

## Industry Day Clarification Note

EUSPA internal reference: 302082

**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** A question about the first lot - when you speak about missions, does it include lunar missions? Does this program include technologies linked to lunar missions such as fuel cell?

**Answer:** The current EU Space Programme do not include lunar missions.

**Question #2** When several places of performance are noted, is it expected from the provider to intervene on all sites? Or can it only intervene in 1 of the proposed "place of performance"?

**Answer:** Yes, the contractor is expected to make available consultants on all sites defined in the Statement of Works (SoW) for the respective lot. The concrete place of performance for each assignment shall be defined by the Agency in the Terms of Reference for the specific contract.

**Question #3** How many years of experience should an individual have to qualify as a 1) consultant 2) senior consultant or 3) principal?

**Answer:** The required experience is set in Section 2.1.2 of the Tender Specifications:

<b>F1 - Principal Consultant</b>	<b>All Lots</b>	<b>Minimum 10 (ten) years of experience in the tasks</b>
<b>F2 - Senior Consultant</b>	All Lots	Minimum 6 (six) years of experience in the tasks
<b>F3 - Junior Consultant</b>	All Lots	Minimum 3 (three) years of experience in a similar field or task
<b>O - Operational Support Provider</b>	Lots 5	minimum 3 years of experience in the operation or support to operation of complex systems, similar to the ones for which operations support is to be provided as per the respective tasks

**Question #4** Do the bidders need to define in at their proposal the CVs they will propose or only Rates / man-day?

**Answer:** A: As per section 2.1.2 of the Tender Specifications: *“With their tender, CVs (in a searchable format, i.e. like word or searchable .pdf with the exclusion of scanned files, including name and surname) of the personnel proposed by the Tenderer to perform the activities shall be provided to EUSPA for verification of profile compliance.*

In the Statement of Work (Annex I.I.1-5) the following instruction is included: *“As related to language skills: Persons assigned by the contractor to the Task should have, except proficiency in English, the language skill in the mentioned language, indicated at a level in line with the Common European Framework of Reference for Languages (CEFR)1, forming part of their CV to be submitted with the tender.”*

**Question #5** Which are the criteria to decide whether there is a conflict of interest or not? In terms of types of activities, in terms of companies within the same group and consortia, etc.

**Answer:** Please refer to the answer given in question #21 in Clarification Note #2.

**Question #6** Will the slides be made available, and if yes, where?

**Answer:** Yes, the slides will be uploaded on the EUSPA Internet site, ITT area.

**Question #7** Could you please clarify if the expected missions, detailed in the different lots, are per year or for the duration of the FWC?

**Answer:** The missions are defined for a yearly reference timeframe, as is the simulation exercise.

**Question #8** Can you please explain the participating conditions versus security, please? What is applicable to core team non core team ? subcontractors ?

**Answer:** Tenderers (including the prime contractor, Core Team members and subcontractors involved in security sensitive activities) shall comply with participation condition set in section 2.2.1 of the Tender Specifications, whereby the Core Team members and the subcontractors involved in security sensitive activities will have to be compliant with the requirements set in section 2.2.1.1 of the Tender Specifications, while subcontractors not part of the Core Team and not involved in security sensitive activities shall comply with Article 176 of Regulation 2018/10462.

Waivers may be granted only to subcontractors involved in security sensitive activities, not part of the Core Team, as provided in section 2.2.1.3.

**Question #9** Considering the limitation of one single company being involved in two lots maximum, is there any other restrictions on being the main (or prime) contractor in both of them or should it be one prime and one subcontractor?

**Answer:** It is confirmed that, a company participating in the tender as a sole prime maybe awarded maximum two lots. The restriction does not apply to the subcontractors.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2.*

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

**Question #10** Am I right, that the Service Mode AND the Delivery Mode shall be proposed?

**Answer:** Yes, both the Service Mode and Deliverables mode are to be offered as requested in the Tender Specifications, and its annexes.

**Question #11** Can a company be assigned two Lot contracts as prime, and still be subcontractor in other lots?

**Answer:** Yes, there is no restriction for subcontractors with respect to the awarded lots.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9 herewith.*

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

**Question #12** Good morning. Regarding places of performance, how should we understand the list? Is it sorted by priority? Or is it an open choice? As contractor's premises is regularly mentioned.

**Answer:** The places of performance, where the services for each lot may be requested to be provided form are listed in the Statements of Work (Annex I.I) for each lot.

**Question #13** For positions to be covered in different sites, often we see in the simulation exercise that a EUSPA premise is proposed in favor of other tasks including contractor's premises. Can the bidder propose nonetheless candidates from contractor's premises and would this be taken into account in the evaluation and how?

