

EUSPA/RP/01/22
"Engineering Services"

Annex I to Invitation to Tender
"Tender Specifications – Phase I"
(All Lots)

Ref: EUSPA/RP/01/22/Annex I

Issue: 1 Rev 0

Date: 06/04/2022

Index

1	Overview	5
1.1	Context of the tender: European Union Agency for the Space Programme	5
1.2	Outline of the procurement	6
1.3	Principles	6
1.4	Purpose of the Invitation to Participate	6
1.5	Phase I: Invitation to Participate and selection of Tenderers	7
1.6	Phase II: Submission of Tenders	9
1.7	Change of incumbent contractor	10
1.8	Applicable legal acts and rules	10
1.9	Procurement schedule	11
1.10	Submission of Non-Disclosure Undertaking (NDU)	13
2	Terms of reference	15
2.1	Description of the Lots	15
2.1.1	Introduction to Lots and general management requirements	15
2.1.2	Functions and profiles of Contractor personnel	16
2.1.3	FWC implementation approach	17
2.1.4	Deliverables	17
2.1.5	Contractor Personnel	18
2.1.6	Place of performance	18
2.1.7	Simulation Exercise	18
2.1.8	Resource estimation	19
2.1.9	Quality and acceptance	20
2.1.10	Quality performance assessment	20
2.2	Legal and contractual terms of reference	20
2.2.1	Participation conditions	20
2.2.1.1	Participation conditions for Tenderers (prime contractors, Core Team and subcontractors)	20
2.2.1.2	Participation conditions for prime contractors or core team members	22
2.2.1.3	Participation conditions for subcontractors not part of the Core Team involved in security sensitive activities	23
2.2.1.4	Participation conditions for subcontractors not involved in security sensitive activities	24
2.2.1.5	Specific <i>conditions for PRS-related activities</i>	24
2.2.1.6	Specific <i>conditions for crypto-related activities</i>	25
2.2.2	Volume of the contract	25
2.2.3	Duration	26
2.2.4	Compliance with internal rules, conflicting professional interest and confidentiality	26
2.2.5	Facility Security Clearance	28
2.2.6	Personal Security Clearance	28
2.2.7	Local Security Officer	28
2.2.8	Security Aspects Letter	29
2.2.9	Core Team and Industrial organisation of the Tenderer	29

2.2.10	Subcontracting	30
2.2.11	Participation of consortia	33
2.2.12	Intellectual property rights	34
2.2.13	Terms of payment	34
2.2.14	Liability	34
2.2.15	Language of the FWC	34
2.2.16	Working conditions of the Contractor's personnel	34
3	Assessment of the requests to participate and the tenders	34
3.1	Exclusion criteria	35
3.1.1	EU Restrictive Measures	35
3.2	Selection criteria	35
3.2.1	Legal and regulatory capacity (Phase I)	36
3.2.2	Economic and financial capacity applicable for each Lot (Phase I)	44
3.2.3	Technical and professional capacity (Phase I)	46
3.3	Minimum requirements (Phase I)	48
3.3.1	List of requirements	49
3.4	Award stage (Phase II)	49
3.4.1	Qualitative award criteria	50
3.4.2	Financial award criteria (Phase II)	51
3.4.3	Detection of abnormally low tenders	52
3.4.4	Calculation of final score and ranking of tenders	52
4	Conditions of submission of tenders	53
4.1	Disclaimers	53
4.2	Visits to premises or briefing	53
4.3	Variants	53
4.4	Preparation costs of tenders	53
4.5	Presentation of the tender	53
4.5.1	Language	53
4.5.2	Outer envelopes	53
4.5.3	Inner envelopes of the Request to Participate	54
4.6	Content of the Request to Participate (Phase 1) to be submitted	54
4.6.1	Administrative file (ENVELOPE/FOLDER 1)	55
4.6.2	Technical file (ENVELOPE 2)	57
4.6.3	Recapitulative table	57
4.7	Submission	61
4.8	Period of validity of the tender	63
4.9	Further information	63
4.10	Information for Tenderers	64
4.11	Data protection	64

4.12	Tenderer's consent to the use of information supplied in the tender	68
5	Acronyms and definitions	68
6	List of tender specifications annexes	74

1 Overview

The present Tender Specifications, attached to the Invitation to Tender, complement the information contained in the Contract Notice ref. 2022/S 084-222887 with further information on the procurement procedure and scope.

1.1 Context of the tender: European Union Agency for the Space Programme

The European Union Agency for the Space Programme (hereinafter “EUSPA”, “the Agency” or “the Contracting Authority”) is a European Union regulatory authority whose mission is to contribute to the European Union Space Programme. EUSPA replaces and succeeds the European GNSS Agency formed by the European Union to accomplish specific tasks related to the European GNSS programmes (including Galileo and EGNOS).¹ EUSPA takes on increased responsibilities not only for Galileo and EGNOS, but also for other EU Space Programme components, including Copernicus, GOVSATCOM and Space Situational Awareness (SSA).

Further information can be found on the Agency’s web site at <https://www.euspa.europa.eu/>. This website contains for instance information about:

- European GNSS programmes (<https://www.euspa.europa.eu/european-space/eu-space-programme/what-gnss>); or
- Legal framework applicable to EUSPA (<https://www.euspa.europa.eu/media-library/register-of-documents>)

Following the requirements under Article 160 of Regulation (EU, Euratom) 2018/1046 on the financial rules (“Financial Regulation” or “FR”) with regard to broad competition and the objectives of Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme (“Space Regulation”), in particular its Article 14(1) to promote the widest and most open participation possible throughout the Union by all economic operators, in particular by new entrants and SMEs, including through encouraging recourse to sub-contracting by the tenderers, this procurement has been broken down into lots, covering different needs of the Contracting Authority and different areas of expertise.

¹ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU

1.2 Outline of the procurement

Name: EUSPA/RP/01/22 "Engineering Services"

Procedure: **Restricted procedure** in accordance with Article 164(3) and (5)(a) FR.

EUSPA will act as a Contracting Authority for this procedure and will therefore sign the Framework Contract(s) awarded.

1.3 Principles

- Tenderers are required to accept all the terms and conditions set out in the Invitation to tender, Tender Specifications and draft contract. Tenderers are required to waive their own general or specific terms and conditions. The terms and conditions set out in the Invitation to Participate, Tender Specifications and draft Contract shall be binding on the Tenderer to whom the Contract is awarded for the duration of the Contract.
- Any attempt by a Tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the Contracting Authority during the process of examining, clarifying, evaluating and comparing tenders will lead to rejection of its tender and may result in administrative penalties.
- This document, its annexes, the draft Contract and any subsequent associated documents to be issued by the Contracting Authority in the course of this procurement process are in no way binding on the Contracting Authority. The Contracting Authority's contractual relationship commences only upon signature of the Contract with the successful Tenderer.
- The Contracting Authority may either abandon the procurement or cancel the award procedure, without Tenderers being entitled to claim any compensation.
- The Contracting Authority reserves the right to supplement, vary, terminate or otherwise amend the tendering process, to the extent allowed under applicable procurement rules and without any liability for financial compensation to the Tenderers.

1.4 Purpose of the Invitation to Participate

The objective of the Invitation to Participate is to conclude multiple Framework Contracts, i.e. one Contract per each lot, as further detailed below, (hereinafter referred to separately and/or individually as "the Contract", "Framework Contract", or "FWC") for the following areas:

1. Galileo Service and Security Engineering Support;
2. Galileo System Prime and NPRS user segment Engineering Support;
3. Galileo PRS and Cyber Security Engineering Support; and
4. Galileo Security Accreditation Preparation Support.

The procurement will help to ensure consistency of the necessary support of the Galileo programme beyond the end of the current WP1x System and Service Support Contract. The procurement will be organized following a consecutive **two-phase procedure** described further below.

Considering the different nature and objectives of the concerned areas and the activities to be performed, the procurement is divided into 4 (four) lots. The technical activities (tasks) to be performed under each lot are presented in the specific statement of work per lot.

The lots of the present procurement are the following:

- Lot 1: “Service and Security Engineering”
- Lot 2: “System Engineering”
- Lot 3: “PRS & Cyber”
- Lot 4: “Security Accreditation”

Tenderers may tender for one or several lots, but must make a separate offer for each lot, as lots will be evaluated separately.

Where the reference is made to the FWC in these Tender Specifications, it should be assumed that any such reference is also meant to cover any specific contracts concluded pursuant to the FWC, in particular when there is a reference covering any obligation of the Tenderers.

1.5 Phase I: Invitation to Participate and selection of Tenderers

In Phase I of this procurement, EUSPA aims at pre-selecting Tenderers according to the **exclusion criteria, selection criteria and participation conditions** specified in the present document and its annexes. These documents aim at providing Tenderers with sufficiently detailed information on the scope and main driving requirements of the procurement for the Phase I and for the subsequent phases of this procurement procedure.

In line with the confidential nature of some of the proprietary information contained in the detailed specifications of this procedure, those documents will be included only in the invitation to Phase II as per Annex I, point 25.1 FR, such invitation to be sent to pre-selected Tenderers only.

In Phase I of this procurement procedure the following documents are made available to the Tenderers:

- a) Contract Notice
- b) Annex I to Invitation to Participate with its annexes:
 - Annex I.A to I.D – Administrative Annexes

- Annex I.E – Template Financial statements
- Annex I.F – Non-Disclosure Undertaking
- Annex I.G – Security Aspects Letter (for information only)
- Annex I.H – Statement of Applicability of the SAL (for information only)
- Annex I.I – Statements of Work (lots 1-4)
- Annex I.J – Financial Tables of Answers (lots 1-4)
- Annex I.K – Part I – Criteria for assessment of participation conditions
Part II – Excel Spreadsheet – Declaration of Ownership and Control
Part III - Additional information regarding the Assessment of participating conditions
- Annex I.L – Management requirements
- **Annex I.M – Template PRS Information Management Plan**

c) Draft Framework Contract (Annex II) with its unclassified Annexes:

- Annex II.IV – draft Specific Contract (included in the draft Contract)
- Annex II.V – Template Declaration on confidentiality and absence of Professional Conflicting Interests
- Annex II.VI – Security Aspects Letter (SAL) (as in Annex I.G of Annex I)
- Annex II.VII – Not used
- Annex II.VIII – Template Deliverables acceptance sheet – (included in the draft Contract)
- Annex II.IX – Declaration of Background Intellectual Property Rights
- Annex II.X – Declaration of Foreground Intellectual Property Rights
- Annex II.XI – Ceilings for Missions to non-European Union Member States (enclosed in the present document) (included in the draft Contract)

The following annexes to the Framework Contract (Annex II) will be provided at a later stage:

- Annex II.I – Template Statements of Compliance – will only be provided in Phase II

- Annexe II.III – Successful Tenderers' tender and Annex II.I will be included as Annex to the Contract upon signature.

The needs and description of the tasks for this procedure are described in the terms of reference set forth in section 2 and further detailed in the Annex I.I – Statement of Work.

In Phase I, any interested economic operator may submit a tender for Phase I to EUSPA as long as it fulfils all the requirements set out in the Contract Notice and these Tender Specifications. The tender has to be submitted by the deadline specified in section 1.9 and satisfy the conditions of submission defined in section 4.7 below.

Together with the Request to Participate, a duly signed Non-Disclosure Undertaking (**NDU**) shall be submitted according to the requirements specified in section 1.10.

The Evaluation Committee will pre-select the Tenderers who will be invited to submit their tenders on the basis of the **exclusion and selection criteria** (sections 3.1, and 3.2 below).

1.6 Phase II: Submission of Tenders

In Phase II, EUSPA will invite the pre-selected Tenderers to submit a tender for Phase II. The tender shall be in the form of a response to a simulation exercise (included in Annex I.I). The Simulation exercise will be used for evaluation purposes in Phase II as specified in Section 3 of these Tender Specifications. Unsuccessful Tenderers will be notified of the outcome of Phase I evaluation.

The invitation to Phase II will include:

- a) Invitation to submit tenders in reply to the requirements mentioned above;
- b) Statement of compliance to SAL;
- c) Proprietary information provided under NDU;
- d) Any additional documents that may be necessary.

The tenders will be evaluated by the Evaluation Committee on the basis of the minimum requirements under section 3.3 and award criteria under section 3.4 for the purposes of selecting the best Tenderer for the award of the contract for each lot.

1.7 Change of incumbent contractor

Tenderers are informed that activities/services constituting the subject matter of this tender may currently be performed by an incumbent contractor. In case of a change of contractor as a result of the present tender, the tenderers shall assess the applicability of the Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, as implemented in the relevant national legislation(s). Any risk or impact stemming from the application of the above-mentioned legislation shall be entirely allocated to the Contractor and shall be taken into consideration in the formulation of the offer.

