

EUSPA/OP/21/21

"Provision of technical and business support for downstream space market development"

Annex I to Invitation to Tender

"Tender Specifications"

(All Lots)

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1 Overview

The present Tender Specifications, attached to the Invitation to Tender, complement the information contained in the Contract Notice ref.: 2022/S 093-252202 with further information on the procurement procedure and scope.

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

The European Union Agency for the Space Programme (hereinafter referred to as 'the EUSPA', 'the Agency' or 'the Contracting Authority') is an agency formed by the European Union to accomplish specific tasks related to the Union Space Programme (Galileo, EGNOS, Copernicus, GOVSATCOM and SSA).

Further information can be found on the EUSPA's website (<https://www.euspa.europa.eu/>).

This website contains also information about the European Union Space Programme (<https://www.euspa.europa.eu/european-space/eu-space-programme>).

In particular, EUSPA's mission is, *inter alia*, to achieve the highest return on European Union Space Program investment, in terms of benefits to users and economic growth and competitiveness, supporting the commercialisation of the European systems and fostering their adoption by users. The EUSPA plays a unique role in the development of commercial markets for Galileo, EGNOS, Copernicus, GOVSATCOM and SSA, and linking space to user needs by:

- Monitoring the downstream space market and technology and forecasting its future developments
- Promoting the use of Galileo, EGNOS, Copernicus, GOVSATCOM and SSA across 17 market segments¹;
- Managing EU-funded research on innovative space downstream applications and technologies and leveraging the results;
- Managing support activities for start-ups and fostering the EU competitiveness in the area of downstream space.
-

According to the existing regulations and in accordance with guidelines issued by the Commission, EUSPA's role is to contribute to commercialisation, promotion and marketing of the systems, by establishing contacts with current and potential users of the services provided under the programmes, collect information on their requirements and on the developments on the space downstream market. More information about the EUSPA tasks can be found in the applicable legal framework², and in particular in the Space Regulation³.

¹ For the list of segments and their description, please consult the EO and GNSS Market Report (https://www.euspa.europa.eu/sites/default/files/uploads/euspa_market_report_2022.pdf)

² <https://www.euspa.europa.eu/about/about-euspa#regulatoryframework>

³ <https://eur-lex.europa.eu/eli/reg/2021/696/oj>

1.2 Outline of the tender

Name: EUSPA/OP/21/21 – “Provision of technical and business support for downstream space market development”

Procedure: Open procedure in accordance with Article 164(1)(a) FR⁴ for procurement of services in 6 (six) lots.

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 Tender, 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 EUSPA during the process of examining, clarifying, evaluating and comparing tenders will lead to rejection of his tender and may result in administrative penalties.
- This document, its annexes, the draft contract and any subsequent document for this activity to be issued by the EUSPA in the course of this procurement process are in no way binding on the EUSPA. The contractual relationship with the EUSPA commences only upon signature of the contract with the successful Tenderer.
- The EUSPA may either abandon the procurement or cancel the award procedure, without Tenderers being entitled to claim any compensation.
- The EUSPA 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 Tender

The objective of the Invitation to Tender is to conclude 2 (two) framework contracts per lot (hereinafter referred to separately and/or individually as “the Contract”, “Framework Contract”, or “FWC”) in cascade.

⁴ REGULATION (EU, Euratom) 2018/1046 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012

Taking into account the different nature and objectives of the activities to be performed, the procurement is divided into 6 (six) lots. The technical activities (tasks) to be performed under each lot are detailed in the specific technical terms of reference per lot.

The lots of the present procurement are the following:

- Lot 1: “Market and Technology Monitoring”
- Lot 2: “Research, Innovation and Entrepreneurship”
- Lot 3: “Professional applications”
- Lot 4: “Environment and Consumer”
- Lot 5: “Mobility and Aerospace”
- Lot 6: “Governmental, Infrastructure and Emergency”

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 on a basis of the FWC, in particular when there is a reference covering any obligation of the Tenderers.

1.5 Change of incumbent Contractor

Tenderers are informed that part of the activities/services constituting the subject matter of this tender are currently 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.

1.6 Applicable legal acts and rules

- The legal context of this procurement procedure is given for indicative and non-exhaustive purposes by the following documents: Financial Regulation (FR);
- EUSPA Financial Regulation⁵;
- EU Space Programme Regulation⁶;

⁵ European GNSS Agency Financial Regulation 2019 adopted by its Administrative Board on 16 August 2019.

⁶ 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.
- Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information
- Regulation on public access to documents⁷;
- COUNCIL Decision 2014/496/CFSP on aspects of the deployment, operation and use of the European Global Navigation Satellite System affecting the security of the European Union and repealing Joint Action 2004/552/CFSP.
- 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.
- Commission Decision of 29 November 2001 amending its internal Rules of Procedure, 2001/844/EC, ECSC, Euratom, as last amended by Commission Decision 2006/548/EC, Euratom of 5 August 2006.

It shall be the contractor's duty and corresponding sole responsibility to comply and ensure full compliance with all applicable laws of any part of performance under the contract contemplated to be awarded as a result of the current procedure.

1.7 Procurement schedule

Timetable	Date	Comments
Launch of procurement process - submission for publication of Contract Notice to the Supplement to the EU Official Journal	13/05/2022	All documents of the Invitation to Tender available at: http://www.EUSPA.europa.eu/EUSPA/procurement
Deadline for submission of a non-disclosure undertaking (hereafter referred to as 'NDU') for access to	15/06/2022	The deadline is advisory, it is up to the tenderer to decide when to submit the NDU, so that they have enough time to prepare their tender. NDU received less than a week before tender

⁷ Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

Proprietary Information (unclassified and classified information) for LOT 6		submission deadline may not be processed by EUSPA
Deadline for requests of clarifications	05/07/2022	Clarification requests to be sent in writing only to: tenders@EUSPA.europa.eu
Last date on which clarifications are issued by the EUSPA.	07/07/2022	All clarifications will be published at the EUSPA's procurement website: http://www.EUSPA.europa.eu/EUSPA/procurement Tenderers are encouraged to check the EUSPA's procurement website on a regular basis.
Deadline for submission of tenders.	11/07/2022 at 23.59 CET	According to conditions of submissions set out in section 4.7 of these specifications.
Opening session and start of evaluation session.	15/07/2022	As per section 4.8 of the present document: Lot 1: 09:00 am Lot 2: 10:00 am Lot 3: 11:00 am Lot 3: 12:00 pm Lot 4: 14:00 pm Lot 5: 15:00 pm Lot 6: 16:00 pm All times shall be intended as the local time on the EUSPA premises in Prague, Czech Republic.

