

## Clarification Note #1

EUSPA internal reference: 301881

**Procurement procedure: EUSPA/OP/37/23 (EUSPA/PRG/2024/OP/0001)**

**Title: 'Provision of support services to the European Union Agency for the Space Programme and the European Commission'**

**Question #1: 2.1.7.(a).(i): The text seem to be truncated. Could you please provide the full text?**

**Answer #1:**

There has been a typo in the Section of the Tender Specifications concerned, since sub-point (i) shall be merged with sub-point (ii); subsequently, Point (a) of Section 2.1.7. of the Tender Specifications shall read as follows:

*"(a) For each task in the simulation exercise, the Tenderer shall identify in its tender*

*(i) The proposed suitable team to execute each task (when it is to be delivered in a Service Mode) and*

*(ii) the methods, proposed approach and the justification for its selection, work schedule, the proposed organisation and the involvement of the different profiles, envisaged for the production of each deliverable under Deliverables Mode.*

*The proposed team and approach for the task delivery will be subject to tender evaluation, under award criterion Q2."*

You may also consult Corrigendum No 1 in this respect.

**Question #2: Does the statement in section 1.5.3 of the Tender Specifications "the same economic operator cannot be member of more than one consortium" apply to 'each' or 'all' of the Lots? I.e. is a company allowed to bid as subcontractor to consortium A for Lot 1 and as subcontractor to consortium B for Lot 2?**

**Answer #2:**

It is confirmed that a company is allowed to bid as subcontractor to consortium A for Lot 1 and as subcontractor to consortium B for Lot 2. Indeed, a natural or legal person may act as subcontractor for several tenderers, including in different lots, as long as the tenders are drawn and submitted in complete independence and autonomously from each other, and this does not assume illegal collusive behaviour. The Contracting Authority may request the bidders to provide evidence of the autonomous/non-collusive character of the tenders.

As far as consortium members are concerned, given the different legal position in between consortium members and subcontractors, it is confirmed that the same economic operator cannot be member of more than one consortium irrespective how many lots the given consortium is bidding for.

Non-compliance to this requirement will lead to rejection of the tender.

You may also consult Corrigendum No 1 in this respect, further clarifying the provision.

**Question #3: On page 16 of the tender Specifications document under 2.1.7 Resource estimation/approach for deliverable production under point a) (i) it seems the CA didn't complete the sentence 'The proposed...'. Could you please clarify?**

**Answer #3:**

Please consult the response given to question #1.

**Question #4: Could you please clarify if an economic operator can participate in more than one lot of the procedure in different consortia? E.g. in one as a consortium partner, in another as a subcontractor. Could confirm if this understanding is correct?**

**Answer #4:**

Please refer to the answer given in question #2.

**Question #5: Could you share more details about the organisation of the Industry day? Where will it take place and can it be attended remotely, online?**

**Answer #5:**

Please consult the relevant announcement published on Funding & Tenders Portal on 5 March 2024. As it is explicitly stated therein: The Industry Day, envisaged in Section 4.8 of the Tender Specifications, will be held on Friday, 15 March 2024 from 09:30 to 12:00 (Prague local time) in the form of a webinar. Further information, as well as the link to be followed for participation in the webinar, may be found on the following EUSPA webpage:

<https://www.euspa.europa.eu/newsroom/news/euspa-industry-day-support-services-european-commission>.

**Question #6: In the tender specifications it is specified that a tenderer will be awarded a maximum of 2 lots. Does this apply only to prime contractors or also to subcontractors? For example, can an organization be awarded two lots as prime contractor and the other three as subcontractor from another prime?**

**Answer #6:**

The limitation does not apply to subcontractors; hence, the answer would be affirmative in the example you provide. Please consult the answer to question #2.

**Question #7:** In section 1.5.3 of the Tender Specifications document, you state that “the same economic operator cannot be member of more than one consortium”. Could you please clarify if this statement applies for the whole ITT or per lot? In the latter, meaning that an economic operator can be member of a different consortium for each lot.

**Answer #7:**

It is confirmed that the same economic operator cannot be member of more than one consortium irrespective how many lots the given consortium is bidding for. Non-compliance to this requirement will lead to rejection of the tender. You may also consult Corrigendum No 1 in this respect.

**Question #8:** In Annex I - "Tender Conditions": 1.5 Limitation of the number of contracts to be awarded it is not clear: What happens if a company is awarded 2 contracts on different Lots as First or Second in cascade as Prime- or Joint tenderer, but is Subcontractor in other Lots. Will that be allowed?

**Answer #8:**

The limitation envisaged in Section 1.5 of the Tender Specifications as regards the number of contracts to be awarded does not apply to subcontractors, which are not in a contractual relationship with the Contracting Authority and, therefore, are not as such to be awarded any contracts; hence, the answer would be affirmative in the query you raise – please consult also responses given to questions #2 and #6.

**Question #9:** If a tenderer submits proposals for more than 2 Lots and EUSPA has to make a decision on which contracts to award based, as stated, on the highest value of the Lot, does this mean that a positioning as second ranked tender for a lot of higher value would be awarded instead of a most economically advantageous tender for a lot of lower value?

**Answer #9:**

That is correct.

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