1.8 Applicable legal acts and rules

The legal context of this procurement procedure is given for indicative and non-exhaustive purposes by the following documents:

- Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU.
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.
- Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission.
- Commission Decision (EU, Euratom) No. 2015/444 of 13 March 2015 on the security rules for protecting EU classified information.
- Council Decision 2013/488 of 23 September 2013 on the security rules for protecting EU classified information
- Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

- Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme.
- Council Decision (CFSP) 2021/698 of 30 April 2021 on the security of systems and services deployed, operated and used under the Union Space Programme which may affect the security of the Union, and repealing Decision 2014/496/CFSP.
- The Programme Security Instruction (PSI) concerning European GNSS Programmes, always in the latest version (current: Version **[4.1]** issued by the GNSS Security Board (GNSS SB) dated **[26 September 2014]**).
- Financial Framework Partnership Agreement (FFPA) between the European Commission representing the European Union and EUSPA and ESA on the implementation of the Union Space Programme and Horizon Europe
- Contribution Agreement between the European Commission representing the European Union and EUSPA on the implementation of the Union Space Programme and Horizon Europe under the FFPA

The procurement procedure will be carried out in accordance with the Financial Regulation.

Important note: It shall be the Contractor's duty and corresponding sole responsibility to comply and ensure full compliance with all applicable laws at any part of performance under the FWC contemplated to be awarded as a result of the current procurement procedure.

1.9 Procurement schedule

Phase	Action	Date	Comments
Phase I – Invitation to Participate and pre-selection of Tenderers	Submission for publication of Contract Notice in the Official Journal of the European Union	22 April 2022	All documents of the Invitation to Tender will be made available at: https://www.euspa.europa.eu/opportunities/procurement
	Deadline for requests for clarification for Phase I	23 May 2022 6 June 2022	Clarification requests to be sent in writing only to: tenders@EUSPA.europa.eu

	Last date on which clarifications may be issued by EUSPA	25 May 2022 8 June 2022	All clarifications will be published at EUSPA's procurement website: https://www.euspa.europa.eu/opportunities/procurement Tenderers are encouraged to check EUSPA's procurement website on a regular basis.
	Deadline for submission of Requests to Participate including NDU	31 May 2022 14 June 2022	In accordance with the conditions of submission set out in section 4.6.2.
	Evaluation process of Phase I (estimated)	15 July 29 July 2022	Please note that within this time, the Tenderer may be requested to answer clarification questions posed by the Evaluation Committee, with short deadlines for responses.
Phase II – Submission of Tenders	Invitation to Tender (estimated)	July	Dispatch of invitations to tender and tender documents to the pre-selected Tenderers. Notifications sent to unsuccessful Tenderers.
	Deadline for requests for clarification for Phase II		Requests for clarification shall be sent by email to tenders@euspa.europa.eu , clearly specifying in the subject the reference of this procurement procedure (EUSPA/RP/01/22).

			Deadline will be determined in the tender specifications – Phase II.
	Last date on which clarifications may be issued by EUSPA		Deadline will be determined in the tender specifications – Phase II.
	Deadline for submission/receipt of Tenders (estimated)	September	
	Period for evaluation of Tenders (estimated)	November	Further information will be provided in the tender specifications – Phase II.
	Award decision and information on selected Tenderers (estimated)	December	
	Signature of the Contract(s) (estimated)	December	
	Start of Contract(s) (Kick-off meeting) (estimated)	January	

Table 1 – procurement schedule

1.10 Submission of Non-Disclosure Undertaking (NDU)

The Contracting Authority and the Tenderer (including any consortium member and subcontractor) participating in this procurement procedure shall treat with confidentiality any information and documents, disclosed in any form, in writing or orally, in relation to the procurement procedure.

In order to have access to the proprietary information which is relevant for the tender (see below), and which shall be provided to the tenderers selected for Phase II, the economic operators participating in this procurement procedure are required to follow the Non-Disclosure Undertaking signature procedure outlined below.

The NDU must be signed only by the prime Tenderer or the consortium coordinator. With the signing of the NDU, the prime Tenderer or consortium coordinator, irrevocably and explicitly declares that it will ensure that the provisions of the NDU shall apply wholly and unconditionally to any members of the Contractor's consortium and any of the subcontractors and any personnel it may draw on for the preparation of the tender.

As indicated above in section 1.9, the prime Tenderer or the consortium coordinator must submit with the Request to Participate an NDU in order to be granted in Phase II an access to proprietary information, which is relevant for the drafting of the tender. For this purpose, they shall each submit:

1. NDU using the form attached in **Annex I.F** ~~LG Error! Reference source not found.~~;
2. proof that the person signing the NDU is authorised to represent the Tenderer Tenderer/subcontractor.

The NDU shall be submitted with the Request to Participate as provided in in section 4.6.2.

The following restrictions apply:

- a. Previously signed NDUs with EUSPA shall not be regarded as fulfilling the NDU requirements under the present procurement procedure.
- b. Only entities which, according to the submitted Request to Participate are admitted to Phase II (i.e. comply with the set exclusion and selection criteria) will receive the Proprietary Information.-
- c. Only after the successful completion of Phase I of the tender, the Tenderers may receive the relevant Proprietary Information. Tenderers are informed that any deviation/amendment with respect to the NDU text under Annex I.F may delay or prevent disclosure of the documentation at the sole risk of the Tenderer.
- d. Proprietary Information is defined in Article 1 of the NDU (Annex I.F).
- e. Before disclosure of Proprietary Information to their subcontractors, Tenderers shall ensure that such subcontractors:
 - have proven their need to know for the purpose of supporting the Tenderer's offer of participation in this procurement procedure,
 - are bound by provisions equally onerous as those of the NDU signed by the Tenderers, and
 - fulfil the conditions of the present Tender Specifications.

EUSPA may request submission of the NDU, signed by the subcontractors for verification.

- f. Potential Tenderers that decide not to submit a tender (Phase II) must, within fifteen (15) working days from the deadline for submission of tender (Phase II) (see table in section 1.9), follow the obligations detailed in Article 4 of the NDU. Likewise, an unsuccessful Tenderer is required to follow the obligations detailed in Article 4 of the NDU, within fifteen (15) working days after publication of the relevant contract award notice in the Official Journal of the European Union.

Relevant documents for the preparation of Phase II of the tender, subject to NDU, are the following:

Document title	Relevant for Lots:
Standalone Galileo Classification Guide, R-UE / EU-R	1, 2, 3, and 4
Galileo Security Accreditation Strategy	4
COMSEC Annex to Galileo PSI, R-UE / EU-R	1, 2, 3, and 4
Spider Network SECOPS	1, 2, 3, and 4
Spider Network CONOPS	1, 2, 3, and 4
Spider Networks - KMP	1, 2, 3, and 4
Cybersecurity Tender Specifications	1, 2, 3, and 4
Cybersecurity requirements for Management	1, 2, 3, and 4
Cybersecurity requirements for service infrastructure	2 and 4
Cybersecurity requirements for service infrastructure maintenance	2 and 4
Cybersecurity requirements for service operations	2 and 4
Resilience Test Methodology	2
Galileo Ground Segment Integration Standard GGSIS	1, 2, 3, and 4
Galileo Software Standard for Ground GSWS-G	1, 2, 3, and 4

Table 2 – Proprietary Information subject to NDU

2 Terms of reference

2.1 Description of the Lots

2.1.1 Introduction to Lots and general management requirements

Considering the different nature and objectives of the activities to be performed, the Framework Contracts will be awarded for the 4 (four) lots described in the following sections. Tenderers may tender for one or more lots but must make a separate tender for each lot, as lots will be evaluated separately.

The Contracting Authority will not accept double financing of Contractor's staff and expenses across lots. The Tenderers shall therefore ensure through appropriate organisational measures that resources and related activities are clearly allocated to individual lots and do not overlap with activities in other lots.

Effort for the Contractor's own management of the contract must not be charged separately but shall be included in the price of the Contract.

As part of its contract management, the Contractor must in particular, without limitation, comply with the requirements of Annex I.L – Management Requirements for EUSPA/RP/01/22:

2.1.1.1 Lot 1: Galileo Service and Security Engineering Support

The description of tasks, expected deliverables, and further details on requirements is provided in Annex I.1.-Statement of Work.

2.1.1.2 Lot 2: Galileo System Prime and NPRS user segment Support

The description of tasks, expected deliverables, work packages and further details on requirements is provided in Annex I.2.-Statement of Work.

2.1.1.3 Lot 3: Galileo PRS and Cyber Security Engineering Support●

The description of tasks, expected deliverables and further details on requirements is provided in Annex I.3.-Statement of Work.

2.1.1.4 Lot 4: Galileo Security Accreditation Support

The description of tasks, expected deliverables and further details on requirements is provided in Annex I.4.-Statement of Work.

2.1.2 Functions and profiles of Contractor personnel

For the performance of the Tasks subject, Tenderers may choose to make available personnel with the following functions/profiles. With their tender, CVs² of the personnel proposed by the Tenderer to perform the activities shall be provided to the EUSPA for verification of profile compliance.

If the consultant acquires during the contract implementation experience necessary for a higher profile, the Contractor may request his/her requalification for higher profiles.

Function	Profile
F1 - Principal Consultant	Minimum 10 (ten) years of experience in the tasks
F2 - Senior Consultant	Minimum 6 (six) years of experience in the tasks

² CVs shall be provided in a searchable format, i.e. like word or searchable .pdf with the exclusion of scanned files, including name and surname.

F3 – Junior Consultant	Minimum 3 (three) years of experience in a similar field or task
------------------------	--

Table 3 - Personnel functions and profiles

2.1.3 FWC implementation approach

The FWC shall be implemented via the signature of Specific Contracts (SCs) for each particular assignment, that will become need for EUSPA.

In its request for services, EUSPA will define the tasks to be performed under the SC and the deliverables that are to be produced under each task.

The contractor's SC proposal shall be drafted as provided in the FWC (Annex II), and shall include a price proposal for each deliverable requested, built on the basis of the framework Fixed Unit Prices (FUPs) and the consultancy effort³ necessary for the deliverables production.

The tender financial proposal (due in Phase II of the procurement) shall provide:

- **Fixed Unit Prices (FUPs):**
 - Man-day rate per category of personnel (junior, senior, principal);
 - Test equipment daily rates (for lot 2, task 7)

that will remain fixed for the full duration of the FWC.

2.1.4 Deliverables

The deliverables to be supplied during the execution of the FWCs may include:

- Technical reports whose content is within the scope of the specific technical terms of reference for all Lots that will be further specified in specific contracts,
- Progress reports (monthly, quarterly, ad hoc, final) as defined in the relevant specific contracts,
- Further deliverables as specified in Annex I.I (lots 1 to 4).

And upon request by the Contracting Authority:

- Presentations,
- Minutes of meeting,

³ and test equipment – for task 7 of Lot 2.

Other specific deliverables related to the execution of the tasks defined in the statements of work for the lots.

Unless otherwise specified by the Contracting Authority, for each task, the Contractor shall deliver an electronic copy of each deliverable (in .pdf as well as .doc data format) with all relevant data (in agreed format depending on nature of the data). The Contracting Authority may request that the Contractor also submits a paper copy of the final versions of the deliverable and annexes at no additional costs. The deliverables shall if not otherwise specified, be in the English language.

2.1.5 Contractor Personnel

The Contractor shall provide the list of active staff that have demonstrated experience in the field to ensure outstanding quality in performing the critical tasks identified in the statement of work. Additionally, a list of staff members with an active and valid PSC shall be identified for work on classified documents and matters.

The Contractor shall be responsible for any delay in the execution of the tasks assigned to it resulting from the replacement of staff.

2.1.6 Place of performance

For all lots, the place of performance of the tasks all staff shall be at the contractor premises. Regular at least quarterly missions to Prague or other locations for meetings, workshops or similar may be requested from the Contractor as detailed in Annexes I.1-I.4.

The Tenderers shall bear in mind that during the performance of the tasks, their involved personnel may be requested to travel on missions to destinations other than the ones mentioned above, primarily, but not exclusively, within the European Union. The provisions for travel and subsistence expenses as laid down in the FWC apply.

2.1.7 Simulation Exercise

The aim of the simulation exercise is to provide the Tenderers with an overview of the range of activities they may be asked to perform under the FWCs, based on the tasks described above. The simulation exercise is further a **likely and common scenario for the implementation of the FWCs** through specific contracts for individual tasks and. **the quality and the price of the submitted tenders will be evaluated in Phase II based on it.** The simulation exercise is available in the Annex 'Statement of Work of each lot.

The pre-selected Tenderers continuing into Phase II of this procurement procedure, will be asked to submit, with their tender, the input requested for the Simulation Exercise, as relevant for the tendered lot.

