

# Navigating through EUSPA's Infrastructure Contracts



EUSPA Industry Days 2026

Raffaella Lombardi



# Scope of infrastructure contracts

- To deliver to EUSPA ground segment infrastructures as for example:
  - GSC
  - GRC
  - EGNOS v. 243
  - Govsatcom

Capable to meet Space Components needs

# Needs of the Agency

- linking space to users needs
- Infrastructures must be reliable → it is procured to be operated and deliver services to users
- Infrastructures must meet requirements in order
  - to keep service level reached so far (no regression)
  - To improve the services provided to users as per users needs
- Results needed not best efforts
- Enforcement of the contract pursued in order to meet needs above mentioned

# Contractual Proposal -points of attention(1/2)



- Read the contract terms and conditions
- Understand the content of the contractual proposal requested
  - Statement of compliance (SOC) to the draft contract and SAL shall include:
    - Full compliance (with no comments, assumption, limitation) or
    - Non-compliance/Partial compliance with alternative contractual drafting
    - Justification of all statement
    - Acceptance of a tender is not an automatic acceptance of SOC content
  - In some procurement procedures, tenderers are required to fill in the percentages left blank in the draft contract (e.g. liquidated damages and liability caps) and provide the relevant justification for the indicated percentage
- All the above are evaluated as part of a dedicated qualitative award criteria → Check wording of the award criteria
- Attention to be paid to the weighting of the qualitative award criteria → Partial compliance/non-compliance, lack of justification, alternative wording etc may impact the possibility to be awarded the contract

# Contractual Proposal -points of attention (2/2)



## Background IPR declaration

- Declaration needed to determine the scope of the BIPR license and to distinguish FIPR
- If BIPR/third party IPR not declared it will be considered a Foreground IPR (i.e. owned by EU/EUSPA depending on the procurement) unless justifications (see draft contract provisions)
- Use template provided – no alteration
- Third party IPRs to be included in the declaration
- BIPR and Third party IPR of tenderer (including consortium member when relevant) and subcontractors to be included in the declaration
- Attention to be paid to the types of IPR → patent, trademark, copyright and trade secret (including know how)
- Open source to be included in the declaration

## **NOTA BENE:**

recurrent mistakes → type of IPR, description of the scope, need of the BIPR/third party IPR to exploit the FIPR, if OS were used to develop the BIPR, licenses granted, confidentiality for the trade secrets

Declaration taken into consideration in the award criteria (to be checked in each tender documentation)

# Contracts - points of attention

- Terms and conditions of the contract are key elements for project success (delivery in time, within the budget and with the required quality and in compliance with the applicable law)
- During project execution contract takes precedence over all other project documentation (e.g. SOW, proposal, etc.)
- Framework contract vs direct contract

# Contracts - points of attention

- Delivered in time, within the budget and with the required quality → how this is translated into the contract?
- Contractual milestones
- Liquidated damages for delays
- Liquidate damages for performance (in certain specific cases)
- Liquidated damages cap
- Other remedies

# Contracts points of attention

- Delivered in time, within the budget and with the required quality → how this is translated into the contract?
- Acceptance criteria for each milestones
  - attention to be paid for design choices and dependency created (see IPR) → PDR/CDR
  - Particular focus on operation validation to be sure that infrastructure will work in operational environment
- Commissioning as a possible new path to follow
- payment linked to what is delivered

# Contracts - points of attention

- Agency Undertaking → risk allocated to EUSPA
- hand over assets → risk allocated to Contractor subject to due diligence
- new subcontractors' approval
- Supply chain requirements complied with during the execution of the contract
- Warranty vs maintenance – no overlap
- Liability cap
- No changes to schedule, scope, etc without contract amendment

# Contracts - points of attention

- Transfer of ownership
- Intellectual property right
  - Regime of foreground intellectual property right (FIPR) and relevant provisions of law
  - License of Union IPR and FIPR and extended license on FIPR
  - Regime of background intellectual property right (BIPR) and rationale
- Final target → avoid dependency → pay attention to award criteria !

# Looking ahead

## European Competitiveness Fund (ECF)

Draft proposal still to be adopted by the legislator

- EU preference → target development manufacturing and exploitation in the Union of strategic technologies and sector (e.g. participation restrictions , supply and content restriction, transfer restriction (article 10)
- EU tech frontrunners → dedicated 2 stage bottom up award procedures to identify and support EU tech frontrunners through industry driven consortia leveraging on their role as innovation and export drivers to strengthen global competitive position (articles 17/20)
- For imperative public interest or critical time-sensitivity → possibility to include exceptions and derogation to the applicable law (e.g. temporary and conditions waiver of compliance with eligibility criteria( Article 20)
- Centralized access to advisory and business accelerator services (article 26)
- ECF considers satisfied the condition of urgency established in point 11.1.c) of Annex I of the FR (direct negotiations without publication of contract notice) for any procurement related to governmental services, service continuity or fulfilling specific objectives in the implementation of EU space system and policy as regards to security (article 72)

# Q&A Session



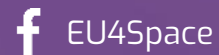
#EUSpace 



Linking space to user needs

Get in touch with us

[www.euspa.europa.eu](http://www.euspa.europa.eu)



# EUSPA Industry Days 2026