**Answer:** The Agency defines the place of the service performance according to its needs. The bidders are expected to provide tenders, compliant to the requirement set in the SoW for the FWC and the Simulation Exercise for the respective lot. Any non-compliance shall be reflected in the qualitative award criteria evaluation. At the time of the contract implementation – the Agency shall define the place of performance in the ToR of the Specific Contracts.

**Question #14** Can you precise economic operator term? Do you consider two different subsidiaries of a same group as different economic operators?

**Answer:** The notion of “economic operator” shall be understood as defined in Article 2 of the Financial Regulation (Regulation (EU, Euratom) 2018/1046). Two different subsidiaries of the same group are to be considered separate economics operators, depending on their roles in the tender's organisation.

**Question #15** If an economic operator is part of a consortium as a subcontractor, is it free to be involved with another and/or several consortiums as subcontractor?

**Answer:** It is confirmed that a natural or legal person may act as subcontractor for several tenderers, including in different lots, as long as this does not assume illegal collusive behavior.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11 herewith.*

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

**Question #16** Is there a limitation of lots that can be won participating as subcontractor?

**Answer:** 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.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15 herewith.*

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

**Question #17** Is it possible to grant quick, potential extension of the due date?

**Answer:** See Corrigendum #2

**Question #18** To which address should be delivered the NDU delivered by post mail?

**Answer:**

European Union Agency for the Space Programme Procurement and Legal Department

Tender ref: EUSPA/OP/37/23, Lot [#] & title Janovskeho 438/2

170 00 Prague 7

Holesovice, Czech Republic

**Question #19** The financial simulation, below 6 months, above 6 months, please elaborate better

**Answer:** The bidders are requested to propose two daily rates for each profile/location – for assignments of a duration below 6 months and for assignments of a duration above 6 months. The respective proposed rates, shall become part of the FWC prices, and shall be used for the respective assignment of duration below or above 6 months, included in the respective specific contracts.

**Question #20** If an economic operator is leading a consortium as Prime or as consortium member, is it free to be involved with another consortium as a subcontractor?

**Answer:** That is correct.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15, #16 herewith. You may also consult Corrigendum No 1 in this respect, further clarifying the provision*

**Question #21** Do we have to supply one Annex I.F per supplier (co-contractor and subcontractor)? Or one single file for the whole consortium?

**Answer:** One single template file is to be submitted.

**Question #22** Regarding the second section of the §4.6.3 Unit price paragraph, do you expect the same unit price for all the companies in the consortium?

**Answer:** Yes, the Prime contractor has to propose a set of unique prices for all the companies belonging to the same bidding team.

**Question #23** Lot 4: The table 5 mentions for Task 8 PRG/contractors side as place of performance. Whereas in the describing text contractors' side is written. Could you pls. clarify?

**Answer:** "

*See corrigendum #2*

**Question #24** For many tasks, location can be either EUSPA premises, or Contractor Premises. Is the final decision on the location left to the bidder? In other words, is it up to the bidder to decide where to propose (in the case of both service and deliverable mode) the location for each specific task where it can be either EUSPA or Contractor premises?

**Answer:** The Agency decides where the place of performance of the particular service is to be.

*See the answer to question # 12 and #13 herewith.*

**Question #25** How is support, as described in LOTS 1-5, across the various space programmes currently provided?

**Answer:** The support is provided by consultants, made available to EUSPA in the frame of existing framework contracts signed upon different tender procedures.

**Question #26** Is this procurement procedure also for companies with owners outside the EU or only for companies with ownership rights inside the EU?

**Answer:** The tenderers shall comply with participation condition set in section 2.2.1 of the Tender Specifications, imposing requirements on the prime and subcontractors, whereby for the latter the requirements defer depending on where they are part of the core team / whether they will be engaged in security sensitive activities.

**Question #27** Is a track record in supporting the various space programmes a prerequisite for participation in this process? Or can new entrants to providing support to these space programmes have a reasonable expectation of success, assuming they offer the support services required, but in an adjacent market e.g., aerospace?

**Answer:** There is a specific selection criterion with respect to the Technical and Professional Capacity defined in the Tender Specifications, applicable to the bidding industrial organisation as a whole, therefore if one or more of the entities cumulatively possess the required experience, the remaining entities, part of the organisation, would not have to possess the required experience (as it is already covered by the other entities proposed).

**Question #28** If an economic operator is leading a consortium as Prime or as Co-contracting, is it free to be involved with another consortium as Subcontractor?

**Answer:** Yes, it is.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15, #16 herewith.*

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

**Question #29** You mentioned that it is possible to be selected as winner in maximum 2 lots. What will happen if the same company has participated into different winner consortia (more than 2)?

