

Clarification Note #9

EUSPA internal reference: 303443

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 #190: The PIMP is considered by definition a CLA document, subjected to submission as per Corrigendum 5 rules. Tender specifications request this document for Prime and Subcontractors for tasks PRS related. As the delivery of such CLA document across company in different countries is subjected to delays, is it possible, at the stage of the proposal, to submit only Prime PIMP, and consider only Subcontractor SAB Authorization for the compliance to L7 Criterion?

Answer #190:

Attention of the tenderer is drawn to the fact that the proposal shall include one PIMP which is describing the management of PRS information within the consortium (including subcontractors). Following the relevant template, the PIMP shall include the intended PRS need to know of each involved entity (including subcontractors) and the related envisaged exchange of classified PRS information within the consortium. At this stage of the procurement procedure, a complete PIMP covering the whole consortium is needed otherwise compliance to criterion L7 cannot be fully assessed.

Question #191: Regarding task 7 - lot 5, could you please indicate how to cost the stand-by-duty fees? Is it foreseen operators or consultants to perform these activities?

Answer #191:

Operator profile (i.e., Operational Support Provider) rate is intended for this task to reflect the standby duty cost.

Question #192: In the financial template there is no place for travels quotation at delivery mode. At the same time: - in FWC, travel reimbursement is regulated by Art I.4.2 or by rates I. 4.1.3. - Deliverable mode quotation shall be based on the same rate of service mode (rate for consecutive period assuming no travels). Therefore, we assume that in the quotation of tasks at delivery mode, no travels need to be included and accounted, and expected mission of task breakdown table refers only to Service Mode. Is the assumption correct?

Answer #192:

Please be advised that the simulation exercises for all Lots and under both modes (i.e., Service Mode and Deliverables Mode) do **not** foresee missions.

Missions could be requested, though, in the Service Mode, as well as in the Deliverables Mode, by the Contracting Authority during the execution of the Framework Contract (FWC) to result from this procurement procedure. In this case, the related costs shall be reimbursed accordingly in line with the applicable contractual provisions.

To be clarified that for the missions, the travel prices to be defined in the financial table Annex I.F, which will be reiterated accordingly in Article I.4.1.5 of the FWC, shall be valid throughout the duration of the FWC and not cover the costs for the local travel at the destination, hotel and daily subsistence allowance that are to be already included in the all-inclusive daily rate (referred to in Article I.4.1.3, I.4.1.4). Indeed, it should be highlighted in this respect that as per Article I.4.1.7 of the FWC, all-inclusive daily rates shall comprise all costs incurred directly and indirectly by the Contractor in the performance of the tasks by the personnel's deployment to one of the destinations defined in Articles I.4.1.3 and I.4.1.4, including the daily subsistence allowance. You may also kindly consult on this aspect answer to question #135 forming part of Clarification Note #7.

Question #193: Lot 5/Task 6 description mentions that the activities of this task consists in “the provision of one 24/7 position”, while the simulation exercise table 4 indicated an expected effort of 7 FTE. Do you have to understand that: option 1. EUSPA expects the tenderer to cover the 24/7 position with a team 7 people? Or option 2. EUSPA expects to cover the 24/7 position with a team to be defined by the tenderer, plus a team of 6 people?

Answer #193:

It is clarified that it is 1 position 24/7 to be covered (first paragraph of Section 3.2.5 of the SoW for Lot 5) and a backup operator in case of notification of unavailability of a EUSPA SOC operator (second paragraph of Section 3.2.5 of the SoW for Lot 5).

The number of 7 FTEs from the simulation exercise table is an **indication** of the expected effort to cover the required 24/7 service (1 position) and backup operator (as needed) – i.e. both services above. However, this number is not fixed, since it is up to the bidder to propose adequate team organisation, the necessary set of profiles and team size for ensuring the above two services in accordance with the SLA requirement - *“numbers provided reflect the expected level of effort that may be needed for providing of the services, which is merely an estimate and a non-binding indicator for the Contracting Authority. It is up to the Tenderers own assessment and they are free to determine the amount of effort [...] appropriate to provide the service”*

Question #194: Financial Table Lot 5 requires the quotation a daily rate for Principal, Senior, Junior, Operator 24H and Operator. Could EUSPA confirm that the Operator 24H rate has to be applied only to Lot 5 Task 6? Could EUSPA confirm that the Operator rate has to be applied only to Lot 5 Task 7 (Operate the Galileo Reference Centre)?

