

## **Clarification Note #6**

EUSPA internal reference: 303015

**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 #105:** In Tender Specifications p.43 (L6) is requested "evidence that the CIS and respective interconnections have been accredited for handling EUCI (RESTREINT UE/EU RESTREINT AND ABOVE) in fulfilment of REQ 4.6 of the SAL", while REQ 4.6 of the SAL requires a CIS and respective interconnection ONLY at RESTREINT UE/EU RESTRICTED (not above). Since we have a CIS able to handle EUCI up to EU restricted only, can you please clarify: 1. Which is the correct formulation of REQ 4.6 (that of the Tender Specifications or that of the SAL)? 2. In case the correct formulation is that of the Tender Specifications, will you update the SAL or not? In case the correct formulation is that of the SAL, do you still need evidence that the CIS can handle EUCI ABOVE EU restricted?

**Answer #105:**

The ‘to be evidenced by’ entry pertaining to L6 criterion shall be read as follows: “Statement of full SAL compliance in the Cover letter and in Annex I.B and evidence that the CIS and respective interconnections have been accredited for handling EUCI (RESTREINT UE/EU RESTREINT AND ABOVE) in fulfilment of REQ 6.3 of the SAL.”.

Kindly consult Corrigendum No 4 and associated updated version of Annex I – Tender Specifications addressing inter alia this point.

**Question #106:** The Simulation Exercise for Lot 3 foresees delivery location exclusively at EUSPA premises, mostly EUSPA HQ Prague, while several tasks are described in the Statement of Work to be delivered from “EUSPA HQ premises in Prague or Contractor’s premises or Brussels.” This restriction drastically restricts tenderers’ ability to propose creative and optimised delivery models to EUSPA. Furthermore, it results in a financial evaluation based only on the prices for these locations while others may also be used later in delivery. In light of the above, could the Contracting Authority consider aligning the Simulation Exercise delivery locations to the ones foreseen in the respective task descriptions?

**Answer #106:**

It is clarified that the location of performance is for the Contracting Authority to determine for each Specific Contract to be signed. The simulation exercise states a realistic expectation for the

first implementation of the support contract and the basis for evaluation. There is no alignment of the simulation exercise foreseen for all possible locations.

**Question #107: With regards to Annex I.F.X (for each of the lot), within sheet ‘Delivery Provision Scenario’, it is requested to clarify whether the columns ‘Number of days per profile’ (E-F-G) should be considered as pre-compiled by EUSPA based on the effort expected for each deliverable or if it is expected that the tenderer provides a dedicated effort analysis on the different tasks.**

**Answer #107:**

The Tenderer shall provide as input a credible and adequate effort in the form of number of days per profile. The financial template has only example values or zero values, which shall be replaced by the Tenderer.

**Question #108: A consortium bid for Lot X, it is composed of three companies: 1, 2, and 3; the company 1 is the Leader. A consortium composed of the same companies (1, 2, and 3) bid for Lot Y; this time the company 2 is the Leader. Is this allowed?**

**Answer #108:**

We confirm that this would be allowed.

**Question #109: Can a sole tenderer with only PRS SUP, but without PRS SM and PRS RCV prime a proposal on lots 1 to 4 relying on subcontractors for such authorizations?**

**Answer #109:**

The main PRS point of contact for the tenderer/consortium and the expected exchange of PRS information, in the different categories, among consortium members and subcontractors shall be described in the PRS Information Management Plan and shall respect the need-to-know of each member/subcontractor according to the proposed assignation of tasks. SAB authorizations shall match the expected exchanges and need-to-know. Attention of the tenderer is drawn to the fact that, overall, the proposal shall be clear and coherent in terms of assignation of tasks, PRS information exchanges, SAB authorizations and PRS Point of Contact.

**Question #110: In accordance with article 1.5.3 of the tender specifications, the same consortium of three (3) companies (A, B and C) will bid for two (2) lots. Could you please clarify if it is allowed that the consortium appoints a different prime per lot: company A for lot X, and company B for lot Y?**

**Answer #110:**

We confirm that this would be allowed.

**Question #111:** Is it permissible for a consortium comprised of companies 1, 2, and 3 to submit a bid for Lot X, with company 1 serving as the lead? Subsequently, can the same consortium, with companies 1, 2, and 3, bid for Lot Y, with company 2 assuming the lead role?

**Answer #111:**

We confirm that this would be allowed.