Each Simulation Exercise has been designed to obtain the Tenderers' offers, both in terms of deployed resources necessary to perform specific deliverables and price with respect to an indicative set of tasks they may be asked to perform under the FWC of a specific lot, based on the tasks described in the Invitation to Tender and its respective Annexes. Due to the nature of the Contracting Authority's activities and its evolving character, the Simulation Exercises are 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 a scenario has been developed, not be subject to changes, the Tenderer's offer for the scenario shall be considered binding and enforceable.

The simulations span over a period of 12 (twelve) months of the maximum 4-year period of the FWC, in light of the likely repetition of activities following the simulated initial 12 (twelve) months.

The first SC may follow the requirements expressed in the respective Simulation Exercises with the possibility of slight down- or upward adjustments which the Contractor shall accommodate with respective corresponding adjustments of the offered price, fully supported by the increased/decreased effort and based on its quotations under **[Annex I.J]** (Lots 1 through 4), as forming part of its tender.

2.1.8 Resource estimation

For each scenario in the simulation exercise, the Tenderer shall identify in its tender a suitable team to execute each task/deliverable and shall provide the workload envisaged. The proposed team will be subject to tender evaluation, under award criterion Q1.

Certain tasks may require/be aided by tools at the disposal of the tenderer. The availability and use of such tools for the required tasks is to be outlined in the technical proposal and will be part of the technical assessment of the proposal. If so specified in Annex I.1 - Lot 1 through Annex I.4 – Lot 4 there may be further tools provided as CFIs to the contractor to carry out certain tasks. The costs related to the use of tools shall be included by the tenderer in the daily rate effort required for a task and reflected in the financial proposal.

At a specific contract implementation level, the Contractor's project manager shall identify a suitable team to execute each task and shall provide the work schedule envisaged. The Contracting Authority will assess the work schedule and confirm it, if deemed acceptable. The Contractor shall then deploy the team in accordance with the confirmed schedule and work on the tasks until the respective deliverables are duly provided to the Contracting Authority.

Some tasks may require resources that are variable in comparison to the initial task definition presented in the specific contract. This may be due to the complexity of the target of evaluation or of the scope of the service of expertise required. In such a case the Contracting Authority will adjust, in respect of the total budget of the specific contract, the number of man-days required in order to adjust the task duration.

2.1.9 Quality and acceptance

The Contracting Authority will assess the completion of tasks. This will be done by comparing the quality and coverage of the deliverables against the requirements specified in Annex I.L and against further agreements reached during the regular payment milestone meetings. Details on the acceptance process are provided in Annex I.L and will be included in each specific contract.

2.1.10 Quality performance assessment

Activities carried out under the FWCs shall meet the highest professional standards and include, without limitation as specified in Annex I.L:

- Effective contract management: seeking agreement on objectives, timing and deliverables, adjusting them when needed.
- Compliance with the schedule for execution of deliverables.
- Reliable and efficient document management, including storage.
- Transparent reporting and risk management: any technical deviation (such as a change of scope, schedule, planning) or administrative deviation (such as a change of legal representative, address, bank details, contact person, composition of consortium and/or of subcontracting) must be immediately reported to the Contracting Authority.
- Quarterly reporting as requested by the Contracting Authority. To this end, and unless otherwise agreed, regular meetings may be organised via teleconference or at either the Contracting Authority or the Contractor's premises.

2.2 Legal and contractual terms of reference

2.2.1 Participation conditions

2.2.1.1 Participation conditions for Tenderers (prime contractors, Core Team and subcontractors)

In order to protect the essential security interest of the Union and its Member States, in accordance with Article 24 of Regulation (EU) 2021/696, the participation to this tender is open to economic operators fulfilling the following three cumulative conditions:

- a) legal entities established in a Member State with their executive management structures established in that Member State.

- Economic operators are considered to be established in the EU when they are formed in accordance with the law of an EU Member State, and have their central administration, registered office and principal place of business in an EU Member State (if legal persons) or they are nationals of one of the EU Member States (if natural persons).
 - ‘Executive management structure’ means the body of the legal entity appointed in accordance with national law and which, where applicable, reports to the chief executive officer or any other person having comparable decisional power, and which is empowered to establish the legal entity’s strategy, objectives and overall direction, and oversees and monitors management decision-making;
- b) economic operators committing to carry out all relevant activities in one or more Member States; and
- c) legal entities not being subject to control by a third country or third country entity. For the purpose of this paragraph ‘control’ means the ability to exercise a decisive influence over a legal entity directly or indirectly through one or more intermediate legal entities.

These participation conditions shall be met at the moment of submission of the request to participate and throughout the whole duration of the resulting contract, if awarded and will be checked by the contracting authority at the moment of request to participate. In case of any changes related to the compliance with these participation conditions, the economic operator, which was awarded a contract, is obliged to inform the contracting authority about the changes without delay.

The criteria for the assessment of participation conditions has been laid out in Annex I.K (Parts 1, 2 and 3), including a dedicated Annex I.K -Part 2 to be filled by the Tenderers. Please note that for the assessment of control the filling, signature and submission of the Declaration of Ownership and Control in Annex I.K - Part 2 is required.

The document entitled “*Criteria for Assessment of Participating Conditions*” available in Annex I.K - Part 1 describes the information to be provided by the Tenderers (including prime contractors, core team and subcontractors) which will be used to assess the criteria a), b) and c) above.

Additional guidelines on the criteria which will be applied and the circumstances which will be taken into account by the Contracting Authority and the competent evaluation boards to assess the situation of dominant influence are contained in Annex I.K – Part 3.

Tenderers (including prime contractors, core team and subcontractors) who have formally submitted the information/documents/supporting evidence requested in Annex I.K in another procedure of the European Commission or EUSPA (notably in the frame of the EU regulations 2018/1092, 2021/697 or 2021/696), have no obligation to repeat the exercise, if the time that has elapsed since the issuing of the information/documents/supporting evidence does not exceed one year at the time of submission of the proposal and are still valid at that date.

In this case, Tenderers shall declare on its honour that the documentary evidence has already been provided in a previous procedure as per the above, provide reference to that procedure (in Annex to the Cover letter) and confirm that there has been no change in the situation.

Upon request of the Contracting Authority, the information/documents/supporting evidence already submitted as per the above, shall be resubmitted.

The participation conditions will be evaluated in Phase I as selection criterion L2., table 4 – Legal Capacity Selection Criteria.

2.2.1.2 Participation conditions for prime contractors or core team members

For Lot 1:

Due to the security dimension and interests related to the activities under the lot concerned, the Contracting Authority will not accept requests for waiver for the conditions laid down in point a), b) and c) of para 2.2.1.1. above.

For Lots 2 to 4:

Due to the security dimension and interests related to the activities under the lots concerned, the Contracting Authority will not accept requests for waiver the conditions laid down in points a) and b) of para 2.2.1.1. above.

The Contracting Authority may decide, upon a motivated and justified request, to waive the conditions laid down under point c) of paragraph 2.2.1.1 above with regard to any entity, which applies as a prime contractor or core team member.

When the request for waiver refers to point c) of paragraph 2.2.1.1, it shall include the assessment from a competent authority of a Member State in which the entity is established guaranteeing that:

- a) control over the entity is not exercised in a manner that restrains or restricts its ability to:

- (i) carry out the procurement; and
 - (ii) deliver results, in particular through reporting obligations;
- b) the controlling third country or third country entity commits to refrain from exercising any controlling rights over or imposing reporting obligations on the entity in relation to the procurement; and
- c) the entity in question has taken all the necessary measures to comply with Article 34(7) of Regulation 2021/696 in particular with regards to the protection of EU classified information.

The request for waiver shall be made at the moment of the submission of the request to participate.

The waiver under point c) of paragraph 2.2.1.1 will not be automatically granted even if the conditions a), b) and c) above under paragraph 2.2.1.2 are met and the entity provides the assessment of a competent authority as regards its guarantees. The decision on the waiver shall be taken having regard to the objectives laid down in Article 24 (1) of the Regulation 2021/696.

2.2.1.3 Participation conditions for subcontractors not part of the Core Team involved in security sensitive activities

For this procurement, security sensitive activities are all activities requiring access to EU classified information (EUCI) in accordance with the Security aspect letter.

In this procurement, due to the security dimension and interests related to the activities, the Contracting Authority will not accept requests for waiver of the conditions laid down in points a) and b) of para 2.2.1.1., above with regard to any entity, which applies as subcontractor involved in security sensitive activities.

The Contracting Authority may decide, upon a motivated and justified request, to waive the conditions laid down under point c) of paragraph 2.2.1.1 above with regard to any entity, which applies as subcontractor involved in security sensitive activities

When the request for waiver refers to point c) of paragraph 2.2.1.1, it shall include the assessment from a competent authority of a Member State in which the entity is established guaranteeing that:

- a) control over the entity is not exercised in a manner that restrains or restricts its ability to:
- (i) carry out the procurement; and
 - (ii) deliver results, in particular through reporting obligations;

- b) the controlling third country or third country entity commits to refrain from exercising any controlling rights over or imposing reporting obligations on the entity in relation to the procurement; and
- c) the entity in question has taken all the necessary measures to comply with Article 34(7) of Regulation 2021/696 in particular with regards to the protection of EU classified informations.

The request for waiver shall be made at the moment of the submission of the request to participate.

The waiver under point c) of paragraph 2.2.1.1 will not be automatically granted even if the conditions a), b) and c) above under paragraph 2.2.1.2 are met and the entity provides the assessment of a competent authority as regards its guarantees. The decision on the waiver shall be taken having regard to the objectives laid down in Article 24 (1) of the Regulation 2021/696.

2.2.1.4 Participation conditions for subcontractors not involved in security sensitive activities

The conditions set out above do not apply to subcontractors that do not carry out security sensitive activities.

Article 176 of Regulation 2018/1046⁴ shall apply for the participation in all other subcontractors that do not carry out activities where it is deemed necessary and appropriate to preserve the security, integrity and resilience of the operational systems of the European Union (defined as the activities not requiring access to EU Classified Information, including for commercial of the shelves hardware and software).

2.2.1.5 Specific conditions for PRS-related activities

In addition to the above conditions, an economic operator in charge of PRS-related activities (at prime or subcontractor level) shall be authorised by the Security Accreditation Board (SAB) in the PRS category indicated per Lot under criterion L6. in table 4 – Legal Capacity Selection Criteria.

An economic operator authorised by the SAB for PRS security module manufacturing (SM) shall, in addition,

- i. either be owned solely or through majority ownership by a Member State, or
- ii. nationals of Member States holding a personnel security clearance granted by a Member State are appointed in its Board of Directors and that entity has delegated to these nationals the exclusive authority to take decisions related to the PRS.

⁴ Article 176 of Regulation 2018/1046 of the European Parliament and the Council of 18 July 2019 (Financial Regulation).

Compliance with this requirement shall be evidenced

- i. by official documentary evidence proving at least one PRS authorisation of the entity in the PRS category indicated per Lot under criterion L6 in table 4 or written proof that it has submitted a request for authorisation at the category indicated per Lot under criterion L6 in table 4 at the moment of the submission of the Request to Participate, to be authorised by the Security Accreditation Board at the time before receiving the tender documents subject to Phase II.
- ii. by a PRS information Management Plan (PIMP) which follows the EUSPA template (provided as part of the procurement documentation) establishing the responsibilities of the candidates (including consortium members and subcontractors) for the management of the PRS information, how the need to know of the persons entitled to access information in each PRS category is managed (including an organisation chart clearly showing the units within the organisation and naming natural persons who may require access to classified PRS information), how PRS documents are marked, handled, transmitted within the candidate (including consortium members and subcontractors), with the Contracting Authority and with third parties inside or outside the EU. The PIMP shall demonstrate how the PRS Need to Know is implemented for each PRS deliverable (the list of deliverables will be provided as part of the Phase II documentation).

2.2.1.6 Specific conditions for crypto-related activities

In addition to the above conditions, an economic operator in charge of activities requiring access to CRYPTO information, shall demonstrate that it may access such information indicated per Lot under criterion L8. in table 4 – Legal Capacity Selection Criteria.

Compliance with this requirement may be evidenced as indicated under criterion L8. in table 4 – Legal Capacity Selection Criteria.

2.2.2 Volume of the contract

The indicative ceiling estimated for the maximum duration of the FWCs are:

- Lot 1: 36ME
- Lot 2: 21.8ME
- Lot 3: 12.8ME
- Lot 4: 19.2ME

The amount includes the duration of the FWCs up to 4 (four) years. This budget is not binding on the Contracting Authority and it is subject to budget availability.

The Contracting Authority reserve the right to launch an exceptional negotiated procedure for new services with the same Contractor in case of need, as foreseen in Article 164(5)(f) in connection with point 11.1(e) of Annex I of FR. The maximum additional value of new services would be 50% of the initial value of the Contract.

2.2.3 Duration

The applicable terms and conditions on duration of this FWC are defined in the draft contracts (Annex II to the Invitation to Tender).

