

Clarification Note #13

EUSPA internal reference: 322082

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

Title: 'Administrative support services to EUSPA'

Question #74: Could the Contracting Authority confirm whether the tenderer is expected to provide a breakdown of the cost components within the proposed man-day rates (e.g. percentage allocation to direct staff costs, management, overheads), or whether the Financial Tables in Annex I.F are sufficient?

Answer #74: Tenderers shall submit the duly completed Financial Proposal in Annex I.F.1, and the Cost Sheets in Annex I.F.2 for the tenderer and each subcontractor, following the instructions therein, and a separate Financial proposal summary and Pricing methodology document as provided in section 15.6.3.

Question #75: Based on a detailed legal and economic assessment of the services and applicable national law, we consider the 20% subcontracting requirement not feasible. Under Czech law on temporary agency work (agenturní zaměstnávání), lawful assignment of personnel requires an authorised employment agency and a direct contractual relationship with the user (EUSPA). In this procurement, the contract is between EUSPA and the tenderer, while subcontractors cannot have a direct relationship with EUSPA. Therefore, subcontractors cannot legally provide the core staffing services. Staff costs represent the vast majority of the contract value, and there is no realistic or economically viable way to outsource 20% without distorting the service model or leading to below-cost performance. Such subcontracting is suitable for modular, deliverable-based contracts (e.g. research at the ECHA, manufacturing for EUSPA etc), but not for labour-based, on-site administrative support. Please remove 20% rule.

Answer #75: The subject matter of the tender is provision of Administrative Support services, but not lease of personnel. see Clarification Note #9, Question #54 (# 87814 in F& T portal) and clarification Note 10, Question #56 (# 88212 in F&T portal).

Question #76: In accordance with the tender document service providers are expected to work on-site at EUSPA premises and receive day-to-day instructions within EUSPA's organisational framework. This service corresponds in substance to a temporary agency work, not typical service contract. Under applicable local labour law we need to offer service providers equal treatment, including remuneration and core working conditions comparable to those applied by the user organisation. Please state the gross salary meeting the equal treatment logic for the defined category.

Answer #76: The statement in your question is not correct. The subject matter of the tender is provision of Administrative Support services, but not lease of personnel. See Clarification Note #9, Question #52 (# 87812 in F& T portal) and Clarification Note #10, Question #56 (# 88212 in F& T portal)