**Question #112:** I refer to the participation conditions mentioned in the attached Annex I - art. 2.2.1.1. (p. 18). There are 3 cumulative conditions which need to be fulfilled:

i) Legal entities established in a Member State with their executive management structures established in that Member State: Yes

ii) Committing to carry out all relevant activities in one or more Member states: Yes

iii) Legal entities not being subject to control by a third country or third country entity: here we have a question, as an entity is being controlled (through other intermediate legal entities) by our its group company in a country outside EU. This means the three conditions are not cumulatively fulfilled.

The question we have is: can we have an exemption for being part of the Group (being in a country, outside of the EU), as we're a complete different entity and located in Europe? Thank you in advance for your response.

**Answer #112:**

Precisely this question has already been answered in Q&A #30 of Clarification Note #2 published in the 'Documents' section of Funding and Tenders Portal (<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/a0afc6f2-a024-4ae3-8393-5dfde22f0001-CN#anchorDocuments>) on 22 March 2024. Therefore, you are kindly invited to consult the relevant document accordingly.

**Question #113:** Request # 3 from Table 3 – Legal Capacity Selection Criteria, chapter 3.2.1 Legal and regulatory capacity of Tender Specifications consists of condition that Tenderers for all lots must have – at the moment of submission of the tender) – a Facility Security Clearance (“FSC”) of at least SECRET UE/EU SECRET level including: (i) safeguarding of classified material/information, and (ii) Communication and Information Systems (CIS) for processing classified information that is to be maintained throughout the duration of the FWC, unless the Tenderer can demonstrate that the consortium members or subcontractors will not have to access classified information CONFIDENTIEL UE / EU CONFIDENTIAL or above for performing the activities under the FWC outside the Contracting Authority’s premises. Third column of this table specify that this condition is applicable to each economic operator, whereas with respect to subcontractors, the requirement applies only to those who will handle classified information. Does this mean that: a) to fulfil criterion L3 is it sufficient to have CIS for processing classified information up to CONFIDENTIEL UE / EU CONFIDENTIAL? b) to fulfil criterion L3 is it sufficient that at

**least one member of tenderer's group (Prime/Core team/Subcontractor) disposes CIS at the required level, respecting condition that members of tenderer's group which do NOT have Communication and Information Systems (CIS) at required level will not be involved in delivery requiring access to classified information outside the Contracting Authority's premises. Is that explanation correct?**

**Answer #113:**

To satisfy criterion L3 concerning the Facility Security Clearance (FSC) requirements as detailed in Annex I - Tender Specifications the following should be noted:

a) To fulfill criterion L3, it is not sufficient to have Communication and Information Systems (CIS) for processing classified information up to the level of CONFIDENTIEL UE / EU CONFIDENTIAL. The requirement specifies that tenderers must have a Facility Security Clearance (FSC) of at least SECRET UE/EU SECRET level. This includes capabilities for both the safeguarding of classified material/information and appropriate CIS for processing classified information at this higher level. This FSC need to be maintained throughout the duration of the Framework Contract (FWC).

b) To fulfill criterion L3, it is required that the entity/member which will handle EUCI at CONFIDENTIEL or above level on their premises, have the previously mentioned FSC requirement in place. If an entity/member of the tenderer's group will not be involved in classified activities that involve handling of EUCI at CONFIDENTIEL UE/EU CONFIDENTIAL level or above, or if they will not work on them in their premises but on the premises of prime/core member entity which fulfil this requirement, then they do not need to prove this requirement. This arrangement must be clearly justified and declared.

In summary, all entities involved in handling EUCI (European Union Classified Information) at the CONFIDENTIEL UE/EU CONFIDENTIAL level or above on their premises will need to demonstrate their compliance by providing proof of their FSC. For entities/subcontractors which will not be involved in handling EUCI, or which will handle EUCI on the premises of the prime contractor, the requirement to provide FSC proof is waived. However, this exemption must be clearly justified and declared in the tender submission.

**Question #114: For any non-EU candidates (particularly British Nationality only) who have been allocated before Brexit at EUSPA and continued supporting with valid PSC even after Brexit, can we please get confirmation whether they can be submitted in this ITT?**

**Answer #114:**

A British national or a national from another non-EU country may be proposed as consultant planned to access classified information under the respective contract by an economic operator, provided that his/her valid Personal Security Clearance (PSC) at SECRET UE/EU SECRET has been issued by the national security authority of an EU Member State, as per Section 2.2.7.6 of Annex I – Tender Specifications (i.e., accordingly PSC issued by the UK NSA cannot be accepted as meeting the requirement).