2.2.4 Compliance with internal rules, conflicting professional interest and confidentiality

2.2.4.1 Compliance with internal rules

The Contractor shall ensure that its personnel follow any internal rules laid down by the Contracting Authority for anyone entering into or staying in the premises of the Contracting Authority. Such rules include in particular security rules and rules related to health and safety. These rules may evolve in future. Any such rules will be provided to the Contractor. They can be provided to the Tenderers during the tender procedure upon their request.

2.2.4.2 Conflicting professional interest

2.2.5.2.1 The Contractor shall ensure that its personnel sign a “declaration on confidentiality and absence of conflicting professional interest” with the Contracting Authority before commencing any service provision. The current form of such declaration is attached for information to the draft Contract. The form may evolve and cover additional aspects from time to time. This shall not in any way relieve the Contractor from any of its obligations. EUSPA reserves the right to ask the Contractor or its personnel performing the services to sign a declaration regarding confidentiality, non-disclosure and/or declaration regarding precise obligations of processing of personal data.

2.2.5.2.2. At the time of submission of the Request to Participate, throughout the tender procedure and during the term of the FWC, the Contractor shall not be in any situation that could compromise the impartial and objective performance of the FWC and the specific contracts. For this purpose, Tenderers at the time of the Request to Participate shall:

- i. either confirm their absence of conflicting professional interest; or
- ii. substantiate the potential, perceived or actual conflicting professional interest

which may negatively affect the performance of the Contract.

For either (i) or (ii) point above, the Tenderers must provide a comprehensive analysis and justification, with at least the following information:

- a) statement of absence of Conflict of Interests, justified with a reference to the previous and/or current involvement in the EUSPA space programmes (i.e. Galileo, EGNOS, SSA, Copernicus and GovSatCom and others) in activities which may have as a result that impartial and objective performance of the present FWC may be compromised ⁵ (Compliance with this requirement will be assessed in Phase I under selection criterion L5., table 4 – Legal Capacity Selection Criteria);
- b) presentation of the rules on conflict of interest, including the professional ethics rules to be applicable to the Tenderer for the FWC implementation;
- c) description of operational structure and mechanisms for monitoring, preventing and resolving conflicting interests proposed to be implemented and followed during the execution of the FWC which mitigate or eliminate the potential, perceived or actual conflicting professional interests. Under this requirement, the Tenderer shall provide an effective and convincing concept to ensure that the respective entity/-ies, including the individuals belonging to it/them, are in a position to work independently in relation to its/their tasks performed in other space projects, more particularly Galileo, EGNOS, SSA, Copernicus and GovSatCom (in Phase II with the tender).

Tenderers' input to letters b) and c) above will be assessed in Phase II, under award criterion Q.3. table 8 – Award Criteria.

2.2.4.3 Confidentiality

The Tenderer shall pay particular attention to the clauses on confidentiality of the draft Framework Contract (Annex II).

⁵ Special attention should be paid, if the Tenderer (including members of the consortium or subcontractors) have or had any role whatsoever in the preparation of specifications of, and/or preparation and/or submission of deliverables to ESA, or in relation to the Galileo Work Package 6 – System Operations ('WP6'), or WP 2 – Ground Mission Segment part of the Galileo system ('WP2'), or were involved in the preparation of specifications, and/or submission of deliverables pertaining to the Galileo Service Operator ('GSO') procurement, issued by EUSPA/EUSPA, or any contract awarded thereunder.

2.2.5 Facility Security Clearance

The Contractor(s) of all lots will have to deal with classified information in the execution of the respective contract up to level of SECRET UE/EU SECRET, not necessarily restricted to the Contracting Authority's premises. Therefore, the Contractor (including any consortium member) and subcontractors needs to be the holder of a Facility Security Clearance (**FSC**) of at least SECRET UE / EU SECRET level issued by the national security authority of an EU Member State when submitting the tender, to be maintained throughout the duration of the respective Contract, unless the Tenderer/Contractor can demonstrate to EUSPA's satisfaction in writing the absence of that consortium member's, or subcontractor's need to access classified information for performing the tasks under the respective contract outside EUSPA's premises.

Possession of the Facility Security Clearance at the time of submission of the request to participate (Phase I), will be assessed under selection criterion L.3, table 4 – Legal Capacity Selection Criteria.

2.2.6 Personal Security Clearance

Any person planned to access classified information above RESTREINT UE/EU RESTRICTED under the respective contract shall have a Personal Security Clearance (**PSC**) at the SECRET UE/EU SECRET level issued by the national security authority of an EU Member State, to be maintained throughout the duration of the respective contract.

Please bear in mind that national security authorities of some Members States require companies to hold a Facility Security Clearance before releasing PSC for their staff.

The minimum number of the Tenderer's team members (at least 3 persons) in possession of a PSC at the moment of submission of their request to participate (Phase I) will be assessed under selection criterion L.7., table 4 – Legal Capacity Selection Criteria.

The overall ability of the team to perform the tasks under the different lots, including in relation to personal security clearances, will be assessed in Phase II, under award criterion Q.1. table 8 – Award Criteria.

2.2.7 Local Security Officer

Entities handling classified information classified RESTREINT UE/EU RESTRICTED or above under the FWCs, must have appointed a Local Security Officer, to be maintained throughout the duration of the individual FWC. The appointment of the LSO will be assessed in Phase I, under selection criterion L.4, table 4 – Legal Capacity Selection Criteria.

2.2.8 Security Aspects Letter

In Phase II of this Procurement procedure, economic operators (all members of consortium and subcontractors) must submit their declaration of full compliance with the security aspects letter (referred to as “SAL” – Annex II.VII of the draft FWC) and provide evidence of compliance where requested. Any classified information should be treated according to the European GNSS PSI – AD 1 to the SAL (Annex II.VI to the draft FWC).

When submitting the proof of compliance with the security aspects letter, each economic operator (all members of consortium and subcontractors) shall also indicate the maximum classification level they are supposed to handle in the performance of the activities under their responsibility.

EUSPA may waive the requirement with regard to subcontractors for which the Tenderer can demonstrate, to EUSPA’s satisfaction, the absence of need to know and thus need to gain access to classified information or PRS information (including unclassified PRS information) for the performance of the tasks planned to be allocated to them under the respective contract.

The assessment of the letter of compliance with the SAL will be performed in Phase II, under award criterion Q.4. table 8 – Award Criteria.

2.2.9 Core Team and Industrial organisation of the Tenderer

Tenderers are required to present their industrial organisation and, in particular their Core Team (i.e. the Contractor, including, where relevant, all consortium members, and subcontractors which are essential in order for the Tenderer to meet the selection criteria under section 3.2.

The description shall include the role and responsibilities of the respective entities for the purpose of this procurement as well as a description of the Group⁶ to which they belong.

Tenderers shall prove that they will have at their disposal the resources necessary for the performance of the Contract by providing:

- Power of attorney for consortium members (Annex I.C);
- Letter of Intent (Annex I.D) on the part of every entity on whose resources they rely in order to fulfil the selection criteria, confirming the latter’s irrevocable undertaking to make such resources available to the Tenderer in case of being awarded the Contract.

⁶ For the purpose of this requirement the expression “Group” is meant to encompass i) the entity or the group of entities acting as a Tenderer, ii) the entity /entities to which the Tenderer or any of the members of the group acting as Tenderer is affiliated, iii) the entities affiliated to the Tenderer or to any of the members of the group acting as Tenderer. An entity shall be deemed affiliated to the Tenderer or any of the members of the group acting as Tenderer if their links fall within the scope of article 22 of Directive 2013/34/EU, of 26 June 2013.

Tenderers are informed that no change in the composition of the Core Team will be allowed for the purposes of the present procurement process and/or subsequent contract, unless specifically authorised by EUSPA in writing.

2.2.10 Subcontracting

2.2.10.1 General principles

- (i) The Tenderer may call on subcontractors to provide specific know-how and to fulfil selection criteria. However, subcontracting shall not relieve the eventual Contractor from its obligations under the FWC. In this respect, the Contractor shall remain the sole person legally and financially responsible vis-à-vis the EUSPA.
- (ii) When subcontracting, Tenderers shall ensure the subcontractors' compliance with the exclusion criteria under Section **3.1** ~~Error! Reference source not found.~~. **If the identity of the intended subcontractor(s) is already known at the time of submitting the RtP and/or tender, Candidates/Tenderers shall provide the subcontractor's Declaration of Honour, as provided in section 3.1** ~~Error! Reference source not found.~~. Regarding the subcontractors' compliance with the selection criteria, attention is drawn to the Important Note at the end of Section **3.2.3** ~~Error! Reference source not found.~~.
- (iii) Third parties from which Commercial Off-the Shelf (COTS) products are procured for the purpose of this FWC shall not be considered subcontractors except for the purpose of demonstrating compliance to the requirements related to subcontracting shares under Section **2.2.10.2** ~~Error! Reference source not found.~~, unless such COTS are used or present elements of connection with security relevant activities⁷ or they are part of the Core Team. The tenderer shall present a list of such third parties / COTS product for verification by the Contracting Authority.
- (iv) It is envisaged that the Contractor shall request EUSPA's prior written authorisation to introduce any newly selected subcontractor(s) according to FWC provisions.
- (v) Where no subcontracting is indicated in the RtP/tender, the work will be assumed to be carried out directly by the Tenderer.

The subcontractor may not subcontract further without prior written authorisation of EUSPA.

Any change in the composition of subcontractor/s during the procurement process or after the signature of the FWC is not permitted unless specifically authorised in writing by EUSPA.

⁷ COTS used merely as tools for production / processing of EU Classified Information not contributing / having particular role in their content elaboration / processing / protection from unauthorised access shall not be considered having security implications (text editing programmes, paper, printing equipment, etc.).

2.2.10.2 Supply Chain

According to Article 17 (1) of the Space Regulation, the EUSPA intends to promote the widest and most open participation possible by economic operators, in particular start-ups, new entrants and SMEs. On this basis and for the purposes of Article 17 of the Space Regulation, as will be set out in the draft Framework Contract, the Contractor shall have to achieve, in the course of the execution of the contract, a **30% share of subcontracting to be awarded in competitive tendering** outside the Group⁸.

The Tenderer shall provide in its offer in Phase II a detailed plan on how to achieve the above-mentioned target and the relevant milestones. The quality of the plan, the target percentage and the relevant commitments will be subject to the assessment under award criterion Q5. The compliance with the plan shall be part of the Contractor's obligations under the Framework Contract and its breach will entitle the Agency to the remedies specified therein.

For the purpose of evaluation, the target share of subcontracting as referred above shall be considered in relation to total tender price calculated based on the indicative evaluation scenario (for FWC and SC to be concluded).

For the purpose of the contract execution, the target share of subcontracting as referred above shall be considered in relation to price of the actually requested services under the FWC and not as a percentage from the maximum nominal volume of the FWC.

Tenderers are reminded that the financial aspects will not be considered for the purposes of evaluation of the Request to Participate and will only be taken into account for a preliminary calculation of the subcontracting percentages above.

During the contract implementation, given the fact that the Contracting Authority cannot assume and/or guarantee that the full budget available under the FWC will be consumed, the percentage of subcontracting will be calculated as the percentage from the actually requested services under the FWC and not as a percentage from the maximum nominal volume of the FWC. In order to ensure that the proposed percentage of subcontracting will be achieved, such subcontracting shall be done at the level of each individual specific contract concluded under the respective FWC.

⁸ For the purpose of this requirement the expression "group" is meant to encompass i) the entity or the group of entities acting as a tenderer, ii) the entity /entities to which the tenderer or any of the members of the group acting as tenderer is affiliated, iii) the entities affiliated to the tenderer or to any of the members of the group acting as tenderer. An entity shall be deemed affiliated to the tenderer or any of the members of the group acting as tenderer if their links fall within the scope of article 22 of Directive 2013/34/EU, of 26 June 2013.

Competitive tendering outside the Tenderer's group is considered to have taken place when more than one offer from an entity outside the group has been requested by the Tenderer. When subcontracting via competitive tendering is required as per this section, the Tenderer will be responsible for organising its own competitive tender(s) aimed at finding necessary subcontracting respecting the following procurement principles:

- Fair competition & equality of treatment,
- Transparency,
- Proportionality,
- Best value for money.

Tenderers are explicitly requested to raise to the attention of the EUSPA any issues they may have in fulfilling the competitive subcontracting requirement as early as possible during the tender process.

The Tenderer shall clearly indicate in its Request to Participate and Tender:

- the tasks they intend to subcontract
- the level of subcontracting for each tasks
- the SMEs involved and their place of establishment
- the competitive tendering performed
- the proportion for each subcontracted tasks (in %) in relation to the Total Price in order to demonstrate compliance with the above-mentioned requirements.