Completion of evaluation and award.	September 2022 (estimated)	
<p>Estimated planned start of implementation of the Contract.</p> <p>The estimated date is only indicative, it may be changed and it is not binding for the Contracting Authority.</p>	October – November 2022	

Table 1 – procurement schedule

2 Terms of reference

2.1 High level description of the Lots

2.1.1 Introduction to Lots and general management requirements

Taking into account the different nature and objectives of the activities to be performed, the framework contracts will be awarded for 6 (six) 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.

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:

1. Implement proper configuration and tracking of the deliverables and project documentation and records;
2. Ensure service availability and continuity throughout the term of the FWC;
3. Ensure and demonstrate compliance with security rules;
4. Manage the risks related to the specific contract execution, including health and safety aspects;
5. Monitor the applicable schedule, costs, and quality of the services;
6. Ensure the acceptance and invoicing of the services and deliverables in line with the contractual requirements;

2.1.1.1 Lot 1: Market and Technology Monitoring

A description of tasks, work packages and further details on requirements is provided in Annex I.1.

2.1.1.2 Lot 2: Research, Innovation and Entrepreneurship

A description of tasks, work packages and further details on requirements is provided in Annex I.2.

2.1.1.3 Lot 3: Professional applications

A description of tasks, work packages and further details on requirements is provided in Annex I.3.

2.1.1.4 Lot 4: Environment and Consumer

A description of tasks, work packages and further details on requirements is provided in Annex I.3.

2.1.1.5 Lot 5: Mobility and Aerospace

A description of tasks, work packages and further details on requirements is provided in Annex I.3.

2.1.1.6 Lot 6: Governmental, Infrastructure and Emergency

A description of tasks, work packages and further details on requirements is provided in Annex I.3.

2.1.2 Functions and profiles of Contractor personnel

For the performance of their Tasks and work packages subject to the Contract, tenderers may choose to make available personnel with the following functions/profiles. With their tender, CVs⁸ 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 - Project Manager	Minimum 10 (ten) years of experience in the tasks
F2 - Senior Consultant	Minimum 6 (six) years of experience in the tasks
F3 – Analyst	Minimum 3 (three) years of experience in a similar field or task

Table 2 – Personnel functions and profiles

⁸ 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.

2.1.3 Deliverables

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

- Technical reports/analyses 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,
- Timesheets according to the format approved by the EUSPA,
- Updated list of the documents received from the Contracting Authority or transmitted to the Contracting Authority, etc.

And upon request by the Contracting Authority:

- Presentations,
- Minutes of meeting,
- Other specific deliverables related to the execution of the tasks defined in specific technical terms of reference for the lots.

Unless otherwise specified by the Contracting Authority, for each task, the Contractor shall deliver an electronic copy of each deliverable with all relevant 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.

2.1.4 Place of performance

The place of performance of the tasks shall be the Contractor's premises, unless agreed otherwise between the Contractor and the EUSPA.

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. It is further a likely common scenario for the implementation of the FWCs through specific contracts for individual tasks. Accordingly, the simulation exercise will serve as a common scenario against which the quality and the price of the submitted tenders will be evaluated. The simulation exercise is available in the Annex 'Technical Terms of Reference and Simulation Exercise' of each lot.

With their tender, the Tenderers shall submit the input requested for the Simulation Exercise as described in the Annex I.1 -Lot 1, Annex I.2 – Lot 2, Annex I.3 – Lot 3, Annex I.4 – Lot 4, Annex I.5 – Lot 5, Annex I.6 – Lot 6.

Each Simulation Exercise has been designed to obtain the Tenderers' offers, both in terms of deployed resources and price with respect to an indicative set 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 Contracting Authorities activities and their 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.

Overall, the obligations of the Tenderer in performing activities and services mentioned or referred to in the Simulation Exercises shall form part of the successful Tenderer's contractual obligations for performing the services under the individual FWC.

2.1.5 Resource estimation

For each scenario and each specific contract, the Tenderer in its tender shall identify a suitable team to execute each task and shall provide the work schedule, location and workload envisaged. The team may be subject to tender evaluation, which case is further detailed in the Annex I.1 - Lot 1 through Annex I.6 – Lot 6.

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, location and workload envisaged.

2.1.6 Quality and acceptance

The Contracting Authority will assess the completion of tasks by comparing the quality and coverage of the deliverables against the requirements specified in the specific contract. Details will be included in each specific contract.

2.1.7 Specific technical terms of reference for lots including the simulation exercises

- **Lot 1:** Provided in Annex I.I.1 – Lot 1
- **Lot 2:** Provided in Annex I.I.2 – Lot 2
- **Lot 3:** Provided in Annex I.I.3 – Lot 3
- **Lot 4:** Provided in Annex I.I.4 – Lot 4
- **Lot 5:** Provided in Annex I.I.5 – Lot 5
- **Lot 6:** Provided in Annex I.I.6 – Lot 6

2.1.8 Quality performance assessment

Activities carried out under the FWCs shall meet the highest professional standards and include, without limitation:

- Effective contract management: seeking agreement on objectives, resources, 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 resource, 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.
- Monthly or quarterly reporting as requested by the Contracting Authority. To this end, and unless otherwise agreed, regular meetings may be organised via teleconference or at the Contracting Authority premises.

2.1.9 File management

The Contractor shall ensure soft and hard copy management of files attributed to the Contractor and ensure short periodic transfer of this data to the EUSPA.

Access to the EUSPA's internal databases and software (such as an intranet, internal functional mail-boxes) is not planned to be granted to the Contractor's personnel. However, the EUSPA keeps at its discretion the possibility to grant such an access and it may require that the consultants use these tools. The Contractor's personnel shall be able to use any tool that the EUSPA is using for file management.

2.2 Legal and contractual terms of reference

2.2.1 Participation conditions

2.2.1.1 For Lots 1 – 5:

Participation in this procurement procedure shall be open on equal terms to all economic operators (natural and legal persons) established in the territory of the Member States of the European Union and to all economic operators established in a third country which has a special agreement with the EU in the field of public procurement, when applicable to the Agency, under the conditions laid down in that agreement. It shall also be open to International Organisations. Economic operators referred to above are considered established in the EU when they are formed in accordance with the law of an EU Member State and have their central administration or registered office or 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).

2.2.1.2 For Lot 6:

Participation conditions for tenderers (prime contractors, ore team members 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) 2021/6961, 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 tender and throughout the whole duration of the resulting contract, if awarded and will be checked by the contracting authority at the moment of tender evaluation. 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.H (Parts 1, 2 and 3), including a dedicated Annex I.H -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.H - Part 2 is required.

The document entitled “Criteria for Assessment of Participating Conditions” available in Annex I.H-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.H – Part 3.

Tenderers (including prime contractors, core team and subcontractors) who have formally submitted the requested information/documents/supporting evidence 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.

2.2.1.2.1 Participation conditions for prime contractors or core team members

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 2.2.1.2 above.

