

Clarification Note #12

EUSPA internal reference: 322054

Procurement procedure: EUSPA/OP/16/25 (EUSPA/PRG/2026/OP/0003)

Title: 'Administrative support services to EUSPA'

Question #67: There is a discrepancy in Submission Deadline in Corrigendum 2. In the Corrigendum 2 - Tender Specifications the Submission Deadline is 1/4/2026. However, the Submission Deadline on the EU Funding & Tenders Portal remains 23/3/2026. Can the Contracting Authority confirm the new Submission Deadline of 1/4/2026.

Answer #67: The Contracting Authority confirms that the applicable deadline for submission of tenders is the one set out in Corrigendum No 2. A note in this respect was issued in F&T portal: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/f0f54f70-0b69-4975-92ef-e66bc8a20009-CN>

Question #68: In the file Annex I.F.1 is written: "Any omissions or price indications of "0 €" may result in exclusion from the procurement procedure." However, for internal reasons we do not foresee any Financial impact of the risk associated to the transfer of undertakings as per Section 3.3 of Annex I - Tender Specifications. Our most credible option in this case is therefore "0 €" for such a risk. Can you please confirm that the statement above is referred to the FUP only and/ or that if duly justified a "0 €" in the transfer of undertaking box will not lead to the exclusion from the procurement procedure?

Answer #68: Yes, we can confirm that the situation you described will not lead to exclusion from the procurement procedure. Please note that the justification will be subject to a qualitative assessment **under criterion Q4**.

Question #69: I would like to ask when the questions submitted to the system on March 12, 2026, and March 13, 2026, will be answered.

Answer #69: The responses are published on the EU Funding & Tenders Portal.

Question #70: Could the Contracting Authority confirm that a tenderer which is itself an SME and which submits a justified derogation from the 20% subcontracting target under Section 5.2, supported by a clear explanation of why direct performance is more appropriate for the nature of the services, will be assessed on the robustness of the derogation justification rather than penalised for not proposing subcontracting?

Answer #70: see Clarification Note #5, Question #20 (no. 86280 in F&T portal) , Clarification Note #7, Question #41 (no. 86788 in F&T portal) , and Clarification Note #9, Question #54 (no. 87814 in F&T portal) . The Contracting Authority confirms that, under Award Criterion Q3, the tender will be assessed on the quality and maturity of the plan submitted under Section 5.2 of the Tender Specifications, including, where applicable, the robustness of the justification for derogation. The requirement under Section 5.2 applies irrespective of whether the prime contractor is an SME or not.

Question #71: On what grounds, please, should the new supplier assume the risks of the current supplier? What risks are you referring to? The type of risk? The extent of the risk?

Answer #71: As set out in Section 3.3. of the Tender Specifications, tenderers are required to assess the risks possibly deriving from the applicable national law and EU/national case law concerning transfer of undertakings in relation or in connection with the succession between the incumbent contractor and the new contractor, where these are different entities.

Question #72: The risks associated with the termination of the contract that is the subject of this tender should be reflected in the total bid price—is that correct?

Answer #72: It is not clear whether the question refers to the consequences of termination of the contract in the different termination events or to the possible materialisation of risks related to a transfer of undertakings. In general terms, risks are supposed to be priced and factored into the price of the tender unless a special regime for identified events and related risks is identified. This is the case for example, for transfer of undertakings risks, for which reference is made to corrigendum 2.

Question #73: In Annex I.F – to Tender Specifications Financial Tables of Answers for LOT 1. Should the stand-alone amount relating to the risk of transfer of undertakings be somehow subject to evaluation of the tender or have any influence thereon? For Example, as an Award criterion in Q4? Please explain, the amendment of tender specification is unclear.

Answer #73: The stand-alone amount relating to the possible financial impact of transfer of undertakings risks is not included in the Total Tender Evaluation Price and therefore does not affect the Financial Evaluation Score. Tenderers are nevertheless required to address that risk in the financial proposal in accordance with Section 3.3 of the Tender Specifications. The overall completeness, credibility and appropriateness of the costing submitted are assessed under Award Criterion Q4.

Please refer to Article I.11.a of the Draft FWC, defining the arrangement under which this amount may be reimbursed, should the risk materialize.