As a proof of competitive subcontracting, tender(s), including a thorough visibility of technical and financial offer of consulted entities outside the Group (envisaged subcontractors), shall be provided together with the ~~tender Request to Participate~~. **If the tenderer does not manage to complete the competitive tender(s) necessary to achieve the required percentage by the time of tender submission, they shall submit a signed undertaking presenting a credible tendering plan that they intend to carry out to achieve compliance.**

Without prejudice to the above, EUSPA may reject the proposed Subcontractor(s) and ask for another Subcontractor(s) to be proposed as part of the Tender. Such rejection shall be justified in writing by the EUSPA and may be based only on the criteria used for selection of Tenderer for the Contracts.

If the competitive tenders are completed only during contract execution, the concluded subcontracts shall not lead to a change of the FWC unless it is in favour of the EUSPA as Contracting Authority.

Tenderers may at any time after tender submission or during contract execution be requested to submit supporting evidences of their application of competitive tendering for the selection of subcontractors and their compliance with the principles established above. In addition, contractors can be subject to possible auditing according to the FWC.

In the evaluation, particular attention will be paid by EUSPA to the approach proposed by the Contractor for the management of its subcontractors.

2.2.11 Participation of consortia

Consortia may submit a RtP on the condition that it complies with the rules of competition.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure.

Such consortium must specify the company or person heading the project (the Leader). All members of the consortium must sign a power of attorney authorising the Leader to submit a RtP and tenders (initial, subsequent and BAFO) on behalf of the consortium and to represent the consortium for any FWC execution issue, including amendments of it. The template of this power of attorney is provided in **Annex I.C** ~~Error! Reference source not found.~~.

All members of a consortium (i.e. the Leader and all other members) are jointly and severally liable to the EUSPA for performance of the FWC.

Each member of the consortium must provide the required evidence for the exclusion and selection criteria (see Sections **3.1** ~~Error! Reference source not found.~~ and **3.2** ~~Error! Reference source not found.~~ below). Concerning the selection criteria “economic and financial capacity” as well as “technical and professional capacity”, the evidence provided by each member of the consortium will be assessed to ensure that the consortium as a whole fulfils the criteria.

The participation of an ineligible person will result in the automatic exclusion of that person. If that ineligible person belongs to a consortium, the whole consortium may be excluded, unless the composition of the consortium is changed as per the subsequent paragraph.

Any change in the composition of the consortium during the procurement process or after the signature of the FWC is not permitted unless specifically authorised in writing by EUSPA.

2.2.12 Intellectual property rights

Applicable terms and conditions on intellectual property rights are defined in the draft Contract (Annex II to the Invitation to Tender).

2.2.13 Terms of payment

Payments shall be made in accordance with the provisions specified in the draft Contract (Annex II to the Invitation to Tender).

2.2.14 Liability

Applicable terms and conditions of liability are defined in the draft Contract (Annex II to the Invitation to Tender).

2.2.15 Language of the FWC

English shall be the working language of the FWC including all correspondence with the Contracting Authority.

2.2.16 Working conditions of the Contractor's personnel

Working conditions of the contractor's personnel are defined in the draft Contract (Annex II to the Invitation to Tender).

3 Assessment of the requests to participate and the tenders

The evaluation of the tenders will be based solely on the information provided therein. It involves the following:

- Verification of **non-exclusion** of Tenderers on the basis of the exclusion criteria (Phase I);
- Selection of Tenderers on the basis of **selection criteria** (Phase I);
- Verification of compliance with the **minimum requirements** (Phase II); and
- Evaluation of tenders on the basis of **award criteria** (Phase II).

The Contracting Authority reserves the right to perform the evaluation in a different order.

Tenderers may participate in one or more lots, but shall submit a separate tender for each lot, as the lots will be evaluated separately against the criteria. The exclusion criteria are applicable to all lots. The selection criteria apply to the lots as indicated for the respective criterion. The Tenderer will be assessed based on both the criteria above and selection criteria depending on the lot(s) the Tenderer is participating in.

In order to demonstrate compliance with exclusion criteria, selection criteria, the Tenderers must sign the declaration of honour duly completed, signed and dated (Annex I.B). In case of consortia or subcontracting, each member of the consortium and each subcontractor must provide a declaration of honour and submit documentary evidence.

3.1 Exclusion criteria

Participation in this tender is only open to tenderers (all entities involved, including subcontractors) who will be able to sign the Declaration of Honour (Annex I.B.). Failure to do so will lead to exclusion from the procurement process.

Supporting evidence requested as part of the declaration of honour shall be submitted by the Tenderer (all consortium members and subcontractors whose contribution exceeds the contribution level described in Section 2.2.10.1) in its offer for Phase II. The Tenderers should however start preparing the evidence in original version as soon as possible given the time necessary to gather them.

3.1.1 EU Restrictive Measures

The Tenderer shall provide a statement in the Cover Letter of their request to participate (Phase I) (on its behalf and on behalf of its subcontractors, Core Team or not) guaranteeing that the Tenderer, and its subcontractors and respective relevant persons⁹ are not a Restricted Person and do not fall under the scope of EU Restrictive Measures in the list published at www.sanctionsmap.eu. In case of discrepancies between 'sanctionsmap.eu' and the restrictive measures published in Official Journal of the EU, the latter prevails.

Funds under this procurement procedure shall not be made available, directly or indirectly, to, or for the benefit of any Restricted Person.

Please see also Declaration of Honour (Annex I.B, section 4) to be provided completed and duly signed by all Tenderers and Subcontractors – Core Team or not.

3.2 Selection criteria

Tenderers must have the capacity below to perform the tasks.

⁹ Respective relevant persons mean the natural or legal persons indicated in section 4 of the Declaration of Honour (Annex I.B)

In accordance with point 18.6 of Annex I FR, the Tenderer may, where appropriate, rely on the capacities of other entities. In such case, the Tenderer must prove that it has at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to that effect. The Tenderer must comply with all the conditions laid down in point 18.6 of Annex I FR.

The Tenderer who intends to rely on the capacities of subcontractors must indicate in its request to participate (Phase I) the proportion of the contract that it intends to subcontract.

The supporting evidences, which must be provided in the request to participate (Phase I), are indicated in the column “to be evidenced by” in the tables below.

The criteria set out below shall be applicable to all lots, unless otherwise indicated.

3.2.1 Legal and regulatory capacity (Phase I)

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L1. All Lots	General requirement The Tenderer must be authorised to perform the Contract under national law.	<ol style="list-style-type: none"> 1. Legal Entity File (template available at: https://ec.europa.eu/info/publications/legal-entities_en)¹⁰, and 2. Extract of the inclusion in a trade or professional register, or certificate, membership of a specific organisation, and 3. Express authorisation or entry in the VAT register or equivalent. 	Each economic operator, consortium members and subcontractors.

¹⁰ Where a Tenderer has already signed another Contract with EUSPA, it may provide instead of the Legal Entity File and its supporting documents a copy of the legal entity file provided on that occasion, unless a change in its legal status occurred in the meantime or the legal entity file/its supporting documents are older than one year.

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L2. All Lots	Participation conditions requirement Entity must meet the conditions listed under section 2.2.1.	<ol style="list-style-type: none"> 1. As evidenced by proof provided for under criterion L1, 2. Filled-in dedicated section in the declaration of honour (Annex I.B) 3. Duly completed Annex I.K – Part 2 signed by an authorised representative and all evidence required therein and in Annex I.K – Part 1 <p>The Agency reserves the right to request supporting evidence demonstrating compliance to the participation conditions if it considers this necessary, before award.</p>	Each economic operator, as provided in Section 2.2.1.

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L3. – All Lots	FSC Requirement Tenderers for all lots must have – at the moment of submission of the request to participate (Phase I) – a Facility Security Clearance (“ FSC ”) of at least SECRET UE/EU SECRET level to be maintained throughout the duration of the FWC, unless the Tenderer can demonstrate that the consortium members or subcontractors will not have to access classified information above CONFIDENTIEL UE / EU CONFIDENTIAL for performing the activities under the FWC outside the Contracting Authority’s premises.	Submission of official documentation proving Tenderer’s (including all consortium members and any proposed subcontractor) FSC of at least SECRET UE/EU SECRET or duly signed and dated statement from entity’s LSO, confirming that the entity holds the above-mentioned FSC, or in case the abovementioned documentation cannot be obtained, detailed explanation accompanied by relevant proof, justifying the reasons why these documents cannot be provided (i.e. due to security applicable rules), or	Each economic operators, whereas with respect to subcontractors, the requirement applies only to those who will handle classified information above RESTREINT UE/EU RESTRICTED outside the Contracting Authority’s premises.

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
		Tenderers shall submit to the Contracting Authority's satisfaction in writing the document evidencing that the consortium member or subcontractor does not need to have access to the classified information above CONFIDENTIEL UE / EU CONFIDENTIAL for performing the activities under the FWC outside the Contracting Authority's premises.	
L4. All Lots	Appointed Local Security Officer Tenderers handling classified information RESTREINT UE/EU RESTRICTED and above under the FWC must have appointed – at the time of submission of their tender (phase 1) – a Local Security Officer, to be maintained throughout the duration of the FWC.	Submission of the name of LSO. The Tenderer shall clearly list which entity (in case of consortium and subcontracting) will be handling classified information classified RESTREINT UE/EU RESTRICTED and above.	Each economic operators including subcontractors who will handle classified information RESTREINT UE/EU RESTRICTED or above.

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
	The Tenderer's LSO shall act as principal point of contact between the Contractor and the Contracting Authority concerning all matters related to security and handling of European Union classified information.		
L5.	Absence of professional conflicting interest	As per section 2.2.4 - statement of absence of Conflict of professional Interest provided, at the time of the submission of the Request to Participate, justified based on information on previous and/or current involvement in the EUSPA space programmes (i.e. Galileo, EGNOS, SSA, Copernicus and GovSatCom and others) in activities which may have as a result that impartial and objective performance of the present FWC may be compromised	Each economic operator participating in this procurement, i.e. Tenderers, consortium members and subcontractors. If a single Tenderer wishes to participate in more lots, specific attention will be paid to the demonstration that no professional conflicting interests exists between the execution of more than one lots.

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L6. For all Lots	<p>SAB authorisation in the following categories per Lot is required as follows:</p> <ul style="list-style-type: none"> - Lot 1, 2, 3 and 4: PRS Security Module, and - Lot 1 and 3: PRS SUP¹¹, <p>for the execution of respective tasks as provided in the SoW for the lots.</p> <p>Respective SAB authorisation(s) must be maintained throughout the duration of the FWC.</p>	<p>Submission of official documentation on obtained PRS SAB authorisation in the category applicable to the respective Lot, complemented by the Tenderer's PRS Information Management Plan specifying how the PRS information and need to know is managed by the Tenderer (including consortium members and subcontractors).</p> <p>If the Tenderer cannot provide this official documentation at the time of submission of the request to participate offer, it is requested to follow these steps:</p> <ol style="list-style-type: none"> 1. To ask their respective national CPA to submit a request for the required SAB authorisation; 2. To provide written confirmation from the CPA that the request to the SAB was submitted or is in the process of being submitted; 3. Evidence of step 1 and step 2 shall be provided together with the request to participate Tender. 	<p>Each economic operator participating in this procurement, i.e. Tenderers (including any consortium member) and subcontractors where their activities require a need to know and thus to gain access to PRS information for performance of their tasks under the FWC.</p>

¹¹ Corresponding to PRS USE category

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
		<p>(i) Failing to comply with the requirement of step 3 above may lead to exclusion from the procurement process.</p> <p>(ii) The tenderers must have the process of SAB authorisation completed by the time of the contract signature. Failure of the winning Tenderer to provide evidence for completed SAB authorisation process for the PRS Security Module Category required shall lead to the cancellation of the award decision and potentially to award the contract to the Tenderer ranked next.</p>	

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L7. All Lots	PSC Requirement At least 3 persons (i.e., from the Core Team and/or non-Core Team sub-contractors), expected to handle classified information above RESTRIENT UE / EU RESTRICTED under the Contract must have – at the moment of submission of Request to Participate a Personal Security Clearance ('PSC') of SECRET UE / EU SECRET level to be maintained throughout the duration of the contract.	Official documentation by the relevant National Security Authority (NSA) proving their PSC up to SECRET UE / EU SECRET, or duly signed and dated statement from entity's LSO, indicating (a) the level of their PSC, (b) the expiration date of their PSC, or in case the abovementioned documentation cannot be obtained, detailed explanation accompanied by relevant proof, justifying the reasons why these documents cannot be provided (i.e. due to security applicable rules).	Tenderer (all members of consortium and proposed subcontractors cumulatively)
L8. All Lots	CRYPTO clearance Economic operators in charge of activities requiring access to CRYPTO information, shall demonstrate that it may access such information	Official documentation by the relevant National Security Authority (NSA) proving CRYPTO clearance, <u>or</u> duly signed and dated statement from entity's LSO, indicating available CRYPTO clearance, its expiration date and any limitation which may be relevant for the use under the Contract to be awarded, <u>or</u>	Each economic operator participating in this procurement, i.e. Tenderers, consortium members and subcontractors who will handle CRYPTO information under the Contracts to be awarded under this tender.

