

## Clarification Note #1

EUSPA internal reference: 312981

**Procurement procedure: EUSPA/OP/24/25 [EUSPA/PRG/2025/OP/0007]**

**Title: 'OPERATIONAL IT ASSETS FOR EUSPA SOM/GSMCs'**

**Question #1:** Kindly share the terms of reference as the documents titled with TOR do not have any specification to the consultation.

**Answer #1:** Please consult “Annex I – Tender Specifications”, which includes both the Technical Terms of Reference (see Section 3.2.4) and the Legal Terms of Reference (see section 4).

The document you refer to (“Annex. L - TTOR and Simulation Exercise”), on the contrary, pertains to the simulation exercise, as per Section 3.2.7 of the Tender Specifications. Please see also Corrigendum #1.

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**Question 2:** Shall we offer only products from „Annex I.J - List of Assets Simulation Exercise” in our offer for this tender?

**Answer #2:**

The list of assets subject to delivery under the Framework Contract is provided in “Annex I.I. – List of Assets”. Therefore, the tenders must offer all the items listed in such Annex I.I in the FWC financial proposal (Annex I.G, Table 1).

Please also note that in Annex I.G

1. In Table 1, row 6, reference to “Annex I.H” is replaced by reference to Annex I.I.
2. In Table 2, rows 14-15, reference to “Task 2” is replaced by reference to Task 1.
3. In Table 2, row 15, reference to “Annex I.I” is replaced by reference to Annex I.J.

(see Corrigendum # 1).

“Annex I.J - List of Assets Simulation Exercise” specifically pertains to the simulation exercise and lists the assets that are to be offered in the Simulation Exercise proposal. The inputs requested for the simulation exercise shall be provided - based on the list provided in Annex I.J - using “Annex I.K - Template Technical Offer” and “Annex I.G – Template Financial Table of Answers”.

As explicitly indicated in Section 3.2.7 of “Annex I – Tender Specifications”, due to the nature of the Contracting Authority’s activities and its evolving character, the simulation exercise is

indicative and will be used mainly for evaluation purposes. Nevertheless, should at the time of placing a specific contract the assumptions, terms and conditions according to which the simulation exercise has been developed, not be subject to changes, the Tenderer's offer for the simulation exercise shall be considered binding and enforceable.

With regards to the simulation exercise, also consult Annex I.L - "TTOR and Simulation Exercise".

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**Question 3:** How should we proceed within the quotation if we are unable to secure a new part for an item?

**Answer #3:** As explicitly stated in Section 3.2.4.2 of "Annex I - Tender Specifications", when a need for delivery of spare assets appears, the Contracting Authority intends to approach the first contractor to submit a specific offer, covering the required asset in the first category, and if the asset cannot be offered by the contractor first in cascade, the cascade will be activated.

With regards to the cascade mechanism, please also consult Section 3.2.13 of "Annex I - Tender Specifications" and Article I.3 of "Annex II – FWC".

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**Question 4:** Will only the parts from the tender specification (from the file Annex I.I - List of Assets) be the subject of deliveries? And this list may change by 30% during the FWC period?

**Answer #4:** Yes, the deliverables will be based on the list in "Annex I.I – List of Assets", which defines the scope of supply. As stated in Section 6.7.1 of "Annex I - Tender Specifications", EUSPA may need to add a few items to this list due to technology refresh to specific order forms (expected up to maximum 30% of the total amount of items). An amendment (if any) of the list in Annex I.I is to be released yearly by EUSPA to the Contractor.

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**Question 5:** For task1 (simulation exercise), you want to document our suppliers' offers, but I assume they may be without our purchase prices, is this my expectation correct?

**Answer #5:** Correct. For the simulation exercise, as indicated in Section 3.2.7 of "Annex I – Tender Specifications", the Tenderer is required to provide actual proofs that the assets can be supplied by the Contractor (e.g. by submitting documentation such as confirmed order forms from suppliers). These documents are not required to show the Tenderer's internal purchase prices, only proof of availability and specifications.

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**Question 6:** What will happen if we offer you a new product for the tender (our offer), but it becomes no longer available when you want to buy it in a year and half for example from the FWC start?

**Answer #6:** In such case, the cascade mechanism will apply.

For the application of the cascade mechanism, please consult:

- Sections 3.2.4.2 and 3.2.13 of "Annex I - Tender Specifications";
- Article I.3 of "Annex II – FWC".

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**Question 7:** Do the goods offered have to come only from the EU?