In this procurement the contracting authority may decide, upon a motivated and justified request, to waive the conditions laid down under point c) of paragraph 2.2.1.2 above with regard to any entity, which applies as a prime contractor or core team member.

The request for waiver refers to point c) of paragraph 2.2.1.2, it shall include the assessment from a competent authority of a Member State in which the entity is established guaranteeing that:

- 1) 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;
- 2) 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

- 3) 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 tender.

The waiver under point c) of paragraph 2.2.1.2 will not be automatically granted even if the conditions 1), 2) and 3) above 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.

2.2.1.2.2 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.

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 2.2.1.2 above.

The Contracting Authority may decide, upon a motivated and justified request, to waive any of the conditions laid down under point c) of paragraph 2.2.1.2 above with regard to any entity, which applies as subcontractor involved in security sensitive activities.

The request for waiver refers to point c) of paragraph 2.2.1.2, it shall include the assessment from a competent authority of a Member State in which the entity is established guaranteeing that:

- 1) 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;
- 2) 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
- 3) 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 tender.

The waiver under point c) of paragraph 2.2.1.2 will not be automatically granted even if the conditions 1), 2) and 3) above 2.2.1.2.1 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.

2.2.1.2.3 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 2018/10462 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).

2.2.2 Proprietary Information

The documents listed in the **section 7** contain Proprietary Information and will be made available to the tenderers subject to entering into a non-disclosure undertaking (NDU) in the form provided in Annex I.L – template NDU.

Classified information is managed according to the SAL (Annex I.9) and to the NDU.

In order to be given access to the Proprietary Information the interested economic operators / potential tenderers shall submit a request to EUSPA via email to tenders@euspa.europa.eu including a scan of a duly signed Non-Disclosure Undertaking according to template provided Annex I.L (the original to follow by mail) with attached to it:

- Legal Identification Form (the “LEF”) and evidence that they are authorised to perform the contract under the applicable law such by inclusion in a trade or professional register, or equivalent;
- proof that the person signing the NDU is authorised to represent the tenderer/subcontractor.
- name of Local Security Officer (LSO)

Important notes:

- ✓ The interested economic operators / potential tenderers shall submit individual NDUs for prime tenderer / each consortium member (in case of a consortium)
- ✓ Before disclosure of Proprietary information to their subcontractors, the tenderers shall ensure that such subcontractors:
 - Have proven need to know for the purpose of participation / supporting tenderer’s offer for the present tender

- Are bound by provisions equally onerous to those of the NDU signed by them, and
- Fulfil the conditions of the present tender specifications

The EUSPA reserve the right to request submission of the NDU, signed by the subcontractors for verification.

- ✓ Previously signed NDUs giving access to the same proprietary information to economic operators shall not be regarded as fulfilling the NDU requirements under the present procurement procedure.

The EUSPA endeavours to deliver the documentation within 7 working days from the date of the request.

The following restrictions apply:

- ✓ The EUSPA reserves the right to refuse access to documentation if the conditions for access are not fulfilled, or if the NDU is submitted less than a week before the tender submission deadline.
- ✓ The EUSPA reserves the right to further inquire about any request in case of doubt of eligibility for access.

2.2.3 Ceiling volume of the contract

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

- Lot 1: EUR 4,500,000.00 (four and half million euro)
- Lot 2: EUR 3,500,000.00 (three and half million euro)
- Lot 3: EUR 3,500,000.00 (three and half million euro)
- Lot 4: EUR 4,000,000.00 (four million euro)
- Lot 5: EUR 5,000,000.00 (five million euro)
- Lot 6: EUR 4,000,000.00 (four million euro)

The amounts include extensions of the initial twelve months' durations of the FWCs to up to 4 (four) years. This budget is not binding for the Contracting Authorities and it will be subject to budget availability.

The Contracting Authorities 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.

2.2.4 Duration

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

2.2.5 Compliance with internal rules, professional conflicting interest, security requirements and confidentiality

2.2.5.1 Compliance with EUSPA internal rules

The Contractor shall ensure that its personnel follows any internal rules laid down by the Agency for anyone entering into or staying in the premises of EUSPA. 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.

2.2.5.2 Professional Conflicting interest

2.2.5.2.1 The Contractor shall ensure that its personnel sign a “declaration on confidentiality and absence of professional conflicting interest” with the EUSPA before commencing any service provision. The current form of such declaration is attached for information to the draft Contract (Annex II.). 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. The 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. The Contractor’s personnel proposed may be rejected on the basis of conflict-of interest.

2.2.5.2.2 At the time of submission of the tender 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 shall at the time of the tender:

- i. either confirm in the executive summary of the technical proposal their absence of professional conflicting interest, or
- ii. substantiate in the executive summary of the technical proposal how the potential, perceived or actual professional conflicting interest which may negatively affect the performance of the Contract is resolved.

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 Galileo / EGNOS / other space programme components in activities which may have as a result that impartial and objective performance of the present FWC may be compromised;
- 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 during the execution of the FWC which mitigate or eliminate the potential, perceived or actual professional conflicting 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, i.e. Galileo, EGNOS, SSA, Copernicus and GovSatCom.

2.2.5.3 High Level Security Requirements (applicable to LOT6)

The security principles contained in the Program Security Instructions (PSI) shall govern the execution of the contract. Any references in the PSI to legal acts that are no longer in force shall be intended to refer to the legal acts succeeding them.

The activities under the contract may require the handling and production of documents classified up to RESTREINT UE/EU RESTRICTED. Any classified information should be treated according to the instructions set out in the security aspects letter (referred to as "SAL" - Annex I.8).

2.2.5.4 Confidentiality

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

2.2.6 Local Security Officer (applicable to LOT6)

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. To this effect, tenderers shall submit the name of their Local Security Officer.

2.2.7 Access to GOVSATCOM related information (applicable to LOT6)

For the execution of some of the activities performed in the context of the contract, economic operators (including all individual legal entities involved in the setup of the tenderer) will have to access information of projects in the frame of the programme component GOVSATCOM and therefore will have to comply with the specific security requirements of the projects.

2.2.8 Security Aspects Letter (applicable to LOT6)

Economic operators (all members of consortium and subcontractors) must submit as part of their declaration of honour (Annex I.B of the Invitation to Tender) their declaration of full compliance with the requirements detailed in 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.

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

2.2.9 Access to PRS Information (applicable to LOT6)

An economic operator (including all individual legal entities involved in the setup of the tenderer) in charge of PRS-related activities shall be authorised by the Security Accreditation Board (SAB) in the PRS category "PRS Support", as indicated for Lot 6 under criterion L5 in table 3 – Legal Capacity Selection Criteria, except if they demonstrate that one or several members or sub-contractors do not have the need to know and thus no need to gain access to PRS information for the performance of their tasks.