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
		in case the abovementioned documentation cannot be obtained, detailed explanation accompanied by relevant proof, justifying the reasons why these documents cannot be provided (i.e. due to security applicable rules).	

Table 4 – Legal Capacity Selection Criteria

3.2.2 Economic and financial capacity applicable for each Lot (Phase I)

The Tenderers (all legal entities belonging to a consortium) shall demonstrate the financial and economic capacity required for performance of the contract as follows:

Ref. #	Requirement:	Evidence:	Applicable to:
F1	<p>A stable financial capacity to sustain its business.</p> <p>If, for some exceptional reason which EUSPA considers justified, the Tenderer is unable to provide the requested documents, the Tenderer may prove its capacity by other documents which EUSPA considers appropriate. In any case, EUSPA must, as a minimum, be notified of any exceptional reason and its justification in the request to participate tender. EUSPA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.</p>	<p>1. Submitting a full copy of the Tenderer's annual accounts of the last 3 (three) years (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable) and</p> <p>2. Financial statements relating to the Selection Stage in Annex I.E.</p>	Tenderer, including its consortium members.

Ref. #	Requirement:	Evidence:	Applicable to:
F2	<p>Tenderers must have a minimum yearly turnover of</p> <ul style="list-style-type: none"> - EUR 8.700.000 (eight million seven hundred thousand Euro) for Lot 1 - EUR 5.300.000 (five million three hundred thousand Euro) for Lot 2 - EUR 3.100.000 (three million one hundred thousand Euro) for Lot 3 - EUR 4.600.000 (four million six-hundred thousand Euro) for Lot 4 <p>in the last 3 (three) years preceding the year of launch of the present procurement procedure.</p>	Submitting a copy of the tenderer's annual accounts for the last 3 (three) years (profit and loss account, notes on the accounts and auditors' remarks when applicable).	Tenderer (all members of consortium cumulatively). The Tenderer may also include the financial capacity of subcontractors in order to reach the required capacity level.

Table 5 – Economic and financial capacity selection criteria

3.2.3 Technical and professional capacity (Phase I)

The Tenderers (all legal entities belonging to a consortium) shall demonstrate the technical and professional capacity required for performance of the contract as follows:

Technical and professional capacity		Applicable to	
Tenderers shall provide a description of the extent to which they are able to support the respective task and shall provide information they believe appropriate to substantiate their described capacity.		Tenderers applying as consortium or relying on subcontractors for capacity criteria MUST clearly indicate the relevant consortium member or subcontractor in the evidence for each task.	
Criteria	Details	To be evidenced by	

T1.	<p>Relevant experience in at least 3 (three) projects providing in support of complex projects with numerous tasks, including reporting activities with different and clearly separated reporting lines and management of subcontractors and continuity planning and experience with applying recognised project management methodologies, gained within the last 5 (five) years.</p> <p>The same projects or services may be provided as evidence for the T1 and T2. criteria).</p>	<p>Description of at least 3 (three) projects fulfilling the requirement during the last 5 (five) years.</p> <p>The project information shall also include:</p> <ul style="list-style-type: none"> - Title, - associated budget, - start- and end-dates, - client's name, - information whether public or private. <p>insofar as not subject to mandatory restrictions due to classification or confidentiality requirements which shall then be clearly indicated.</p>	<p>Applicable to all economic operators participating in this procurement cumulatively, i.e. primes, each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion</p>
------------	---	--	---

T2.	<p>Relevant experience in at least 3 (three) projects related to activities which are subject matter of the respective lot, gained within the last 5 (five) years.</p> <p>The same projects or services may be provided as evidence for the T1 and T2. criteria).</p>	<p>Description of at least 3 (three) projects fulfilling the requirement performed during the last 5 (five) years.</p> <p>The project information shall also include:</p> <ul style="list-style-type: none"> - title - associated budget, - start- and end-dates - client's name - information whether public or private <p>insofar as not subject to mandatory restrictions due to classification or confidentiality requirements which shall then be clearly indicated.</p>	<p>Applicable to all economic operators participating in this procurement cumulatively, i.e. primes, each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion</p>
------------	--	--	---

Table 6 – Technical and professional capacity selection criteria

IMPORTANT NOTE: The Candidate may rely on the capacities of other entities to fulfil the technical and professional selection criteria, regardless of the legal nature of the links which it has with them. The Candidate must in that case prove to EUSPA that it will have at its disposal the resources necessary for performance of the contract, by producing a Letter of Intent (in the form provided in **Annex I.D** ~~Error! Reference source not found.~~) ensuring that the tasks for which the support will be provided are clearly indicated therein.

3.3 Minimum requirements (Phase I)

Throughout the procurement process and when implementing the FWC, if awarded, Tenderers must fulfil the minimum requirement below.

The minimum requirement can be evidenced by the declaration of honour in the form supplied in Annex I.B. EUSPA however reserves the right to request the supporting evidence during the procurement procedure or upon notification of award by EUSPA.

A failure to comply with the minimum requirement will lead to exclusion of the RfP/tender.

3.3.1 List of requirements

The Tenderers shall demonstrate compliance with the minimum requirements required for performance of the contract as follows:

No	Minimum requirements	To be evidenced by	Applicable to:
M1.	Compliance with applicable environmental, social and labour law obligations established by European Union law, national legislation, collective agreements or the applicable international social and environmental conventions listed in Annex X of Directive 2014/24/EU.	statements of compliance	Each economic operator participating in this procurement, i.e. Tenderers, consortium members

Table 7 – Minimum requirements

Attention is drawn to the fact that minimum quality thresholds (i.e. total minimum score for all the award criteria and individual minimum score for the criteria/sub-criteria), as identified in section **3.4.1 Error! Reference source not found.** below, as well as the ceiling volume of the contract, as identified in section **Error! Reference source not found. 2.2.2** above, shall operate as minimum requirements.

3.4 Award stage (Phase II)

For the tender to be evaluated in award stage, the Tenderer must have passed the exclusion and selection stages and fulfil the minimum requirements.

The assessment of the tenders in the award stage is carried out against the qualitative and the financial award criteria set out below.

3.4.1 Qualitative award criteria

The evaluation of technical quality will be based on the ability of the Tenderer to meet the objectives of the contract, as described in these tender specifications and the respective terms of reference Statements of Work per lot. To this end, the information in the technical proposal must be consistent with this document and the respective technical terms of reference per lot. The technical proposal shall contain all necessary information to allow evaluation of the tender according to the technical criteria specified in the respective technical terms of reference per lot, including in particular the evidences indicated for each criterion. The quality of technical offers reaching this stage will be evaluated against the qualitative award criteria presented in the respective technical terms of reference per lot.

The qualitative award criteria will be scored out of one hundred (100) points. Tenders scoring **less than 60 (sixty) points** (of a maximum of 100 points) against the technical award criteria or **less than the minimum points indicated for any of the criteria** will be rejected without evaluation of the financial offer.

The technical quality of the tender will be assessed on the basis of the Tenderer's technical proposal for the simulation exercise against the qualitative award criteria detailed per Lot as follows:

Ref #	Qualitative award criteria	MIN SCORE	MAX SCORE
Q1.	<p>Adequacy of the proposed approach and methodology of the simulation exercise with the following sub-criteria by equal weight</p> <ul style="list-style-type: none"> • Quality of best practices, tools and methodologies proposed • Adequacy of the identification of key challenges, risks and proposed means for their mitigation • Overall adequacy of the proposed team with respect of the scope of the tender (organisation, adequacy of the expertise, structure, size, English level/certifications/clearances of the team members) 	25	50

Q2.	Adequacy of the project management and planning proposed for in the simulation exercise with the following sub criteria by equal weight: <ul style="list-style-type: none">• Quality and adequacy of the planning for the completion of the tasks• Credibility of costing and pricing - consistency, justification and traceability of the proposed costs with respect to the Tenderer's technical proposal	15	30
Q3.	Adequacy of proposed measures (process/organisation) to deal with conflict of interests	4	8
Q4	Adequacy of the justifications provided in relation to compliance with the Security Aspects Letter ¹²	3	6
Q5	Quality and credibility of the subcontracting plan and relevant commitment taking into account the target percentage	3	6

Table 8 – Award criteria

3.4.2 Financial award criteria (Phase II)

3.4.2.1 General

Following the assessment of the qualitative award criteria, the tenders will be evaluated with regard to their financial proposals which shall be submitted in the forms provided in Annex I.J.# - with “#” referring to the respective lot.

In order to allow for a comparison of the offers, tenderers are requested to submit their Financial Proposal in the form of the financial table of answers (Annex I.J.#) which shall be duly filled in, stamped, initialled, dated and signed by the Tenderer, without any omission or addition with regard to the original format. Omissions or additions with regard to the original format may lead to exclusion from the tender procedure.

¹² The requirements evaluated in selection criteria (e.g. FSC, appointment of LSO, SAB authorization) will not be evaluated under this criterion.

Prices presented shall be firm and fixed and binding for the Tenderer/Contractor throughout the duration of the Contract.

3.4.3 Detection of abnormally low tenders

Tenderers must be aware of Article 23 of Annex I of the Financial Regulation on abnormally low tenders. In order to make a consistency check of each tenderer's financial offer towards the level of service required, Tenderers are requested to provide their pricing methodology in a separate price structure document attached to the Financial Table of Answers. The price structure document must explain in detail how tenderers establish their all-inclusive daily prices for the services (effort and availability of the respective tools).

The document should demonstrate the compliance of the daily prices with the laws of the country in which the services are to be performed, for minimum levels of staff remuneration, contributions to the social security, occupational safety and health standards, and/or other applicable schemes and standards

3.4.3.1 Calculation of financial score of the tender

3.4.3.2 The financial score will be calculated as follows: the **tender offering the least expensive Total Price for the simulation exercise of the Tender (X) will receive 100 points. The other Tenderers will receive points according to the ratio between the least expensive Total Evaluation Price for the simulation exercise and their tender, multiplied by 100, as shown in the formula below:**

$$\text{Financial Evaluation Score of Tender X} = \left(\frac{\text{cheapest total price received}}{\text{total price of tender X}} \right) \times 100$$

3.4.4 Calculation of final score and ranking of tenders

The Contract will be awarded to the Tenderer having passed the selection stage (Phase I) and offering the best value for money, i.e. the highest score in the final evaluation.

The final score of each tender is established by weighting the technical quality against price on a **60/40** basis and will be calculated using the following formula:

SCORE FOR TENDER = 60% of Qualitative Evaluation score + 40% of Financial Evaluation score

A ranking list of all Tenderers will be established based on the 'score for tender' formula above. The Contract per lot will be awarded to the Tenderer which will be ranked the highest (the best price-quality ratio) for the given lot.

4 Conditions of submission of tenders

Any reference to a 'Tender' below shall refer both to the Tender to be submitted in Phase I and to the Tender to be submitted in Phase II of the procurement. Further details on the format and submission modalities of the tenders in Phase II shall be provided to the Tenderers invited in Phase II.

4.1 Disclaimers

Please take note of the disclaimers referred to in the Invitation to tender.

4.2 Visits to premises or briefing

Visits to the Contracting Authority's premises or briefings during the tendering process are not planned.

4.3 Variants

Variants are not permitted under this procurement procedure.

4.4 Preparation costs of tenders

Costs incurred in preparing and submitting tenders are to be borne solely by the Tenderers and will not be reimbursed.

4.5 Presentation of the tender

4.5.1 Language

Tenders shall be drafted in one of the official languages of the European Union, preferably in **ENGLISH**.

4.5.2 Outer envelopes

Each tender must be presented in one (1) outer envelope or parcel, which should be sealed with adhesive tape, signed across the seal.

Tenders for each lot must be submitted in a separate envelope or parcel.

Each outer envelope shall carry the following information:

- the reference number of the procurement procedure - **EUSPA/RP/01/22/Lot [insert 1 to 4]**, and the project title “WP1X EVOLUTION”
- the lot number for which the envelope is submitted and title of the lot
- the name of the Tenderer
- the indication “**Tender - Not to be opened by the internal mail service**”
- **the address for submission of tenders**(as indicated in section 4.7)
- **the date of posting** (if applicable) should be legible on the outer envelope.

4.5.3 Inner envelopes of the **Request to Participate**

Each outer envelope shall contain two (2) inner envelopes, namely, Envelope 1 and 2, stating the content of each:

- Envelope 1: “ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and SELECTION CRITERIA”, with the name and stamp of the Tenderer and the reference number of the procurement procedure - “EUSPA/RP/01/22”, and lot number;
- Envelope 2: “TECHNICAL DOCUMENTATION”, with the name and stamp of the Tenderer and the reference number of the procurement procedure - “EUSPA/RP/01/22”, and lot number;

Each inner envelope of the Request to Participate shall contain **one (1) ORIGINAL and 1 (one) COPY in electronic format**. The original tender shall be marked “**ORIGINAL**”.