**Answer #7:** As explicitly stated in Section 3.2.4.1 of the Tender Specifications, refurbished items (second category) having been previously owned by entities from outside EU countries will not be accepted.

While there is no origin requirement for the other categories (first and third), please note that all tenderers must comply with the participation conditions requirements. In this regard, please consult Sections 4.1.1 and 5.3 (A1) of “Annex I – Tender Specifications”.

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**Question 8:** Can we fulfill this criterion [**Tender specification 5.5 M2**] by our own warranty policy?

**Answer #8:** Yes, provided that the warranty policy complies with the minimum requirement M2, which includes details such as duration, terms and conditions, and return procedures. The contractor’s policy must match or exceed the standards defined in Sections 5.5 and 3.2.10 of “Annex I - Tender Specifications”.

Please also consult Article I.16.4.2 and II.2.18 of “Annex II – FWC”.

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**Question 9:** Will you publish an official form for this criterion [**Tender specification 5.5 M1**]?

**Answer #9:** Please kindly note that, in accordance with Section 5.5 of “Annex I – Tender Specifications” compliance with minimum requirement M1 shall be evidenced by corresponding statements of compliance in the declaration of honour using the template provided in “Annex I.B – Template Declaration of Honour”.

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**Question 10:** Regarding point 4.7. When we buy a new spare part, we usually deal with the manufacturer or its distributor. Why is it necessary to involve subcontractors in this activity?

**Answer #10:** The requirement set out in Section 4.7 “Supply Chain” of the Tender Specifications derives from Article 17 of the Space Regulation, which is binding on the Contracting Authority and provides as follows:

*“1. To encourage new entrants, SMEs and start-ups and their cross-border participation, and to offer the widest possible geographical coverage while protecting the Union’s autonomy, the contracting authority shall request that the tenderer subcontracts part of the contract by competitive tendering at the appropriate levels of subcontracting to companies other than those which belong to the tenderer’s group.*

*2. The tenderer shall justify any derogation from a request made under paragraph 1.*

For further information on the supply chain, please consult Section 4.7 of the Tender Specifications.

Please also note the provision of point 3 of Section 4.6 “Subcontracting” of the Tender specifications: *“Manufacturer of Commercial Off-the-shelves products (COTS), as well as second market suppliers of COTS and COTS resellers/brokers which manufacture COTS or resell COTS - directly or indirectly - on behalf of the prime contractor shall be considered as mere supplier and not as subcontractors”* and any further provisions related to COTS.

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**Question 11:** The tender documentation deals extensively with the topic of the bidder's ownership in relation to third countries. If a bidder is from an EU Member State and is owned by citizens or legal entities within EU Member State/s, does it demonstrate compliance to the criterion only by copies of business registers or the involved legal entities?

**Answer #11:** As explicitly stated in Section 5.3 “Access to procurement”, Ref. A1, of Annex I - Tender Specifications, all economic operators must meet the conditions listed under Section 4.1.1 of the Tender Specifications to be evidenced by:

1. Proof provided for under criterion L1.
2. Filled-in dedicated Section in the Declaration of Honour (Annex I.B)
3. Duly completed Declaration of Ownership and Control in Annex I.H – Part 2 signed by an authorised representative and all evidence required in Annex I.H – Part 1 and 2.

The Agency reserves the right to request further supporting evidence demonstrating compliance to the participation conditions if it considers this necessary, before award.

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**Question 12:** I.16.2 FWC – for which items will these installation services be required?

**Answer #12:** As explicitly stated in Article I.16.2.1 of the FWC, installation is the responsibility of the Contracting Authority, not of the Contractor. Consequently, no installation services are requested from the Contractor.

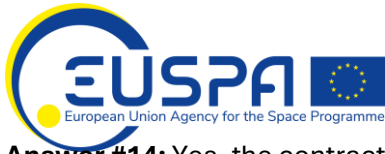
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**Question 13:** Will Common Criteria EAL 2+, DoD 5220.22-M, or equivalent be required only for used hard drives?

**Answer #13:** Yes. As stated in Sections 3.2.4.2 and 3.2.5 of “Annex I - Tender Specification”, sanitisation standards (e.g., EAL 2+, DoD 5220.22-M) apply only to refurbished items, particularly storage devices.

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**Question 14:** Will CE (Declaration of Conformity) be required for each supplied item?



**Answer #14:** Yes, the contractor must be prepared to provide a CE Declaration of Conformity for each item where EU regulations require it, as it constitutes essential evidence for the Agency's formal acceptance under Article II.2.13 of "Annex II – FWC".