The above-mentioned condition is verified by the Competent PRS Authority designated by the Member State in the territory of which the economic operator in charge of the PRS-related activity is established, in accordance with 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.

Tenderers shall therefore obtain the specific Authorisation from the SAB with respect to the relevant category.

Economic operators (including all individual legal entities involved in the setup of the tenderer) are therefore requested to follow these steps:

1. To justify whether they will need to access to PRS information based on their anticipated role in supporting the performance of the different tasks. This justification has to be provided in a "PRS Information Management Plan" (PIMP) document illustrating the organisation chart showing clearly the units within each legal entity and naming the natural persons (with a justification of their need-to-know) that may require access to classified PRS information. Instructions for the definition of the "PRS Information Management Plan" are in the Annex I.J of the Invitation to Tender;
2. To ask to their respective national CPA to submit a request for a SAB authorisation for the relevant PRS category ("PRS Support");
3. To provide written confirmation from the CPA that the request to the SAB was submitted or is in the process of being submitted;
4. Evidence of step 1 and 3 shall be provided together with the Tender.

IMPORTANT NOTES:

- (i) Failing to comply with the requirement of step 4 may lead to exclusion from the procurement process.
- (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 relevant categories required shall lead to cancellation of the award decision and potentially to award of the contract to the tenderer ranked next.

2.2.10 Core team and Industrial organisation of the Tenderer

Tenderers are required to present their industrial organisation and, in particular their Core Team. The latter shall be composed of 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 group to which they belong.

Tenderers shall prove that they will have at their disposal the resources necessary for 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.

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.

2.2.11 Subcontracting

2.2.11.1 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 set in the present Tender Specifications. **If the identity of the intended subcontractor(s) is already known at the time of submitting the tender, Candidates/Tenderers shall provide the subcontractor's Declaration of Honour, as provided**

in section 3.1. Regarding the subcontractors' compliance with the selection criteria, attention is drawn to the Important Note at the end of Section 3.2.3.

- (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 set under the paragraph below, unless such COTS are used or present elements of connection with security relevant activities⁹ or they are part of the Core Team. In such latter case, the Tenderer shall have to prove the compliance of these subcontractors to the participation conditions and all other requirements set in the tender specifications, applicable to subcontractors. 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 tender, the work will be assumed to be carried out directly by the Tenderer

The Contractor shall not change any subcontractor without prior authorisation by 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.

2.2.12 Supply Chain

Tenderers shall clearly indicate in their tenders which part of the services they intend to subcontract as well as their approach for implementing such subcontracting to demonstrate compliance with the below mentioned requirements.

According to Article 17 (1) (a) 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 **15% share of subcontracting to be awarded in competitive tendering** outside the Group¹⁰.

⁹ 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.).

¹⁰ 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

The Tenderer shall provide in its offer 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.

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.

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 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 Request to Participate.

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.

2.2.13 Participation of consortia

Consortia may submit a tender on the condition that they comply 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 authorizing this company or person to submit a

tender on behalf of the consortium and to represent the consortium for any contract execution issue, including amendments of FWC. The template of this power of attorney is provided in Annex I.C.

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

Each member of the consortium must provide the required evidence for the exclusion and selection criteria (see **sections 3.1 and 3.2** 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 the EUSPA.

2.2.14 Intellectual property rights

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

2.2.15 Terms of payment

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

2.2.16 Liability

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

2.2.17 Language of the FWC

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

The Contracting Authority reserves the right to request certificates issued by an officially recognised institution or equivalent proof of knowledge of English.

2.2.18 The cascade mechanism and its implementation

The notion of the multiple framework service contracts in cascade means that the identical FWCs are concluded separately between the Contracting Authority and several Contractors per each lot to ensure that the specific contract can be executed by the first ranked or the following one, should the one that is first on the list be unavailable or unable to perform the specific contract. The Contracting Authority will rank the tenderers in descending order and create a list of maximum 2 (two) Contractors per lot and the sequence in which they will be offered to provide services. In

case of unavailability of the Contractor ranked first, for reasons which do not entail terminating the FWC, the Contracting Authority may call on the next Contractor.

The circumstances which justify signing the specific contract with the Contractor next in cascade, are detailed in the draft Framework Contract (Annex II to the Invitation to Tender).

2.2.19 Working conditions of the Contractor's personnel

Working conditions of the Contractor's personnel are defined in the draft FWC contract (Annex II to the Invitation to Tender).

3 Assessment of tenders

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 exclusion and selection 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 below and selection criteria depending on the Lot(s) the Tenderer is participating in.

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

1. Verification of **non-exclusion** of tenderers on the basis of the exclusion criteria;
2. Selection of tenderers on the basis of **selection criteria**;
3. Verification of compliance with the **minimum requirements**;
4. Evaluation of tenders on the basis of the **award criteria**.

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

The Contract will be concluded following the result of the evaluation of admissible tenders.

In order to demonstrate compliance with exclusion criteria, selection criteria and minimum requirements, the tenderers must sign the declaration of honour duly completed, signed and dated (**Annexes I.A- I.B-I.C-I.D**

(Administrative Annexes)**B.** to this document). In case of consortia or subcontracting, each member of the consortium and/or each subcontractor must provide a declaration of honour and submit documentary evidence.

3.1 Exclusion criteria

The tenderer shall not be in any exclusion situation described in the declaration of honour included in **Annexes I.A- I.B-I.C-I.D**

(Administrative Annexes)**B.**

Supporting evidence requested as part of the declaration of honour shall be submitted as part of the tender for all entities, included in the Core Team, and subcontractors (not part of the Core Team) with expected contribution above 10% of the overall FWC value.

EU Restrictive Measures

The Tenderer shall provide a statement in the Cover Letter of their Tender (on its own behalf and on behalf of its subcontractors, Core Team or not) guaranteeing that the Tenderer, and its subcontractors and respective relevant persons¹¹ are not being a Restricted Person and do not fall under the scope of subject to 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.

For any subcontractors not yet known at the time of the tender submission, the fulfilment of this criteria needs to be evidenced upon the Tenderer's proposal of the said subcontractor.

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) hereto (see section 4 applicable and to be provided completed and duly signed by to all Tenderer and Subcontractors – Core Team if applicable or not).

3.2 Selection criteria

Tenderers must have the capacity below to perform the tasks.

In accordance with point 18.6 of Annex I FR, the candidate may, where appropriate, rely on the capacities of other entities. In such case, the candidate 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 in the form of a subcontractor letter of intent (template in Annex I.D) signed by every member of the candidate's Core Team, confirming their irrevocable undertaking to make such resources available to the candidate in case of being awarded the contract. The candidate 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 other entities of subcontractors, must indicate the proportion that it intends to subcontract.