**Answer:** 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.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15, #16, #27 herewith.*

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

**Question #30** Hello. Related to the Excel for the Financial Offer, do you confirm that the number of days for the Service Provision Scenario can be modified (Green cells)?

**Answer:** Yes, it is confirmed

**Question #31** Would it be possible to propose the same profile for different tasks in the same lot? Would it be possible to present the same person into different tasks in different lots?

**Answer:** Please refer to the answer given in question #27 in Clarification Note #2.

**Question #32** Based on the information provided in the Tender Specifications (sections 2.2.9 and 3.2.1) and Annex I.G. Part 1, our understanding is that compliance with L6 criterion is to be evidenced by 1) Cover Letter and Annex I.B (Declaration on Honor) stating full compliance with the SAL, and 2) an affidavit confirming that the CIS and respective interconnections have been accredited for handling EUCI

(RESTREINT UE/EU RESTREINT and above) in fulfilment of REQ 3.9.2 of the SAL. Please confirm our understanding

**Answer:** As mentioned in Section 3.2.1 of the Tender Specifications, we confirm that the compliance with L6 criterion is to be evidenced by a statement of full SAL compliance in the Cover letter and in Annex I.B and evidence that the CIS and respective inter-connections have been accredited for handling EUCI (RESTREINT UE/EU RESTREINT and above) in fulfilment of REQ 4.6 (and not REQ 3.9.2) of the SAL.

*(see Corrigendum #2)*

**Question #33** In L9, COMSEC items handling capacity is requested to provide an official documentation by relevant competent authority providing the holding of a COMSEC authorisation (for every personnel). Our understanding is that this will be only requested during the execution of the contract, once key personnel is in place. Could you please confirm?

**Answer:** The bidders are to provide with its tender the evidences defined in section 3.3.1 of the tender Specifications, for criterion L9 COMSEC Items handling capacity, which includes among others official documentation by the relevant Competent Authority (NSA, CDA, DSA...) proving the holding of a COMSEC authorisation (for every personnel supposed to handling COMSEC Items – including for personnel planned to be deployed in the Contracting Authority premises), or in case the documentation cannot be obtained, detailed explanation provided by the Local Security Officer accompanied by relevant proof, justifying the reasons why these documents cannot be provided (e.g., due to security applicable rules). The evidences are to be provided for all economic operators participating in this procurement, i.e., Tenderers, consortium members and subcontractors which will handle CRYPTO information under the Contracts to be awarded under this procurement procedure.

**Question #34** Hello, could you explain again the sentence: “the contractor shall have to achieve, in the course of the execution of the contract, minimum 10% share of subcontracting it be awarded in competitive tendering outside the group”

**Answer:** The requirement refers to the share of the competitive subcontracting to be achieved during the contract implementation. In its tenders, the bidders shall commit to achieve certain share of competitive subcontracting, where the minimum imposed by the tender specifications is 10%. The achievement of the committed share during the contract implementation shall be accounted for from the values of the assigned SCs, and the share attributed to subcontractors, selected via competitive tendering, in these specific contracts. The share in the different specific contracts may vary, however the overall share of the subcontractors selected via competitive tender versus the overall value of the assigned contracts shall not be below the committed share in the bid.

**Question #35** Regarding the location performance, where it is specified EUSPA locations, does it mean only at EUSPA premises or could be also performed in the same location (city) but at the contractor offices?

**Answer:** Where EUSPA locations is specified, the services are to be performed from EUSPA offices.

**Question #36** Could a CV be at the same time is different Bidders proposals? If the answer is negative, what would happen to the proposals if that situation happens?

**Answer:** Please refer to the answer given in question #27 in Clarification Note #2. Should a situation of overlap of the engagements assigned to one consultant be identified in the tender, it shall be assessed by tender evaluation board at the stage of the award criteria evaluation.

**Question #37** Is this FWC replacing the Existing FW with its existing SCs and the potential +1 year that could take place on the 01/11/2024?

**Answer:** See the answer to question #25 herewith.

**Question #38** Is there a dedicated method you are looking for the simulation exercise?

**Answer:** The approach, methodology for the implementation of the tasks – for production of the deliverables and delivery of the respective services in the answer the simulation exercise is for the bidder to decide. EUSPA expects an offer which is compliant to the Statement of Works requirements both in term of place of performance and implementation mode (i.e. deliverable or service mode) as requested in the Tender Specifications and statements of work.

**Question #39** Is it possible to receive the full list of participants of this webinar?

**Answer:** No, the list shall not be shared.

**Question #40** Could you please clarify, what is the language that will be used during the implementation of the tasks? Could you also clarify, if there is any language requirement other than the English language?

