

Clarification Note #2

EUSPA internal reference: 325160

Procurement procedure: EUSPA/OP/19/26 (EUSPA/PRG/2026/OP/0011)

Title: 'Administrative support services to EUSPA'

Question #9: Under Selection Criterion T3 (Section 10.3.3 of the Tender Specifications), tenderers are required to submit detailed CVs for a minimum number of proposed Service Providers and to demonstrate their relevant experience and language skills. Under Section 4.2, tenderers must prove that they will have at their disposal the resources necessary for performance of the Contract, including through Subcontractor Letters of Intent confirming the irrevocable undertaking to make such resources available. Under Award Criterion Q1, tenders are evaluated on, inter alia, sound management of the Service Providers and the tenderer's ability to ensure timely delivery and high quality of the deliverables. In light of the above, could EUSPA please confirm that, as part of the evaluation process, it will verify that the Service Providers proposed by tenderers in their offers are genuinely and lawfully available to perform the services for the tenderer concerned?

Answer #9: Tenderers are to submit with the evidences requested in the Tender Specifications for compliance with the access to procurement, rejection, exclusion and selection criteria and state in their tenders the compliance to the other requirements set in the procurement documents. Section 6 (sub-sections i. to iii.) of the Declaration on Honour (Annex I.B to the Tender Specifications) lays down the grounds for rejection of Tenderers from the procedure, which include inter alia sharing of inaccurate information and false declarations or information provided as a condition for participating in this procedure. The Contracting Authority may verify the truthfulness of the provided statements and act according to the powers reserved to it.

The tenderers are not required to submit evidences whether the Services Providers are **genuinely and lawfully available to perform the services**, however as per the provisions of the Terms of References of the 1st specific contracts (Annexes I.J.1-3) “ *the proposed Service Providers shall be available from the date of the signature of the specific contract or from the date of the start of the respective SC task implementation*”. The Contracting Authority may decide to verify the stated compliance to this requirement, as provided above.

Question #10: In particular, we would welcome confirmation that EUSPA will ascertain that:

(a) the proposed Service Providers are not bound by any contractual restrictions – such as non-competition, non-solicitation or exclusivity clauses with third parties – preventing them from performing services for the tenderer or for EUSPA under the FWC.

(b) the tenderer itself is not subject to any contractual constraints – such as non-solicitation or non-poaching obligations – that would preclude it from engaging the proposed Service Providers.



We consider this verification essential to ensure that the resources put forward by tenderers in satisfaction of the selection criteria (T3) and relied upon for the qualitative award criteria (Q1) are genuinely available, to safeguard the integrity of the evaluation process and the reliability of contract performance. We note that EUSPA has reserved the right to reject any tender where collusive tendering or anticompetitive behaviours are demonstrated (Section 4.1).

Answer #10: See Clarification Note#2, question 9 (#98963 in F&T Portal).

Question #11: The undersigned respectfully requests an extension of the tender submission deadline by at least three weeks, until 22 September 2026. The request is justified by the complexity of the tender documentation and the need to prepare a complete, accurate and fully compliant proposal in all its technical and administrative aspects. The additional time is also required due to the reduced availability of key personnel and relevant stakeholders during the Italian summer holiday period. We would be grateful for your favourable consideration of this request and look forward to your kind response.

Answer #11: See Clarification Note#1, question 5 (#98404 in F&T Portal).

Question 12: With reference to the procedure in question in order to prepare the best bid according to your requirements, we kindly request an extension of at least 3 weeks to be granted for the submission of the Bid.

Answer #12: See Clarification Note#1, question 5 (#98404 in F&T Portal).