The supporting evidence, which must be provided in the tender, are indicated in the column "to be evidenced by" in the tables below.

Criteria shall be applicable to all Lots, unless indicated in the reference per the criterion in which case, the criterion shall apply only to the Lot or Lots indicated.

¹¹ Respective relevant persons are meant the natural or legal persons indicated in section 4 of the Declaration of Honour (Annex I.B)

3.2.1 Legal and regulatory capacity

In order to fulfil the professional activity, the Contracting Authority requires the tenderer to fulfil the below requirements.

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L1. – All Lots	<p>Legal entity authorisation requirement</p> <p>Entity is authorised to perform the Contract under its national law</p>	<ol style="list-style-type: none"> 1. Legal Entity File (template available at: https://ec.europa.eu/info/publications/legal-entities_en), 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. 	All economic operators participating in this procurement, i.e. primes, each consortium member and any proposed subcontractors.
L2. – All Lots	<p>Participation conditions</p> <p>Entity must meet the conditions listed under Section 2.2.1.</p>	<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. For LOT 6 ONLY: Duly completed Annex I.H – Part 2 signed by an authorised representative and all evidence required therein and in Annex I.H – Part 1. The Agency reserves the right to request supporting evidence 	All economic operators participating in this procurement, i.e. primes, each consortium member and any proposed subcontractors.

		demonstrating compliance to the participation conditions if it considers this necessary, before award.	
L3. – Lot 6 only	<p>Appointed Local Security Officer</p> <p>Tenderers whose consultants will be handling classified information under the FWC must have appointed – at the time of submission of their tender – a Local Security Officer (“LSO”), to be maintained throughout the duration of the FWC.</p>	As evidenced by specific, appropriate and conclusive means following section 2.2.6 to be provided with the proposal.	All economic operators including Subcontractors who will handle classified information RESTREINT UE/EU RESTRICTED or above.
L4. – All Lots	<p>Absence of conflicting professional interests that may negatively impact the performance of the Contract.</p>	As evidenced by specific, appropriate and conclusive means following section 2.2.5.2 to be provided with the proposal.	<p>All economic operators participating in this procurement, i.e. Tenderers, consortium members and Subcontractors.</p> <p>If a single Tenderer submits tenders for more Lots, specific attention will be paid to the demonstration that</p>

			no professional conflicting interests exists between the execution of more than one Lots.
L5. – Lot 6 only	<p>PRS SAB authorisation in the category ‘PRS support’ is required.</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) – see section 2.2.9.</p> <p>If the Tenderer cannot provide this official documentation at the time of submission of the 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; 	<p>All economic operators 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>

		<p>3. Evidence of step 1 and step 2 shall be provided together with the tender.</p> <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 shall lead to the cancellation of the award decision and potentially to award the contract to the Tenderer ranked next.</p>	

Table 3 – Legal Capacity Selection Criteria

3.2.2 Economic and financial capacity

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

Ref #	Economic and financial capacity criteria	To be evidenced by:	Applicable to:
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<p>F1</p>	<p>A stable financial capacity to sustain its business.</p> <p>If, for some exceptional reason which the EUSPA considers justified, the tenderer is unable to provide the requested documents, the tenderer may prove its capacity by other documents which the EUSPA considers appropriate. In any case, EUSPA must, as a minimum, be notified of any exceptional reason and its justification in the tender. The EUSPA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.</p>	<ol style="list-style-type: none"> 1. Duly filled in Financial Statements relating to the Selection Stage in Annex I. 2. Submitting a full copy of the Tenderer's annual accounts (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable (with reference to Annex I.E) 3. If, for some exceptional reason which the EUSPA considers justified, the tenderer is unable to provide the requested documents, the tenderer may prove its capacity by other documents which the EUSPA considers appropriate. In any case, EUSPA must, as a minimum, be notified of any exceptional reason and its justification in the tender. The EUSPA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity before award. 	<p>Tenderer (all members of consortium individually). The Tenderer may also include the financial capacity of Subcontractors in order to reach the required capacity level.</p>
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F2.	<p>Minimum yearly turnover.</p> <p>The tenderer must have a minimum yearly turnover (in EUR) of:</p> <p>25 % of the the value of the contract for the concerned lot indicated in section 0 in the last three years preceding the year of launch of the present tender procedure.</p> <p>If the tenderer intends to submit a proposal for more than one lot, the minimum yearly turnover threshold must be equal to the higher of the thresholds for the relevant lots.</p>	<p>Duly filled in Financial Statements relating to the Selection Stage in Annex I.E.</p> <p>Submission of a copy of the Tenderer's annual accounts (profit and loss account, notes on the accounts and auditors' remarks when applicable).</p> <p>If, for some exceptional reason which the EUSPA considers justified, the tenderer is unable to provide the requested documents, the tenderer may prove its capacity by other documents which the EUSPA considers appropriate. In any case, EUSPA must, as a minimum, be notified of any exceptional reason and its justification in the tender. The EUSPA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity before award.</p>	<p>Tenderer (all members of consortium cumulatively). The Tenderer may also include the financial capacity of Subcontractors in order to reach the required capacity level.</p>
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Table 4 – Economic and financial capacity selection criteria

3.2.3 Technical and professional capacity

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

Criteria	Details	To be evidenced by	Applicable to
T.1 LOT 1	Experience in impact assessment studies and/or cost-benefit analyses	List and description of three (3) relevant examples of related tasks carried out and	Applicable to all economic operators participating in this procurement cumulatively, i.e. primes,

	of large projects and/or policy measures.	completely handled by the tenderer in the past 5 years.	each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion
T.2 LOT 1	Experience in economic modelling and market forecasting in space downstream or other high tech industries.	List and description of three (3) relevant examples of related tasks carried out and completely handled by the tenderer in the past 5 years.	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
T.3 LOT 1 - 6	Experience in user requirement identification in the area of downstream space relevant to the respective lot or other high tech industries and their translation into service definition relevant to the respective lot.	List and description of two (2) relevant examples for the selected lot and completely handled by the tenderer in the past 5 years.	Applicable to all economic operators participating in this procurement, i.e. primes, each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion
T.4 LOT 1 - 6	Experience in consulting projects related to downstream space applications market with examples relevant to the respective lot.	List and description of three (3) relevant examples provided of related tasks carried out and completely handled by the tenderer in the past 5 years.	Applicable to all economic operators participating in this procurement, i.e. primes, each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion
T.5 LOT 1 - 6	Experience and knowledge in the industrial verticals in which space technologies are used (list of industrial verticals available in EUSPA EO and GNSS Market Report)	List and description of at least two (2) relevant for selected lot examples of related tasks carried out and completely handled by the tenderer in the past 5 years.	Applicable to all economic operators participating in this procurement, i.e. primes, each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion

	relevant to the respective lot.		
T.6 LOT 2 – 6	Knowledge of the user level hardware (with special focus on GNSS chipsets and receivers), networks, operating systems and application developers' community relevant to the respective lot.	List and description of two (2) relevant examples of related tasks carried out and completely handled by the tenderer in the past 5 years.	Applicable to all economic operators participating in this procurement, i.e. primes, each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion
T.7 LOT 2 - 6	Knowledge of data processing technics and tools, artificial intelligence and machine learning with special focus on earth observation data processing relevant to the respective lot.	List and description of two (2) relevant examples of related tasks carried out and completely handled by the tenderer in the past 5 years.	Applicable to all economic operators participating in this procurement, i.e. primes, each consortium member and any proposed subcontractors on which the prime relies for fulfilling this criterion

Table 5 – 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 ensuring that the tasks for which the support will be provided are clearly indicated therein.