Answer #194:

We confirm your understanding is correct.

Question #195: The computation of Service mode price from Service Provision scenario template of Lot 4 financial annex does not include the price of the travel (Mission Travel Price), while our understanding is that the travel + daily rate at requested location should be counted. Can you clarify?

Answer #195:

Please be advised that the simulation exercises for all Lots and under both modes (i.e., Service Mode and Deliverables Mode) do **not** foresee missions.

Missions could be requested, though, in the Service Mode, as well as in the Deliverables Mode, by the Contracting Authority during the execution of the Framework Contract (FWC) to result from this procurement procedure. In this case, the related costs shall be reimbursed accordingly in line with the applicable contractual provisions.

To be clarified that for the missions, the travel prices to be defined in the financial table Annex I.F, which will be reiterated accordingly in Article I.4.1.5 of the FWC, shall be valid throughout the duration of the FWC and not cover the costs for the local travel at the destination, hotel and daily subsistence allowance that are to be already included in the all-inclusive daily rate referred to in Article I.4.1.3, I.4.1.4). Indeed, it should be highlighted in this respect that as per Article I.4.1.7 of the FWC, all-inclusive daily rates shall comprise all costs incurred directly and indirectly by the Contractor in the performance of the tasks by the personnel's deployment to one of the destinations defined in Articles I.4.1.3 and I.4.1.4, including the daily subsistence allowance. You may also kindly consult on this aspect answer to question #135 forming part of Clarification Note #7.

Question #196: ANNEX II.XII to the Framework Contract defines “the ceiling and provide guidelines for the reimbursement rules of missions (...)”, while ARTICLE 2 of this annex states, “the daily allowance shall be 113.00 €” and ARTICLE 3 of this same annex states “daily accommodation allowance set to be 168.00€”. Could EUSPA clarify if these allowances are ceiling prices or fixed daily allowances expected by EUSPA to be applied by the Tenderers?

Answer #196:

We confirm that the daily allowance and the daily accommodation allowance are not ceiling, but fixed rates that EUSPA will reimburse, when/if applicable, as per the contractual provisions and the articles of ANNEX II.XII.

Question #197: Please clarify which document is required to be submitted as evidence for compliance with the exclusion criteria referenced in Annex I.B, 'SITUATION OF EXCLUSION CONCERNING THE PARTICIPANT' situation (a) (bankruptcy/insolvency/etc.). Annex I.B specifies that the evidence to be presented is: For situations described in (a), (c), (d), (f), (g) and (h), a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the Participant showing that those requirements are satisfied. For the situation described

in point (a) and (b), recent certificates issued by the competent authorities of the country of establishment. Where such types of certificates are not issued in the country concerned, the Participant may provide a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

Answer #197:

As correctly pointed out already in the body of your question, the evidence that should be presented to the Contracting Authority, as part of your bid, for compliance with the situation (a) is duly stated in the 'EVIDENCE TO BE PRESENTED' Section of Annex I.B – Declaration on Honour.

Indeed, as per the foregoing Section of the Declaration, for the situation described in point (a) a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the Participant showing that those requirements are satisfied would need to be submitted. Moreover, for the said situation (a) recent certificates issued by the competent authorities of the country of establishment would also need to be provided. Where such types of certificates are not issued in the country concerned, the tenderer may provide a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment duly reflecting that it is not bankrupt, it is not subject to insolvency or winding up procedures, its assets are not being administered by a liquidator or by a court, it is not in an arrangement with creditors, its business activities are not suspended or it is not in any analogous situation arising from a similar procedure provided for under Union or national law.

Please be also advised that if you have already submitted such evidence for the purposes of another procurement procedure administered by the Agency, its issuing date does not exceed one year and it is still valid, you shall declare on your honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

Lastly, if the evidence is accessible free of charge on a national database, you shall provide the Agency with all the necessary information to access such databases.

Clarification Point #198 pertaining to Annex I.1.2 – Statement of Work (Lot 2):

It is clarified that Task 6 on Provision of Engineering Support Services to the Contracting Authority for the Space Segment Engineering of the EU Space Programme Components elaborated on in Section 3.3.1 of the SoW for Lot 2 may, indeed, **relate to any of the EU Space Programme Components (e.g., Galileo, EGNOS, GOVSATCOM, COPERNICUS, GOVSATCOM, IRIS2, SPACE SITUATIONAL AWARENESS).**