**Answer:** The English language is the standard requirement for communication and documentation, however in some cases additional languages may be required as indicated per task in the respective Statement of Work for the specific lot.

**Question #41** Which are constraints to be verified to demonstrate any absence of Conflict of Interest for the Companies and their personnel?

**Answer:** Please refer to the answer given in question #21 in Clarification Note #2.

**Question #42** Do you expect minimum/maximum number of pages for the answers?

**Answer:** There is no page limit foreseen in the Tender documentation, except for the length of the Executive Summary.

**Question #43:** is there any limitation regarding subcontracting - can 1 entity be a subcontractor for multiple times in different tenderer's organisations?



**Answer:** Yes, it can.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15, #16, #27, #29 herewith.*

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

**Question #44** Can you please elaborate more on the limitation regarding being member of only 1 consortium

**Answer:**

Indeed, as provided by the tender specifications as updated via Corrigendum 1, for the specific purposes of this tender and in connection with the provisions under sections 1.5.1 and 1.5.2 establishing limitation in the number of contracts to be awarded to the same tenderer:

- the same economic operator cannot be member of more than one consortium;
- the same economic operator cannot submit a bid for a given lot as member of a consortium and a bid for the same lot as sole tenderer.

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

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15, #16, #27, #29, #43 herewith.*

**Question #45** Companies are requested to bid only in one industrial team. Does this apply per Lot, or across the 5 Lots?

**Answer:** This applies across all 5 lots.

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15, #16, #27, #29, #43, # 44 herewith.*

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

**Question #46** Can you please confirm my understanding that when there is a discrepancy in the place of performance between the simulation exercise, and the task description table earlier in the statement of work, it is the simulation exercise the one that takes precedence?

**Answer:** The place of performance for the proposal is defined in the SoW – the part for the FWC and in the simulation exercise, regarding the tasks included in it. It is however possible that the Contracting Authority requests a different place of performance, than the one defined in the Simulation Exercise, during the implementation of the FWC via a specific contract request. For what concerns the ITT proposal, the offer shall refer to the place of performance as stated in the simulation exercise (as related to the Simulation exercise proposal).

**Question #47** In regards to Qualitive Award Criteria, is there a page limit for each of the answers to be provided?

**Answer:** There is no page limit foreseen in the Tender documentation applicable to the answers to be provided with regard to the Qualitative Award Criteria.

**Question #48** Can a subcontractor bid for the same lot with more than one (1) consortium?

**Answer:** Yes, it can

*Please also refer to the responses given to questions #2, #4, #6 and #8 in Clarification Note #1; as well as to questions #12, #22, #23, #25 and #26 in Clarification Note #2, and question #9, #11, #15, #16, #27, #29, #43, # 44, #45 herewith.*

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

**Question #49** Thank you for the presentation everyone. Does the Facility Security Clearance applies as requirement to all subcontractors or only the prime and co-prime? Many thanks in advance.

**Answer:** As foreseen by selection criterion L3 (Section 3.2.1 TS), the FSC requirement applies to each economic operator, whereas with respect to subcontractors only to those who will handle classified information CONFIDENTIEL UE / EU CONFIDENTIAL or above outside the Contracting Authority's premises.

**Question #50** Question related to the 2.2.2 Specific conditions for PRS-related activities. Could you explain majority of the ownership by the Member State? Does this requirement also apply to subcontractors?

**Answer:** Yes, it applies. An economic operator authorised by the SAB for PRS security module manufacturing (SM) category shall, in addition,

- i. either be owned solely or through majority ownership by a Member State, or
- ii. have nationals of Member States holding a personnel security clearance granted by a Member State appointed in its Board of Directors and that entity has delegated to these nationals the exclusive authority to take decisions related to the PRS.

The above-mentioned conditions are verified by the Competent PRS Authority designated by the EU Member State in the territory of which the economic operator in charge of the PRS-related activity is established, in accordance with Decision No 1104/2011/EU1214

**Question #51** PRS SAB authorization explanation for SM, Receiver and Support

**Answer:** These are the categories of PRS authorisation that are defined by the SAB. They are three distinct and not hierarchical authorisations. There is some additional information in the PIMP template to be filled in and submitted by the bidders.

**Question #52** Does the Tender Document categorize the activities into security sensitive and non-security sensitive activities.

**Answer:** The simulation exercise details per task which PRS SAB authorisation and EUCI classification level is expected to be treated.

**Note:** *At the end of the session there were fragments of questions received, which are not understandable, and could not be answered. Please feel free to resubmit the complete questions, through the channels identified in the Tender Specifications*