3.3 Minimum requirements

Tenderers must submit the information below with the tender. Failure to comply with minimum requirements at the submission time of the tender will lead to exclusion of the Tenderer from the tender procedure.

3.3.1 List of requirements

The Tenderer 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.	Corresponding statements of compliance in the declaration of honour – Annex I.B	Tenderer (all members of consortium and proposed Subcontractors cumulatively)

Table 6 – Minimum requirements

The failure to comply with minimum requirements will lead to exclusion of the Tenderer from the tender procedure.

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 below, as well as the ceiling volume of the contract, as identified in section 2.2.3 above, shall operate as minimum requirements.

3.4 Award stage

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

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. To this end, the information in the technical proposal must be consistent with this document and the respective technical terms of reference. 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, 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.

The qualitative award criteria will be scored out of one hundred (100) points. Tenders scoring **less than 62 (sixty-two) 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 against the qualitative award criteria detailed as follows:

LOT 1-5:

Ref no	Qualitative award criterion	Minimum points	Maximum points
Q1.	Overall quality and completeness of the proposal for the simulation exercise, evaluated with equal weight on the basis of: Q1.1: Identification of the specific market enablers and drivers, as required in the simulation exercise; Q1.2: Quality and accuracy of analysis and critical review of the tasks to be performed in the simulation exercise for the respective lot.	18	28
Q2.	Adequacy of the proposed approach and methodology of the simulation exercise, evaluated with equal weight on the basis of: Q2.1: Quality and innovation of the proposed methods and presentation of the rationale behind the selection of the proposed approach; Q2.2: Identification of key challenges and related risks and proposed means for their mitigation.	18	28
Q3.	Adequacy and quality of the project management & planning of the simulation exercise : Q3.1: Appropriateness and efficiency of the expertise proposed towards the tasks (max 10 / min 6 points); Q3.2: Quality and adequacy of the planning for the completion of the tasks (max 9 / min 6 points); Q3.3: Credibility of costing and pricing - consistency, justification and traceability of the proposed costs with respect to the Tenderer's technical proposal (max 9 / min 6 points).	18	28
Q4	Quality and credibility of the subcontracting plan and relevant commitment taking into account the target percentage	8	16
TOTAL	Minimum required quality score 62	Maximum possible score 100	

LOT 6:

Ref no	Qualitative award criterion	Minimum points	Maximum points
Q1.	Overall quality and completeness of the proposal for the simulation exercise Evaluated with equal weight on the basis of: Q1.1: Identification of the specific market enablers and drivers, as required in the simulation exercise; Q1.2: Quality and accuracy of analysis and critical review of the tasks to be performed in the simulation exercise for the respective lot.	16	24
Q2.	Adequacy of the proposed approach and methodology of the simulation exercise Evaluated with equal weight on the basis of: Q2.1: Quality and innovation of the proposed methods and presentation of the rationale behind the selection of the proposed approach; Q2.2: Identification of key challenges and related risks and proposed means for their mitigation.	16	24
Q3.	Adequacy and quality of the project management & planning of the simulation exercise: Evaluated with equal weight on the basis of: Q3.1: Appropriateness and efficiency of the expertise proposed towards the tasks Q3.2: Quality and adequacy of the planning for the completion of the tasks Q3.3: Credibility of costing and pricing - consistency, justification and traceability of the proposed costs with respect to the Tenderer's technical proposal	16	24
Q4	Quality and credibility of the subcontracting plan and relevant commitment taking into account the target percentage	7	14
Q5	Level of compliance with SAL *	7	14
TOTAL	Minimum required quality score 62	Maximum possible score 100	

* The requirements of the SAL that are reflected in the present document as selection criteria, i.e. L.4 – FSC requirement, L.5 - Appointed Local Security Officer and L.9 – PSC requirement will not be taken into consideration for the evaluation of this award criterion.

Table 7 – Lot specific award criteria

3.4.2 Financial award criteria

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.F.# - with “#” referring to the respective Lot.

In order to allow for a comparison of the offers, Tenderers are requested to submit Financial Proposal following the financial table of answers (Annex I.F.) 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.

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

3.4.2.2 Calculation of financial score of the tender

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

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

3.4.3 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 these services. 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. Calculation of final score and ranking of tenders

The Contract will be awarded to the tenderer having passed the selection stage 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 technical quality against price on a **60/40** basis and will be calculated using the following formula:

SCORE FOR TENDER= 60% of Final 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 will be awarded to the tenderer which will be ranked the highest (the best price-quality ratio).

4 Conditions of submission of tenders

4.1 Disclaimers

Please note disclaimers referred to in the Invitation to tender.

4.2 Visits to premises or briefing

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

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 borne 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 **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 Invitation to Tender EUSPA/OP/21/21/Lot [insert 1 to 7], the project title “SUPPORT SERVICES FOR THE EUSPA”
- the lot number for which the envelope is submitted & 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

Each outer envelope shall contain three (3) inner envelopes, namely, Envelope 1, 2 and 3 stating the content of each:

- Envelope 1: “ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and FINANCIAL AND ECONOMIC SELECTION CRITERIA”, with the name and stamp of the Tenderer and the reference number of the Invitation to Tender “EUSPA/OP/21/21”, lot [#];
- Envelope 2: “TECHNICAL OFFER”, with the name and stamp of the Tenderer and the reference number of the Invitation to Tender “EUSPA/OP/21/21”, lot [#];
- Envelope 3: “FINANCIAL OFFER”, with the name and stamp of the Tenderer and the reference number of the Invitation to Tender “EUSPA/OP/21/21”, lot [#].

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

It is required that tenders 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.

The 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 tender to be submitted

The tender must be:

- signed by the Tenderer or his 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).

The Contracting Authority reserves the right to request additional evidence in relation to the tender submitted for evaluation or verification purposes.