**Question #115: In Annex I.B Declaration on Honour, regarding the participation condition #3, 'The legal entity is not being subject to control by a third country or third country entity', we understand that if the company is indeed not subject to control by a third country or third country entity, the box to be checked should be 'yes'. Do you confirm our understanding?**

**Answer #115:**

We confirm your understanding is correct.

**Question #116: Can the CA please share the document Annex I.J - PRS Information Management Plan Template\_V1 in a Word version?**

**Answer #116:**

The Word version of the document has been now uploaded in the 'Documents' section of Funding and Tenders Portal (<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/a0afc6f2-a024-4ae3-8393-5dfde22f0001-CN#anchorDocuments>).

**Question #117: If in a consortium (Lots 1 to 4) only a joint tenderer possesses PRS SUP, PRS SM and PRS RCV, while the prime has only PRS SUP, will the tender fulfil the exclusion criterion L7 or should ALL consortium partners have all the 3 PRS authorizations irrespectively of their need to know? Should the scenario identified fulfil the exclusion criterion L7, should the prime indicate in the PIMP that Tasks requiring PRS SM or PRS RCV (e.g., Task 5 Lot1, Task 1 Lot 2, Task 2 Lot 3, Task 1 Lot 4) will be managed exclusively by the joint tenderer possessing these two authorizations?**

**Answer #117:**

In line also with the answer given in question #102, the main PRS point of contact for the tenderer/consortium and the expected exchange of PRS information, in the different categories, among consortium members and subcontractors shall be described in the PRS Information Management Plan and shall respect the need-to-know of each member/subcontractor according to the proposed assignation of tasks. SAB authorizations shall match the expected exchanges and need-to-know. Attention of the tenderer is drawn to the fact that, overall, the proposal shall be clear and coherent in terms of assignation of tasks, PRS information exchanges, SAB authorizations and PRS Point of Contact.

**Question #118: According to the selection criterion L9 (of the Legal and regulatory capacity), the tenderers must hold a 'COMSEC authorization' or EU COSMEC account. This criterion applies for all lots. However, in the 'Annex I.I.4 Statement of Work\_Lot4\_V1', for LOT 4 there is no task related to the provision of services to the COMSEC Authority or services related on handling CRYPTO information. Could you please confirm that the criterion L9 is applied to the LOT 4? If so, could you please clarify the tasks under which the tenderers must handle crypto information?**

**Answer #118:**

The L9 selection criterion shall be fulfilled so that the awarded company in Lot 4 can receive COMSEC items at the level of R-UE/EU-R during the contract implementation. This neither relates to the support of COMSEC authorities (Lot 3) nor to the level of security requested to perform a task.

**Question #119:** In section 1.6 of the TS, it is written “Tenderers are informed that part of the activities/services constituting the subject matter of this tender are currently performed by incumbent Contractor/” And reference to table 3 of the SoW is then given to provide an estimate of the FTE per lot and task. It is understood that the simulation exercise takes into consideration the current incumbent workload + ramp-up effort estimated by EUSPA for future expansion of the activities. “The information on effort indicates the level of resources expected to be engaged for the tasks to be implemented in Service Mode for the provision of Tasks under the FWC and the ramp-up expected due to the evolutions of EUSPA obligations (the level of effort for the delivery of possible new tasks based on the experience of the EUSPA relating to the provision of similar services).”. However, the information provided in these tables does not give enough details on the number of people that will be transferred in the frame of the mentioned council directive. Would you mind providing a list showing the number of people and their respective location of performance who will be subject to the transfer of undertakings?

**Answer #119:**

As explicitly stated in Section 1.6 of Annex I – Tender Specifications, it is for the **tenderers**, not for the Contracting Authority, to “assess the applicability of the Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, as implemented in the relevant national legislation(s).”. “Any risk or impact stemming from the application of the above-mentioned legislation shall be entirely allocated to the Contractor and shall be taken into consideration in the formulation of the offer.”. In this respect, the Contracting Authority has already shared all information it could share.

**Question #120:** Discrepancy between table 3 and 4 in SoW. Our understanding is the breakdown given in table 4 should reflect the total reported in table 3, but it seems that the numbers don't match. For example, the table 3 of Lot#1 task1 shows 20 FTE, and table 5 shows 16 FTE for the same task. Is the delta linked to the provision of the deliverables? Meaning 4 FTE for deliverables of task1 for instance? The same question is valid for the other tasks in other lots.

