

## **ANNOUNCEMENT FOR THE ESA INDUSTRIAL OMBUDSMAN**

The European Space Agency is seeking two persons, one to be appointed as its Industrial Ombudsman for a period of three years (with the possibility of a further three-year extension) and the second one being appointed as the Ombudsman's back up, who shall only perform that role on a case-by-case basis when the Ombudsman be unable to perform his/her duties.

The Ombudsman and his back up shall act independently in the performance of their duties and shall neither seek nor accept instructions from anyone whatsoever. They shall ensure that strict confidentiality is observed with regard to the matters dealt with in the performance of their duties, and shall enjoy the same privileges and immunities granted to ESA officials.

### **DUTIES**

As independent interface on the one hand between ESA and the industry and on the other between industrial partners, prime and sub contractors, the ESA Industrial Ombudsman will:

- Ensure that prime contractors, whether prior to - or following the award of Agency contracts, conduct their procurement activities on a fair and equitable basis.
- Facilitate communications between bidders, potential bidders, and between contractors and bidders in the resolution of matters arising in the frame of an Agency procurement;
- Investigate cases of alleged procedural breach of the ESA Procurement Regulations brought in front of him, in accordance with relevant ESA procedures and facilitate the resolution of such cases in accordance with said procedures.
- Conduct all acts necessary in the framework of these investigations independently and without seeking or accepting instructions from anyone whatsoever.
- Facilitate the resolution of disputes among industry during procurements in the frame of "Best Practices";
- Participate as a member in Dispute Adjudication Boards for amicable resolution of disputes between the Agency and the Contractor and during this phase, facilitating as needed communications between contractors
- Upon request, give ad-hoc consultation to ESA on industrial issues and issues of revision and modification of rules and procedures applicable to procurement matters.

- Upon authorisation by Council, participate in mediation and arbitration of disputes under Framework Supply Agreements between industrial parties and required by competition law in one or several of the ESA Member States.
- In the particular frame of the next procurement for EOEP-Earth Explorer 9 mission, intervene as arbitrator, upon request, in any dispute between economic operators, regarding the application of the minimal requirements that will be formulated by the Director General for application to the selection of the consortium offer requested for this procurement.
- Assist to the meetings of the Industrial Policy Committee, at the invitation of ESA

The Terms of Reference are provided in Annex I to this document.

## **CONDITION**

Applicants to both positions shall not, at the time of taking up duty, be ESA staff members or members of a Delegation representing a Member State in an ESA Delegate Body, nor shall they be employed by industry.

The financial conditions applicable to the official Ombudsman as well as those of his/her back-up can be obtained upon written request to Mrs Muriel Tharreau at the following address: [muriel.tharreau@esa.int](mailto:muriel.tharreau@esa.int).

## **QUALIFICATIONS**

The same qualifications are required for both positions.

Candidates should ideally have completed a successful career in corporate management or management of projects with complex industrial structures.

A successful candidate shall:

- Have extensive experience of international procurements and management of multinational projects within the field of aerospace and/or defence.
- Have managed complex space technology projects involving teams composed of numerous industrial partners, as project manager and / or as procurement officer.
- Have held successive positions involving progressively greater responsibility in ensuring an interface role between international industrial partners
- Display demonstrable authority in these matters, excellent communications skills, natural leadership and a special ability to negotiate, reach deals, and resolve conflicts between industrial partners.

The working languages of the Agency are English and French. A good knowledge of one of these two languages is required together with a working knowledge of the other language. Knowledge of another member state language is an asset.

## **REGULATORY FRAMEWORK**

The tasks and responsibilities of the Ombudsman will be performed within the frame of the following regulatory documents:

Annex I: Terms of Reference

[http://emits.sso.esa.int/emits-doc/ESA\\_HQ/AnnexITermsofReferenceoftheESAIndustrialOmbudsman.pdf](http://emits.sso.esa.int/emits-doc/ESA_HQ/AnnexITermsofReferenceoftheESAIndustrialOmbudsman.pdf)

Annex II: Procurement Regulations: ESA/REG/001, rev. 4

[http://emits.sso.esa.int/emits-doc/ESA\\_HQ/AnnexIIProcurementRegulationsesa-reg-001revision4.pdf](http://emits.sso.esa.int/emits-doc/ESA_HQ/AnnexIIProcurementRegulationsesa-reg-001revision4.pdf)

## **ADDITIONAL INFORMATION**

The duration of this appointment is for an initial period of three years with the possibility of renewal once. Duty will start on December 1<sup>st</sup> 2018 in order to allow a proper hand-over with the previous Ombudsmen.

The closing date for submission of application is **27<sup>th</sup> July 2018**.

Applications shall be sent to the Head of the Procurement Department, Mr Stefano Fiorilli ([stefano.fiorilli@esa.int](mailto:stefano.fiorilli@esa.int)), with a copy to:

The Head of the Headquarters, Guiana Space Centre Procurement Service, Mrs Muriel Tharreau ([muriel.tharreau@esa.int](mailto:muriel.tharreau@esa.int)).

Please note that the Agency will only consider candidates from the following states:

Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, the United Kingdom, and Canada.