical Fixed Services, fault/configuration/safety/security management of communications networks, typical designs for IP networks, Voice over IP

Language Skills

1. Expert must to be fluent in English (both written and verbal).

Competencies

1. Judgment/decision-making: Proven ability to take ownership of all responsibilities and to honour commitments, to exercise mature and fair judgment, to recognize key issues and analyse relevant information, to make feasible recommendations and to make sound decisions.
2. Communication: Ability to write clearly and concisely and to present articulate verbal reports.
3. Teamwork: Ability to work with colleagues to achieve the project goals and maintain harmonious working relationships in a multinational environment.
4. Client Orientation: Ability to establish and maintain partnerships with external collaborators, to work and advocate effectively in a consensus-based system and to successfully manage and resolve conflict.
5. Commitment to continuous learning: Willingness to keep abreast of new developments in professional field.
6. Technological awareness: Ability to use contemporary office automation equipment, software, databases.

SALARY

TBD by FPS/FRU

Document	Para	Author	Comments received from States as per meeting 28 May 14	ICAO TCB's answer
MSA	All sections containing "Annex"	CRV TF	delete the "(es)" from "Annex(es)" or "(s)" from "Project(s)",	No need to delete the "(es)" from "Annex(es)" or "(s)" from "Project(s)", since this is template agreement and we can't predict at this point if there will not be another project or annex.
MSA	1.4	CRV TF	The said services are considered approved if they are laid out in the Annex as the annex will be reviewed by ICAO TCB.	should not delete "shall be approved by ICAO"; as previously mentioned, this is standard text and not a necessary change.
MSA	1.4	CRV TF	We suggest to add: "Unless otherwise agreed by the Parties, [...]"	Comment LF5: we should not include "unless otherwise agreed by the Parties" as it is not possible to implement projects outside the scope of ICAO policies, practices, etc.
MSA	1.4	CRV TF	Add "and subsequent variations "	fine with the suggested addition
MSA	1.7	CRV TF	Add "and the changes to the Agreement shall be made in accordance with 7.2"	fine with the suggested addition
MSA	1.8	CRV TF	What is the meaning of "contract for inputs required for the provision of the Services"? Is that expert inputs?	"inputs" is the generic term ICAO uses to indicate any number of services such as contracting experts, facilitating fellowships, procurement services, etc."
MSA	1.8	CRV TF	The CRV meeting dated 28 May 14 considers that this approval may require a long time. This sentence may be deleted by ICAO TCB	agree to delete: "The recruitment of personnel and the signature of contracts shall be subject to prior approval by the Participating States", as this would not be practical.
MSA	1.12	CRV TF	The total cost (Services and Administrative Charges) of the Project(s) including these additional funds shall not exceed the capped amount reflected in the Annex(es) without the prior agreement of the <i>Participating States</i> .	should not include the proposed text as ICAO does not operate with "capped" amounts, this is contrary to ICAO Financial Regulations and Rules and could potentially put ICAO in a financially liable situation, which is not acceptable to FIN or our auditors.
MSA	2.1 & 2.2	CRV TF	Replace "estimated" by "capped"	as previously mentioned, we can't make reference to a "capped" amount.
MSA	2.4	CRV TF	Add "and shall not be obliged to pay or commit any sums"	the proposed change does not really affect the general purpose of the clause, so in keeping with the line that no unnecessary changes should be made, we should keep the original language already approved by LEB.
MSA	2.6	CRV TF	Replace "requesting" by "Participating" States	fine with the suggested addition
MSA	2.6	CRV TF	Add "and not exceeding the capped amount of the total cost (Services and Administrative Charges)"	again, must remove reference to "capped" amount
MSA	2.7	CRV TF	Is that necessary that Parties' bank accounts be indicated in this MSA then?	we agree that including bank details of multiple States is not advisable.
MSA	3.1 to 3.1.4	CRV TF	Replace "equipment and supplies" by "services" and "requested directly from the Participating States through an official communication to ICAO" by "otherwise agreed by the Parties".	we can't accept these changes as they are standard clauses in all our MSAs and CAPS agreements.
MSA	3.1.1 and 3.1.2	CRV TF	Delete those subparagraphs as they do not apply to CRV	
MSA	6.1	CRV TF	Add "For the Participant States: to the signatories of this MSA"	fine with the suggested addition
Annex 1	Appendix B	ICAO RO	What do the miscellaneous costs cover?	As you may be aware, this is a standard budget line included in all of our project budgets, which may comprise of (but not limited to) UN common costs, security costs, insurance, communication costs, courier, bank charges, and third party transaction costs (i.e. UNDP).
Annex 1		ICAO RO	Capped amount	As mentioned in our comments to MSA, we can't adhere to a "capped" amount principle. However, as also stated in the MSA, ICAO may not incur expenditures beyond the approved budget without express consent from the State (or States in this case). This is standard in all our technical cooperation projects.