4.6.1 Administrative file (ENVELOPE/FOLDER 1)

Each tender shall include an administrative file, containing:

Ref.#	ENVELOPE/FOLDER 1 – ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and LEGAL AND FINANCIAL/ECONOMIC 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 tender, including:</p> <ul style="list-style-type: none"> - A declaration of full acceptance of the requirements in this Invitation to Tender; - The Tenderer's undertaking to provide the services; - Analysis of absence of conflicting interest, as per section 2.2.4.2 above; - A list of all the documentation included/enclosed in the tender; - A list of the legal entities involved, specifying each entity's role and qualifications; - Tenderer's contact details. - 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. <p>If the tender is submitted by a consortium or grouping:</p> <ul style="list-style-type: none"> - specify each member's role and qualifications, - include a letter signed by each member undertaking to participate as detailed. <p>In case of subcontracting:</p> <ul style="list-style-type: none"> - Indicate the elements and proportion (%) of the tender for which subcontracting is planned.
(2)	The duly filled in, signed and dated identification sheet of the Tenderer using the template in Annexes I.A- I.B-I.C-I.D

	(Administrative Annexes) (one per Tenderer including all the legal entities involved in the consortium and subcontractors and containing, where appropriate, as many sections as legal entities involved).Tenderer
(3)	<p>The duly filled in, signed and dated legal entity form (one per economic operator involved) (tender, consortium member or subcontractor) using the template available at: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal-entities_en.cfm and any supporting documents required in this template.</p> <p>Please take into consideration the instructions from this link before filling in the documents: http://ec.europa.eu/budget/library/contracts_grants/info_contracts/instructions_fich_le_en.pdf.</p>
(4)	A duly signed and dated statement of authorisation/power of attorney containing the name and position of the representative/signatory and official documentary evidence on the person's legal authority to validly sign the tender and the FWC on behalf of the organisation, should it be awarded it.
(5)	<p>The duly filled in, signed and dated Financial Identification Form using the template available at:</p> <p>http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm</p> <p>In case of consortia, only one financial identification form for the whole consortium should be submitted, nominating the bank account into which payments are to be made under the SCs (i.e. the account of the consortium leader) in the event that the respective tender is awarded to it.</p> <p>Please pay attention to the supporting documents that should be submitted together with dully filled in financial identification form.</p>
(6)	The duly filled in, signed and dated Declaration(s) of Honour relating to exclusion criteria and selection criteria using the relevant templateError! Reference source not found. - one per economic operator (i.e. Tenderer, all consortium members, all subcontractor(s), if any).
(7)	The duly filled in, signed and dated Financial Statement 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 3 (three) financial years as requested in table 14 of these tender specifications.
(8)	<p>All evidence relating to:</p> <ul style="list-style-type: none"> - the selection criteria in section 3.2.1 above relating to legal and regulatory capacity criteria, and - the selection criteria of a respective lots relating to technical and professional in section 3.2.2 - Economic and financial capacity
(9)	<p>All evidence relating to:</p> <ul style="list-style-type: none"> - the minimum requirement in section 3.3.1 above
(10)	<u>In case of consortia</u> , a duly signed and dated statement/declaration by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the consortium, sign and manage the Contracts, using the template of Annex I.C.
(11)	<u>For the proposed subcontractors on whom the tenderer relies for the fulfilment of the selection criteria (if any),,</u> duly filled in, signed and dated subcontractor Letter of Intent using the template in Annex I.D
(13)	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

Table 8 – Envelope 1 content – administrative documents

4.6.2 Technical proposal (ENVELOPE/FOLDER 2)

Each tender shall include an administrative file, containing:

	ENVELOPE/FOLDER 2 – TECHNICAL OFFER (1 (one) ORIGINAL, 1 (one) ELECTRONIC COPY
(1)	<p>Technical Proposal, in accordance with the requirements of the present Tender Specifications</p> <p>divided into following sections with headings:</p>

	<ul style="list-style-type: none"> • Executive Summary (2 (two) pages maximum) • Duly written, signed and dated Statement of Compliance (template in Annex I.K). The Tenderer must fill-in Annex I.K and (i) confirm its full compliance and (ii) define its partial or non-compliance to the requirements and tasks described in this document and its technical annexes. Any non-compliance or partial compliance must be explained and the level of compliance committed to be reached shall be indicated. • All evidence relating to the selection criteria in section 3.2.3 - Technical and professional capacity above. • Response to the simulation exercise defined in the Annex I.I for each lot. The responses shall include the complete approach related to the respective award criteria and sub-criteria. The Contracting Authority reserves the right to evaluate the award criterion and subcriteria only in respect of information provided in the such sections and subsections and not to take into account information provided in other parts of the tender, unless clear references are made to them. <u>Experience for the proposed team in the technical proposal shall be demonstrated by curriculum vitae of advisers which shall be submitted in English, preferably according to the Europass format (available at: http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions). The proposed team's experience has to address the proposed staff profiles as listed in Annex I.F for each Lot.</u>
(2)	An electronic copy of each document submitted in the technical 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

Table 9 – Envelope 2 content – technical proposal

4.6.3 Financial proposal (ENVELOPE/FOLDER 3)

4.6.3.1 Content

Each tender shall include a financial offer, containing:

	ENVELOPE/FOLDER 3 – FINANCIAL OFFER (1 (one) ORIGINAL and 1 (one) ELECTRONIC COPY per envelope).
(1)	Duly signed and dated financial proposal using the template in Annex I.F
(2)	An electronic copy of each document submitted in the financial 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

Table 10 – Envelope 3 content – financial proposal

The financial offer must respect the following conditions:

4.6.3.2 Unit prices and total price

Unit prices quoted in Annex I.F.# separately per each Lot (1, 2, 3, 4, 5, 6) must be firm and fixed and are not subject to revision. The unit prices in the financial offer will constitute the price list for the duration of the FWC¹², and shall include all costs and expenses, which are necessary for performance of the tasks.

These costs and expenses are indicatively: effort for all the tasks (including drawing up quotations and reports) necessary for their performance, including all costs (e.g. travel expenses, daily subsistence allowance, management of the project, administrative support and any support resource, coordination, quality control or currency conversion fees).

4.6.3.3 VAT exemption

As the Contracting Authority is exempt from all taxes and dues, including value added tax (VAT), pursuant to Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union, these must not be included in the price.

4.6.3.4 Currency and exchange rates

The price tendered must be all-inclusive and expressed in Euro without VAT.

4.7 Submission

Tenders may 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 1.7 above to the following address:

European Union Agency for the Space Programme
Procurement and Legal Department
Tender ref: EUSPA/OP/21/21, Lot [#] & title
Janovskeho 438/2
170 00 Prague 7
Holesovice, Czech Republic

¹² Price grid quantities estimates are provided by the EUSPA in Annex I.F.#. Such estimates will only be used by the EUSPA to simulate the cost competitiveness of tenderers against the most realistic scenario of implementation of the FWC. In this respect, quantity estimates are in no way binding. Upon signature of the contract, only the unit prices provided by the tenderers in the duly completed tables of Annexes I.F.# shall be binding.