**Answer #120:**

It is clarified that the simulation exercise is meant to be a realistic assumption for initial implementation to have a baseline for the evaluation; however, it does not prevent the contracting authority from changing the request for the first SC with regards to this simulation exercise. The indications such as in table 3 of Lot#1 are indications regarding the implementation of the incumbent for the consideration of the tenderers. Indeed, as explicitly stated in Section 1.6

of Annex I – Tender Specifications “in the interest of compensating information which an incumbent may have for estimation of expected effort for implementing tasks under individual lots when preparing the tender, the respective Table 3 per Annex I.I. for each lot provides information on the indicative efforts expected to be engaged for the particular task under the current contract.”.

**Question #121: Lot 4 - Task 2.4 - Table 2: Table 2 identifies 0,5 FTEs of total expected effort in PRG or Contractor's premises, then in the simulation Exercise 0,5 FTEs are requested in Service Mode (Table 5, Contractor's Premises) and in addition the task is expected also in Delivery Mode (Table 6, contractor's premises). Do you confirm that both modes are requested?**

**Answer #121:**

The Tender Specification states that each Simulation Exercise has been designed to obtain the Tenderers' offers, both in terms of deployed resources and price with respect to an indicative set of tasks, which are to be implemented in Service or Deliverable Modes. The first Specific Contracts may follow the requirements expressed in the respective Simulation Exercises with the possibility of slight down- or upward adjustments which the Contractor shall accommodate with respective corresponding adjustments of the offered price, fully supported by the increased/decreased effort and based on its quotations under [Annex I.F] (Lots 1 through 5), as forming part of its tender.

In case of misalignment between the simulation exercise and Table 2, the simulation exercise only shall remain the reference for the offer.

**Question #122: SOW Lot 4 - Task 3.4: Please confirm the delivery mode at EUSPA HQ premises, or also Contractor premises can be proposed?**

**Answer #122:**

It is the Contracting Authority that decides where the place of performance of the particular services is to be. This is clearly indicated for each task in the simulation exercise overview tables. In this respect, it is clarified that while the general possibility of requesting support also for locations other than EUSPA HQ is expressed in table 2, the simulation exercise states that for the first implementation of the support contract EUSPA HQ is foreseen as the working location for deliverable mode and GSMC-FR for the service mode.

**Question #123: Lot 4 - Task 4.1 - Pag. 6: Table identifies 2,5 FTEs as expected level of effort at PRAGUE and/or Contractor's premises, while simulation exercise identifies only 2 FTEs (Table 5) in service Mode at Prague. Could you clarify this ambiguity, and confirm that for the simulation exercise no Delivery mode is foreseen?**

**Answer #123:**



It is clarified that while the general possibility of requesting 2.5 FTEs to support task 4.1 is foreseen, the simulation exercise states that for the first implementation of the support contract 2 FTEs shall be allocated to Prague HQ in service mode.

**Question #124: SoW Lot 4 - Task 4.2 - Pag 6: Table 2 indicates Toulouse or Contractor's Premises as location, while Simulation exercise only Toulouse. Do you confirm that also Contractor's Premises is possible?**

**Answer #124:**

It is the Contracting Authority that decides where the place of performance of the particular services is to be. This is clearly indicated for each task in the simulation exercise overview tables. In this respect, it is clarified that while the general possibility of requesting support also for locations other than EUSPA HQ is expressed in table 2, the simulation exercise states that for the first implementation of the support contract Toulouse is foreseen as the working location for the task 4.2 in service mode.

**Question #125: Can the 4 required sections be submitted as separated PDF Volumes, within the unique Envelope? i.e. independent document such as: A. Executive Summary; B. Selection Criteria Evidences; C. FWC Proposal; D. Simulation Exercise (SE) Proposal**

**Answer #125:**

Yes, provided that they are presented in one envelope, "Technical Offer", as per the provisions of Section 4.5.3 of Annex I – Tender Specifications, and their sections as well as dedicated headings are duly in accordance with Section 4.6.2 of Annex I – Tender Specifications.

**Question #126: Articles I.4.1.3, I.4.1.4 of the FWC: Element O1 (Operational Support Provider) and O2 (Operational Support 24h) are not requested to be quoted in all Lots (e.g. Lot4). Do you confirm that in that case they will not be included in the contract?**

**Answer #126:**

The Operational Support profiles are meant to be quoted and used only in Lot 5, based on the SoW. Therefore, those profiles are to be included only in the FWC and Specific Contracts related to Lot 5.

