Decision of the Management Board No. 4/2010
of 4 February 2010
on the carry over of appropriations from 2009 to 2010

THE MANAGEMENT BOARD

HAVING REGARD to the Frontex Financial Regulation\(^5\), and in particular Article 10(1) and (3) thereof,

HAVING REGARD to the Frontex Implementing Rules of the Financial Regulation\(^6\), and in particular Article 3 thereof,

Whereas:

(1) There were delays due to objective reasons in the procurement procedures concerning:
   - contract ‘Acquisition of DEM (Digital Elevation Model) Digital Data’
   - contract ‘Acquisition of Land Use Vector Data for selected external borders or EU Member states’
   - contract ‘Equipping FSC Operational & Briefing Rooms’.

(2) Due to the delays in the procurement procedures it was not possible to conclude the relevant contracts before the end of the financial year 2009.

(3) These delays were not attributable to Frontex authorising officers and the preparatory stages are sufficiently advanced to make it reasonable to judge that the commitments concerned may be made before 31 March 2010.

---

\(^5\) Decision of the Management Board on the Financial Regulation of 16 December 2008

\(^6\) Decision of the Management Board on the Implementing Rules of the Financial Regulation of 30 June 2005
HAS DECIDED AS FOLLOWS:

Single Article

An amount of EUR 1 535 573.31 of non-committed appropriations in the financial year 2009 is carried over from 2009 to the financial year 2010 and is entered to Budget Lines as described in the Annex attached to this Decision.

Done in Madrid, 4 February 2010

For the Management Board

[signed]

M. PALOS
Deputy Chairperson of the Management Board
Annex:

<table>
<thead>
<tr>
<th>Budget Line</th>
<th>Amount to be carried forward (EUR)</th>
<th>Description</th>
<th>State of play</th>
<th>Proposed supplier</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>3100</td>
<td>79,795.00</td>
<td>Acquisition of DEM digital data (Digital Elevation Model)</td>
<td>The tender evaluation and the selection of the winner have been finalised. The only remaining activity is the signature of the contract.</td>
<td>Infoterra Ltd, Geomat Ltd</td>
<td>RAU has planned a gradual purchase of DEM data, to be implemented during several years, as part of the development of the geographic data analysis capacity. The DEM dataset is needed in order to perform analyses of border permeability and 3D studies, visualization as well as assistance in future orthorectification of satellite imagery to get the most accurate positioning possible. As result of a 2008 tender 2009 Frontex received the DEM data for the EU MS external borders with Turkey, Albania, and Ukraine. The DEM data tendered in 2009 is planned to complement the data set acquired to date and covers the EU MS external borders with Moldova, FYROM, and partly Serbia. The tender preparations started in the early summer of 2010. Still the internal discussions on the best possible use of budget allocations within Frontex, delayed the launch of the tender process. The tender was sent for publication on 21 October and published on 31 October 2009. The closing date for submission of tenders was 14 December 2009. Frontex had to wait additional four days to take into account possible offers send by post. The evaluation and selection of the winner were finalised in December 2009, other participants in the tender had to be given opportunity to react to the decision of the selection committee. Finally, the contract could not be signed before the end of 2009.</td>
</tr>
</tbody>
</table>
The purchase of LandUse Data was planned among RAU activities in 2009, as part of the development of the geographic data analysis capacity. Land Use is a georeferenced vector product consisting of many and various classes of land use and cover, required to perform geographic studies on border areas, ranging from simple geographic profiles to highly complex algorithms of border permeability.

The Land Use Vector data tendered in 2009 covers the EU MS external borders with Turkey, Albania, and a large part of the border with Ukraine.

Throughout the summer and early autumn RAU was in discussions with ICT on the best possible budget allocation and use of funds. In the course of internal discussions on budget allocation within RAU projects and within Frontex, it has become possible to acquire a larger data set than originally planned, due to an internal transfer from ICT Operational budget, authorised by ED Decision on 12 October.

The tender was sent for publication on 16 October and published on 29 October 2009. The closing date for submission of tenders was 10 December 2009. Frontex had to wait some additional days to take into account possible offers send by post. The evaluation and selection of the winner were finalised in December 2009, other participants in the tender had to be given opportunity to react to the decision of the selection committee. Finally, the contract could not be signed before the end of 2009.
The full operational equipment of FSC rooms was difficult to estimate and only in September did the outsourced consultancy reveal prospective costs of infrastructure, hardware and software for FSC. Additionally no earlier purchase was possible due to uncertainty on solutions and infrastructure (to be) provided by ITC.

The reporting of the outsourced consultancy indicates the potential cost for equipping the FSC Operations & Briefing Room around EUR 1,000,000.

The transfer EUR 1,000,000 from ITC BL 3519 “IT services for operational activities” to FSC BL 3110 FSC budget, executed on 29 September 2009 was necessary to cover foreseen costs of tailored infrastructure, hardware and software in addition to costs of other sub-projects.

The tender preparations started after consultancy results were delivered and internal transfer form ITC made. The tender was sent for publication on 16 October and published on 28 October 2009. The closing date for submission of tenders was 17 December 2009. The evaluation and selection of the winner were finalised in December 2009, other participants in the tender had to be given opportunity to react to the decision of the selection committee. Finally, the contract could not be signed before the end of 2009.