It is required that Requests to Participate be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender.

EUSPA retains ownership of all tenders received under this procedure. Consequently, tenderers shall have no right to have their tenders returned to them.

4.6 Content of the Request to Participate (Phase 1) to be submitted

The **Request to Participate** must be:

- signed by the Tenderer or its duly authorised representative;
- perfectly legible so that there can be no doubt as to words and figures;
- drawn up using all model reply forms supplied in the annexes to the Tender Specifications;
- clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled or organised in files).

Please note that:

- The **Request to Participate** shall constitute a precise and complete response to this document and shall not include lengthy non-specific information. Any additional information not strictly required as part of the present document, shall not be included in the tender.
- Tenderers are informed that EUSPA reserves the right to request additional information or proof regarding any capacity requirement from the Tenderer relating to any assessment stage of this procurement procedure.

4.6.1 Administrative file (ENVELOPE/FOLDER 1)

Each **Request to Participate** shall include an administrative file, containing:

Ref.#	ENVELOPE/FOLDER 1 – ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and SELECTION CRITERIA 1 (one) ORIGINAL, 1 (one) ELECTRONIC COPY per envelope)
(1)	<p>A cover letter, dated and signed by duly authorized representative of the Tenderer, including:</p> <ul style="list-style-type: none"> - A declaration of full acceptance of the requirements in this Invitation to Participate - Analysis of absence of conflicting interest, as per section 2.2.4 above; - A list of all the documentation included/enclosed in the Request to Participate; - A declaration that any of the entities involved are not a Restricted Person and do not fall under the scope of subject to EU Restrictive Measures in the list published at www.sanctionsmap.eu. - A list of the legal entities involved, specifying each entity's role and qualifications; - Tenderer's contact details.
(2)	<p>The duly filled in, signed and dated identification sheet of the Tenderer using the template in Annex I.A Error! Reference source not found. (one per Tenderer including all the legal entities involved in the consortium, if applicable, and subcontractors, and containing, where appropriate, as many sections as legal entities involved).</p>

(3)	The duly filled in, signed and dated Declaration(s) of Honour relating to exclusion criteria and selection criteria and minimum requirements (one per economic operator , i.e. Tenderer, all consortium members, all subcontractor(s), if any), using the template in Annex I.B.
(4)	<u>In case of consortia</u> , a duly signed and dated statement/declaration by each of the consortium members specifying the company or the Leader authorised to submit a tender on behalf of the consortium, sign and manage the Contract, using the template in Annex I.C Error! Reference source not found.
(5)	<u>Only for the proposed subcontractors forming part of the Tenderer's Core Team</u> , duly filled in, signed and dated subcontractor Letter of Intent , using the template in Annex I.D.
(6)	The duly filled in, signed and dated Financial Statements relating to the selection stage using the template in Annex I.E , complemented by the full financial statements for the last three financial years and a statement of turnover relating to the relevant services for this tender for the last three financial years as requested in section 3.2.2 of this document.
(7)	All evidence relating to the legal and regulatory capacity selection criteria, as requested in section 3.2.1 of this document .
(8)	All evidence relating to the minimum requirements as requested in section 3.3 of this document.
(9)	An electronic copy of each document submitted in the administrative envelope on CD-ROM or USB stick with the full set of documents in machine readable format (MS Office 2003 or later, or Adobe Reader Version 8.0 or later), strictly identical in full to the original tender.
(10)	Declaration of Ownership and Control, using the template in Annex I.K – Part 2 , including all necessary documents required in Annex I.K for the assessment of the compliance with the participation condition (see section 2.2.1);

Table 9 – Envelope 1 content – administrative documents

4.6.2 Technical file (ENVELOPE 2)

Ref.#	ENVELOPE 2 – TECHNICAL DOCUMENTATION (one (1) ORIGINAL, one (1) PAPER COPY)
(1)	<p>Technical Request to Participate demonstrating Tenderer's capacity to satisfy the suitability requirements and technical and professional selection criteria (section 3.2.3), including at least the following:</p> <ul style="list-style-type: none"> • Executive Summary (maximum 7 pages), including elaboration on role and responsibilities of the Tenderer; • One chapter presenting the industrial organisation of the Tenderer, describing the Tenderer and the Core Team members (where relevant), and a concise but complete description of the organisation including the role and responsibilities of the respective entities; • One chapter providing the evidence of the Tenderer's experience as required by the technical and professional selection criteria (section 3.2.3)

4.6.3 Recapitulative table

Document concerned	Submitted by Prime only	Submitted by all Core Team members (including prime and subcontractors)	Submitted by non-Core Team subcontractors above 10% of the Contract value	Submitted by non-Core Team subcontractors below 10% of the Contract value
Cover letter with all required declarations of compliance	x			
Identification sheet of the Tenderer (Annex I.A Error! Reference source not found.)		x	x	x
Legal Entity File and related evidence (see L1.)		x	x	x

Document concerned	Submitted by Prime only	Submitted by all Core Team members (including prime and subcontractors)	Submitted by non-Core Team subcontractors above 10% of the Contract value	Submitted by non-Core Team subcontractors below 10% of the Contract value
List of authorised representative(s)/ signatory(ies) and related evidence (e.g. official documentary evidence, statement of authorisation)	x			
Declaration of honour on exclusion criteria and selection criteria (Annex I.B Error! Reference source not found.)		x	x	x
Power of attorney (only applicable in case of consortia – Annex I.C Error! Reference source not found.)		x		
Subcontractor Letter of Intent (Annex I.D)- only for subcontractors (not consortium members)		x	x	x
Compliance to Financial and economic capacity (including financial statements relating to selection stage –Annex I.E) (see F1. and F2.)		x (depending on the entity/ies used to fulfil the selection criteria)	x (depending on the entity/ies used to fulfil the selection criteria)	x (depending on the entity/ies used to fulfil the selection criteria)
Evidence of compliance to the participation conditions (see L2.)		x	x	x

Document concerned	Submitted by Prime only	Submitted by all Core Team members (including prime and subcontractors)	Submitted by non-Core Team subcontractors above 10% of the Contract value	Submitted by non-Core Team subcontractors below 10% of the Contract value
Appointed Local Security Officer (see L4.)		x (if handling EUCI classified RESTREINT UE/EU RESTRICTED or above)	x (if handling EUCI classified RESTREINT UE/EU RESTRICTED or above)	x (if handling EUCI classified RESTREINT UE/EU RESTRICTED or above)
Absence of professional conflicting interest that may negatively impact the performance of the Contract (See L5.)		x	x	x
SAB authorisation (See L6)		x	x	x
Evidence of Personal Security Clearances (See L7)	x			
Crypto Clearance (See L8)		x	x	x
Signed Non-disclosure Undertaking – Annex I.F	x			
Facility Security Clearance of at least SECRET UE / EU SECRET and required evidence (see L3.)		x	x	x
Executive Summary (maximum 7 pages) of the technical tender, including elaboration on role and responsibilities of service provider	x			

Document concerned	Submitted by Prime only	Submitted by all Core Team members (including prime and subcontractors)	Submitted by non-Core Team subcontractors above 10% of the Contract value	Submitted by non-Core Team subcontractors below 10% of the Contract value
One chapter in the Executive Summary presenting the industrial organisation of the Tenderer, describing the Tenderer and the Core Team members, organisation, roles and responsibilities	x			
CD-ROM or USB stick with the full set of documents submitted in the administrative envelope in machine readable format (MS Office 2003 or later, or Adobe Reader Version 8.0 or later) strictly identical in full to the original tender	x			
CD-ROM or USB stick with the full set of documents submitted in the technical envelope on CD-ROM or USB stick in machine readable format (MS Office 2003 or later, or Adobe Reader Version 8.0 or later), strictly identical in full to the original tender	x			

Table 9: Recapitulative table

4.7 Submission

Without prejudice to the conditions of submission set out below, Tenderers may submit their Request to Participate only electronically on 2 (two) CD-ROM, DVD or USB sticks with the full set of documents (as requested under section 4.6 of the Tender Specifications). The documents on these media must be identical and they shall be in machine readable format (MS Office 2003 or later, or Adobe Reader Version 8.0 or later). These media must be inserted in the outer envelope as described in section 4.6 of the Tender Specifications. They shall contain the following folder with the corresponding documents requested under section 4.6 of the Tender Specifications:

- Folder 1: “ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and SELECTION CRITERIA”

The electronic versions of the Requests to Participate are considered as originals.

Tenderers must ensure that the electronic media and documents files are readable. In particular, they must take all the necessary measures to protect them during the transport to avoid any damage to them. The Tenderers must ensure that the data on these media cannot be altered.

The Tenderers are advised to

- use, and include into the outer envelope, different types of media (e.g. DVD and different types of USB sticks) in order to eliminate the risk of non-readable media and files;
- create hashes of submitted documents files (in the form of algorithm MD5, SHA-256 or higher) and insert them, preferably as a paper printout of these hashes, into the outer envelope, together with the media;
- ensure that the data on these media cannot be altered.

If the submitted media and files are not readable, the Tenderers will have the possibility to resubmit the media provided that:

- hashes of the original files have been created;
- hashes of the re-submitted files are created and such hashes are strictly identical to the hashes of the original files inserted into the original outer envelope.

If the submitted media and files are not readable and the Tenderers do not resubmit, within a reasonable delay upon notification by the Contracting Authority that the files submitted cannot be read, media and files which are strictly identical to the original ones and related hashes, the Request to Participate will be rejected.

The documents which must be signed according to these tender specifications shall be signed electronically with a qualified electronic signature (QES) of the applicant. Please note that only QES within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted.

This electronic signature must be provided by a provider which has a qualified status granted by a national competent authority of an EU Member State and which is listed in the national eIDAS Trusted Lists and the EU List of eIDAS Trusted Lists (LOTL) (available at <https://webgate.ec.europa.eu/tl-browser/#/>).

Therefore, before sending to EUSPA your electronically signed document(s), we recommend you to check the signature and validity of the certificate with one of the following tools:

- DSS Demonstration validation tool available at <https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation> can help you check the validity of a certificate by indicating the number and type of valid signatures in a document.
- EU Trusted List Browser can be consulted in order to check whether the electronic signature provider and the trust service it provides are part of European Union Trusted List: <https://webgate.ec.europa.eu/tl-browser/#>

To make sure you use a QES compliant to eIDAS Regulation, you need to check that both the service provider and the qualified certificate generation service used are included in the EU Trusted List Browser.

Requests to Participate may also be submitted by post mail, express mail, commercial courier or hand-delivered and are to be submitted **not later than the relevant date and time specified in section 1.9 above** to the following address:

EUSPA
Legal and Procurement Department
Tender ref: EUSPA/RP/01/22, lot [number]
Janovskeho 438/2
170 00 Prague 7
Holesovice, Czech Republic

Request to Participate sent by post mail, express mail and commercial courier shall be sent to this address not later than 23:59 (local time) of date indicated in section 1.9. In this case, a receipt must be obtained as a proof of submission.

In case the tender is hand-delivered, a receipt must be obtained as a proof of delivery, signed and dated by the desk officer of EUSPA reception. The reception is open from 08.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays, European Commission holidays and some Czech national holidays. The hand-delivery of tenders outside the indicated business hours cannot be guaranteed and it will usually not be possible due to absence of the desk officer of EUSPA reception.

Upon submission of tenders by post mail, express mail, commercial courier or hand-delivery, Tenderers shall send an email of notification of submission to tenders@EUSPA.europa.eu. The subject of the email shall be: “EUSPA/RP/01/22: submission of request to participate (Phase I) by [insert name of legal entity / consortium]”

4.8 Period of validity of the tender

Period of validity of the tender, during which Tenderers may not modify the terms of their tender in any respect shall be 9 (nine) months from the closing date for the submission of the tenders.

4.9 Further information

Contacts between EUSPA and Tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of request to participate (Phase I):

- At the request of the Tenderer, EUSPA may provide additional information solely for the purpose of clarifying the nature of the Contract.
- Any requests for additional information must be made in writing only to tenders@EUSPA.europa.eu. The subject line of the e-mail has to quote the reference of the procurement procedure: EUSPA/RP/01/22, lot [number].
- Requests for additional information received after deadline specified in section 1.9 above cannot be processed.
- EUSPA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the Invitation to Participate.

After the opening of requests to participate (Phase I):

- If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, EUSPA may contact the Tenderer, although such contact may not lead to any substantial alteration of the terms of the submitted tender.

4.10 Information for Tenderers

EUSPA will inform Tenderers of decisions reached concerning the Phase I of the procurement in due course, including the grounds for any decision.