**Question #127: Annex I.M Mgt-requirements\_V1 - §3.1.2, 3.1.3 Sections §3.1.2, 3.1.3 are referenced in the TOC, but do not exist in the document. Will a corrigendum be published?**

**Answer #127:**

This was corrected through the updated version of Annex I.M Mgt req Service Support Contract uploaded as part of the Corrigendum #2 to the 'Documents' section of Funding and Tenders Portal  
(<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/a0afc6f2-a024-4ae3-8393->



[5dfde22f0001-CN#anchorDocuments](#)) on 22 March 2024, as per the dedicated announcement made therein.

**Question #128:** From the paragraph 4.6.2 of the Tender Specifications: 'Duly written, signed and dated Statement of Compliance with sections 1-3 of Annex I. SoW'. The reference to the SOW document is incomplete. Assuming that it is referring to specific LOT SOWs, e.g. 'Annex I.I.4 Statement of Work\_Lot4\_V1', sections 1 and 2 are introduction and applicable documents, which are not part of the SOC.

**Answer #128:**

It is confirmed that the requested Statement of Compliance should only refer to the tasks and requirements in section 3 of the SOWs.

Kindly consult Corrigendum No 4 and associated updated version of Annex I – Tender Specifications addressing inter alia this point.

**Question #129:** In Annex I.I.3 Statement of Work\_Lot3\_V1, for Lot 3, - Task 5.2 “Support to EGNOS security activities (SAU)” and Task 7 “Risk Assessments”; can you please precise if the activities requested in Toulouse are foreseen to get the FTE in EUSPA Toulouse premises or in our Toulouse office? If not, please precise.

**Answer #129:**

You are kindly referred to the answer provided in question #96 forming part of the Clarification Note #5.

**Question #130:** In Annex I.I.3 Statement of Work\_Lot3\_V1, for Lot 3, - Task 5.2 “Support to EGNOS security activities (SAU)” and Task 7 “Risk Assessments”, can you please precise if Task 2 and Task 6 can be based in Toulouse? and in EUSPA Toulouse premises or in our Toulouse office. If not please precise the location.

**Answer #130:**

You are kindly referred to the answer provided in Question #96 forming part of the Clarification Note #5.

**Question #131:** In Annex I.I.3 Statement of Work\_Lot3\_V1, for Lot 3, - Task 5.2 “Support to EGNOS security activities (SAU)” and Task 7 “Risk Assessments”, concerning the travel expenses, can you please explain if the travel expenses will be paid back to the supplier with justification receipt or if it should be included in the daily Full time employee ?

**Answer #131:** Please be advised that in line with Article I.4.1.5. of the FWC, the prices of travel costs for a return trip for a mission by any means of transportation to destinations listed in Table ‘Mission travel prices’ of the Financial Proposal (part of Annex II.III) are to be reimbursed on the basis of the fixed amount to be defined therein. No additional expenditure on top of the all-

inclusive daily rates will be reimbursed. When the mission destination is not part of Annex II.III, the travel costs are to be reimbursed according to the Mission Guidelines (Annex II.XII).

**Question #132: Can Lot 3 services/deliverables be potentially delivered fully onsite, i.e. 100% in EUSPA premises?**

**Answer #132:**

It is clarified that the location of performance is for the Contracting Authority to determine for each Specific Contract to be signed. The simulation exercise states a realistic expectation for the first implementation of the support contract and the basis for evaluation, but does not prevent the Contracting Authority from changing the request for a first Specific Contract with regards to this simulation exercise.

**Question #133: Is there any tenderer introduction session possible in the course of the tender?**

**Answer #133:**

In line with the relevant provisions of Annex I – Tender Specifications and the relevant announcements made both on the EUSPA website and on the Funding & Tenders Portal webpage dedicated to this procurement procedure, an informative webinar (“Industry Day”) for procedure ref. EUSPA/OP/37/23 (EUSPA/PRG/2024/OP/0001) was held on 15 March 2024. The PowerPoint presentation delivered, as well as the Industry Day Clarification Note containing the questions raised by the participants and answers given by the Contracting Authority have been published accordingly in the ‘Documents’ section of Funding and Tenders Portal (<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/a0afc6f2-a024-4ae3-8393-5dfde22f0001-CN#anchorDocuments>) on 22 March 2024.