If a written request is received, EUSPA will inform all rejected Tenderers of the reasons for their rejection.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

4.11 Data protection

Identity of the controller and Data Protection Officer:

- **For what concerns the processing purposes 1 and 2 below:**
 - **Controller:** European Union Agency for the Space Programme (EUSPA), Head of Galileo Exploitation Department, Janovskeho 438/2 170 00 Prague 7, Czech Republic, galileo.exploitation@EUSPA.europa.eu
 - **Data Protection Officer:** EUSPA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, dpo@EUSPA.europa.eu
- **For what concerns the processing purpose 3 below:**
 - **Join Controllers:** (1) European Union Agency for the Space Programme (EUSPA), Head of Galileo Exploitation Department, Janovskeho 438/2 170 00 Prague 7, Czech Republic, galileo.exploitation@EUSPA.europa.eu and (2) European Commission, Directorate-General for Budget of the European Commission ('DG Budget'), DG Budget's Data Controller BUDG-FICHIER-TIERS@ec.europa.eu
 - **Data Protection Officers:** (1) EUSPA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, dpo@EUSPA.europa.eu and (2) DG Budget Data Protection Coordinator BUDG-DATA-PROTECTION-COORDINATOR@ec.europa.eu

Purpose of the processing:

- the management and administration of the tender procedure;
- the preparation of the FWC, only with regard to the personal data of the awarded tenderer;
- only with regard to the personal data of the awarded tenderer:

- the registration of the necessary “legal entities” and “bank account” files in the Commission Financial System ABAC (Accrual Based Accounting)
- the execution of payments towards the registered entities
- the registration of the related financial transactions

Data concerned:

- Contact information of tenderers, e.g. name and last name of authorised representatives, email address, postal address, telephone numbers, company/agency/body and department, country of establishment, position
- Financial information of tenderers, e.g. bank account number, IBAN and BIC codes, address of respective bank branch, name of bank account holder
- Information that may be included in CVs of experts proposed by tenderers: name and last name of proposed experts, educational background, professional experience including details on current and past employment, technical skills and languages etc.
- Data related to criminal convictions and offences of: (1) members of the administrative, management or supervisory body of tenderers, (2) natural persons who have powers of representation, decision or control of the tenderer, (3) owners of the tenderers as defined in Article 3(6) of Directive (EU) 2015/849, (4) natural persons assuming unlimited liability for the debts of the tenderers, (5) natural persons who are essential for the award or the implementation of the contract; such data are collected through the submission of the declaration of honour (Annex I.B)

It is specifically noted that:

- the abovementioned processing operations will not entail the processing of any special categories of personal data. If, however, a tenderer submits such data at its own volition and without any specific request, it is implied that the data subject has given its consent to the processing of such data.
- the provision of personal data by the tenderers is a requirement necessary to enter into the FWC

Legal bases: Article 5(1)(a), 5(1)(c), 10(2)(a) and 11 of Regulation (EU) 2018/1725

Lawfulness of the processing:

- Article 5(1)(a): the processing is necessary for the performance of a task carried out in the public interest, specifically the management and functioning of EUSPA through the launching of tender procedures.
- Article 5(1)(c): the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering

into a contract; EUSPA processes the personal data of the tenderers at their request (through the submission of their tenders) in order to take the necessary steps prior to enter into the FWC with the awarded tenderer(s).

- Article 11: the processing of personal data relating to criminal convictions and offences shall be carried out only when authorised by Union law; such processing, in the form of an extract from the judicial record or declaration of honour, is explicitly foreseen in the Financial Regulation (Articles 136-140)
- Article 10(2)(a): as explained above, in case any tenderer submits special categories of data at its own volition and without any specific request, it is implied that the data subject has given its consent to their processing

Recipients of the data processed:

- a limited number of staff of EUSPA managing this tender procedure
- data processors:
 - a limited number of staff of EUSPA contractors assisting EUSPA staff in the management of this tender procedure
 - a limited number of staff of EUSPA contractors in charge of the provision of hosting services for EUSPA's servers
 - a limited number of staff of the Directorate-General for Budget of the European Commission ('DG Budget')
- bodies charged with a monitoring or inspection task in application of Union law (e.g. internal audits, Financial Irregularities Panel, European Anti-fraud Office – OLAF)
- members of the public: the winning entities will be announced to the public, which may also entail the announcement of the personal data of the representatives of such entities (e.g. name, last name)

Information on the retention period and storage locations of personal data:

- any information pertaining to this tender procedure shall be kept for up to 7 years following the end of the year when the FWC has been awarded as a result of the tender procedure; files may also have to be retained until the end of a possible audit if one started before the end of the above period;
- all collected data may be stored:
 - electronically on EUSPA servers with access control measures (i.e. one or two factor authentication) hosted by EUSPA contractors which are located in the EU and abiding by the necessary security provisions
 - physically in secure storage cupboards in EUSPA HQ in Prague

- electronically and physically on the servers/cupboards of the processors identified above (all of which are established in an EU Member State)

The data subjects' rights:

- Data subjects have the right of access, rectification and erasure of their personal data or restriction of processing at any time, provided that there are grounds for the exercise of this right, as per the applicable rules
- Data subjects have the right to object, on grounds relating to his or her particular situation, at any time to the processing of personal data concerning him or her. Requests shall be addressed to EUSPA Galileo Exploitation Department at galileo.exploitation@EUSPA.europa.eu by describing the request explicitly. It is noted that pursuant to such a request, the Controller shall no longer process the personal data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims
- Data subjects may obtain their personal data, submitted to EUSPA, in a structured, commonly used and machine-readable format and transmit them to another controller, provided that there are grounds for the exercise of this right, as per the applicable rules
- Data subjects are entitled to lodge a complaint at any time with the European Data Protection Supervisor (<http://www.edps.europa.eu>; EDPS@edps.europa.eu) if they consider that their rights under the applicable rules on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data have been infringed as a result of the processing of their personal data by EUSPA
- Only in cases where the data subjects' consent is used as the legal basis for the processing of personal data (i.e. in case they have submitted special categories of data at their own volition and without any specific request), they can withdraw their consent at any time, without affecting the lawfulness of the processing before the withdrawal

Any request for the exercise of any of the abovementioned rights shall be addressed to EUSPA Galileo Exploitation Department at galileo.exploitation@EUSPA.europa.eu; data subjects are kindly requested to describe their requests explicitly.

4.12 Tenderer's consent to the use of information supplied in the tender

By submitting a reply to this procurement procedure, a Tenderer provides its unconditional and irrevocable consent to the Agency to use any information contained in the tender in legal proceedings related to procurement regardless of the parties involved to the extent as necessary or appropriate for due protection of Agency's rights. Should the Agency use the content of the tender for this purpose, the Tenderer waives any claim for any compensation of any kind whatsoever or any claim related to confidentiality and/or data protection.

5 Acronyms and definitions

Acronym / Abbreviation / term	Complete Designation
ARB	Anomaly Review Board
BIC	Bank Identifier Code
Bidder	Used interchangeably with term Tenderer
Tenderer	The entity having submitted a tender in this procurement procedure (both in Phase I and Phase II)
CCB	Change Control Board
CCI	Controlled COMSEC Items
CDA	Crypto Distribution Authority
CEFRL	Common European Framework of Reference for Languages
CET	Central European Time
CMS	Common Minimum Standards
COMSEC	Communication Security
CONOPS	CONcept of OPerationS
Contracting Authority	The European GNSS Agency, including its successor and, where indicated for the individual lot, the European Commission
Contract	Contract(s) to be entered into pursuant to this procurement procedure
Contractor	The Tenderer to whom the Contract will be awarded

Acronym / Abbreviation / term	Complete Designation
Controller	EUSPA entity which determines the purposes and means of the processing of personal data
Core team	the Tenderer, including, where relevant, all consortium members, and subcontractors which are essential in order for the Tenderer to meet the selection criteria under section 3.2
CPA	Competent PRS Authority
Customer	EUSPA
DA	Distribution Authority
DB	Database
DG	Directorate-General (of the European Commission)
DG ENTR	DG for Enterprise and Industry
DIMM	Dual In-Line Memory Module
DMS	Document Management System
DS	Directorate of Security, part of DG HR
DS.5	Unit in DS responsible for IT Security
EC	European Commission
EEAS	European External Action Service
EGNOS	European Geostationary Navigation Overlay Service
ESA	European Space Agency
ESP	EGNOS Service Provider
EU	European Union
EUCI	EU Classified Information
EUR	UE Restreint / EU Restricted
EUS	UE Secret / EU Secret

Acronym / Abbreviation / term	Complete Designation
FP7	7 th Framework Programme
FR	France or Financial Regulation, if in conjunction with reference to Articles
FSC	Facility Security Clearance
FTE	Full Time Equivalent
Galileo	European satellite navigation project – one of the European GNSS
GOVSTACOM	Governmental Satellite Communication System
GNSS	Global Navigation Satellite System
GRON	Galileo Robust Operational Network
GRUE	EUSPA RUE Environment
EUSPA	European GNSS Supervisory Authority
GSF	Galileo Security Facility
GSMC	Galileo Security Monitoring Centre
GSMC-FR	GSMC site at Saint-Germain-en-Laye, France
GSMC-ES	GSMC site, Spain
GSMC-UK	Former GSMC site at Swanwick, United Kingdom
GSOp	Galileo Service Operator
GSF	Galileo Secured Facility
GSUE	EUSPA Secret UE environment
HDD	Hard Drive
IDS	Intrusion Detection Systems
IETM	Interactive Electronic Technical Manual
IT	Information Technology
KoM	Kick-Off Meeting

Acronym / Abbreviation / term	Complete Designation
KVM	Keyboard, video and mouse
LEF	Legal Entity Form
LISO	Local Informatics Security Officer
LSO	Local Security Officer
MS	Member States (of the European Union)
N/A	(criteria/information/item) Not Applicable
NDU	Non-Disclosure Undertaking
NMA	Navigation Message Authentication
NtK	Need to Know
NTP	Network Time Protocol
OIS	Operational Interface System (i.e. the subject of the procurement)
OLAF	Office Européen de Lutte Anti-Fraude – European Anti Fraud Office
OpenNMS	Open Network Management System
OS	Open Service
PIMP	PRS information Management Plan
PKI	Public Key Infrastructure
PM	Project Management or Progress Meeting
POC	Point Of Contact
POCP	Point Of Contact Platform
PRS	Public Regulated Service
PSC	Personal Security Clearance
PSI	Programme Security Instruction
QMS	Quality Management System

Acronym / Abbreviation / term	Complete Designation
RAM	Random Access Memory
RCV	Receiver
RFC	Request For Change, a formal documented request required for any change to the DC or EUSPA infrastructure
R-UE/EU-R	RESTREINT UE / EU RESTRICTED
SAB	Security Accreditation Board of the EU GNSS
SAL	Security Aspects Letter
SUE	Secret UE
SDD	Solid State Drive
SECMON	Security Monitoring
SecOPs	Security OPERating Procedures
SC	Specific Contract
SCOM	System Center Operations Manager
SM	Security Module
SOIF	Security Operational Intelligence Facility
SOP	Standard Operating Procedure
SSA	Space Situational Awareness
SSRS	System-specific Security Requirements Statement),
S-UE/EU-S	SECRET UE/EU SECRET
SoW	Statement of Work
Subcontractor	an entity acting as subcontractor to a Tenderer
Tenderer	the entity having submitted a tender in this procurement procedure
UE	Union Européenne
VAT	Value Added Tax

Acronym / Abbreviation / term	Complete Designation
VPN	Virtual Private Network
UNCL	Unclassified
WP	Work Package

Table 12 – acronyms and designations

6 List of tender specifications annexes

These tender specifications have the following annexes:

Annex	Title
Annex I.A	Template Identification Sheet of the Candidate
Annex I.B	Template Declaration of Honour
Annex I.C	Template Power of Attorney
Annex I.D	Template Subcontractor Letter of Intent
Annex I.E	Template Financial statements
Annex I.F	NDU
Annex I.G	Security Aspects Letter
Annex I.H	Statement of Applicability of the SAL
Annex I.I.1	Statement of Work Lot 1
Annex I.I.2	Statement of Work Lot 2
Annex I.I.3	Statement of Work Lot 3
Annex I.I.4	Statement of Work Lot 4
Annex I.J.1	Financial Table of Answers Lot 1
Annex I.J.2	Financial Table of Answers Lot 2
Annex I.J.3	Financial Table of Answers Lot 3
Annex I.J.4	Financial Table of Answers Lot 4
Annex I.K	Part I – Criteria for assessment of participation conditions Part II – Excel Spreadsheet – Declaration of Ownership and Control Part III - Additional information regarding the Assessment of participating conditions
Annex I.L	Management Requirements

Table 13 – Annexes to Annex I