Tenders sent by post mail, express mail and commercial courier shall be addressed to this address not later than 23:59 (local time) of date indicated in section 1.7. In this case, a receipt must be obtained as proof of submission.

In case the tender is hand-delivered, a receipt must be obtained as proof of delivery, signed and dated by the desk officer of the 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 be usually not possible due to absence of the desk officer of the 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/OP/21/21, lot [#]: submission of tender by *[insert name of legal entity / consortium]*" **and it shall contain as attachment the relevant proof of submission.**

Tenderer may submit the tender on paper or only on electronic media.

If it is submitted on electronic media, it shall contain 3 (three) CD-ROM, DVD or USB sticks with the full set of documents. 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 medias must be inserted in the outer envelope as described in the tender specifications. They shall contain the folders described above.

The electronic versions of the tender are considered as originals.

The tenderers must ensure that the electronic medias and 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 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 files (in the form of algorithm MD5, SHA-256 or higher) and insert them, preferably as a paper printout, 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 tender will have the possibility to re-submit the media upon condition 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 Tenderer does not resubmit media and files which are strictly identical to the original ones and related hashes, within a reasonable delay upon notification by the Contracting Authority that the files submitted cannot be read, the tender will be rejected.

The documents which must be signed according to the tender specification may be signed electronically with a qualified electronic signature (QES) of the Tenderer. 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/#/>).

4.8 Public opening of the tenders

The tenders will be opened on the date and time specified in section 1.7 above, in the offices of the EUSPA, Janovskeho 438/2, Prague 7, Czech Republic.

This opening session will be public. One representative of each Tenderer may attend the opening of the tenders. At the end of the opening session, the Chairman of the opening committee will disclose the name of the tenderers and the decision concerning the admissibility of each offer received. The prices indicated in each tender received will not be communicated.

Tenderers who wish to attend are invited to send a request (at least 5 (five) calendar days before the date of the opening) to the following e-mail address: tenders@EUSPA.europa.eu, specifying the name of the attending person and the Tenderer (s)he represents. The subject of the email shall be: "EUSPA/OP/21/21, lot [#]: request from *[insert name of legal entity / consortium]* to participate to the opening session".

In order to be able to enter the EUSPA premises for the opening of the tenders, the attending person shall present an ID card or passport at the reception of the EUSPA. Maximum one representative of a Tenderer may attend the opening.

The opening session may be organised via videoconference. Tenderers who expressed interest in participating in the opening session will receive a contract details for participation in the videoconference.

The opening session may be recorded. In such a case the participants will be informed about the recording at the beginning of the session.

Maximum one representative of each Tenderer may attend the videoconference. At the beginning of the session, the representatives of the tenderers will be asked to point the camera at their ID card or passport and expressly declare their identity.

4.9 Period of validity of the tenders

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

4.10 Further information

Contacts between the 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 tenders:

- At the request of the Tenderer, the 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/OP/21/21, lot [#].
- Requests for additional information received after deadline specified in section 1.7 above cannot be processed.
- The 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 Tender.

After the opening of tenders:

- 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, the EUSPA may contact the Tenderer, although such contact may not lead to any substantial alteration of the terms of the submitted tender.

4.11 Information for tenderers

The EUSPA will inform tenderers of decisions reached concerning the award of the contract in due course, including the grounds for any decision not to award a contract or to recommence the procedure.

If a written request is received, the EUSPA will inform all rejected tenderers of the reasons for their rejection and all tenderers submitting an admissible tender of the characteristics and relative advantages of the selected tender and the name of the successful Tenderer.

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.

4.12 Data protection

Any personal data that may be included in the tenders received during the present procedure will be processed in accordance with (1) the applicable rules on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies (currently Regulation (EU) 2018/1725) and (2) the modalities of the following privacy statement:

Identity of the controller and Data Protection Officer:

- **Controller for all Lots:** European Union Agency for the Space Programme (EUSPA), EUSPA Executive Director, Janovskeho 438/2 170 00 Prague 7, Czech Republic, tenders@EUSPA.europa.eu.
- **Data Protection Officer:** EUSPA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, dpo@EUSPA.europa.eu.

Purpose of the processing:

- the management and administration of the tender procedure
- additionally and only with regard to the personal data of the awarded Tenderer(s), the preparation of the contract

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
- 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

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 the 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; the 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 contract 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 Regulation¹³ (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 the 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 the EUSPA's servers
- 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)

¹³ Regulation (EU, Euratom) 2018/1046

- 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 contract(s) 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 the 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 the EUSPA Legal Department at tenders@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 the 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 the 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 the EUSPA Legal Department at tenders@EUSPA.europa.eu; data subjects are kindly requested to describe their requests explicitly.

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

By submitting a reply to the invitation to tender 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
BIC	Bank Identifier Code
Bidder	Used interchangeably with term Tenderer
CET	Central European Time
COMSEC	Communication Security
CONOPS	CONcept of OPERATIONs
Contracting Authority	The European Union Agency for the Space Programme
Contractor	The Tenderer to whom the Contract will be awarded
Controller	The EUSPA entity which determines the purposes and means of the processing of personal data
CPA	Competent PRS Authority
EC	European Commission

Acronym / Abbreviation / term	Complete Designation
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
EUSPA	European GNSS Supervisory Authority
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
KoM	Kick-Off Meeting
LEF	Legal Entity Form
LSO	Local Security Officer
MS	Member States (of the European Union)
N/A	(criteria/information/item) Not Applicable

Acronym / Abbreviation / term	Complete Designation
NDU	Non-Disclosure Undertaking
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
PM	Project Management or Progress Meeting
POC	Point Of Contact
PRS	Public Regulated Service
PSC	Personal Security Clearance
PSI	Programme Security Instruction
QMS	Quality Management System
R-UE/EU-R	RESTREINT UE / EU RESTRICTED
SAB	Security Accreditation Board
SAL	Security Aspects Letter
SUE	Secret UE
SC	Specific Contract
SSA	Space Situational Awareness
S-UE/EU-S	SECRET UE/EU SECRET
Subcontractor	an entity acting as subcontractor to a Tenderer
Tenderer	the entity having submitted a tender in this procurement procedure

Acronym / Abbreviation / term	Complete Designation
UE	Union Européenne
VAT	Value Added Tax
UNCL	Unclassified

Table 11 – acronyms and designations

6 List of tender specifications annexes

These tender specifications have the following annexes:

Annex	Title
Annexes I.A- I.B-I.C-I.D (Administrative Annexes)	Template Identification Sheet of the Tenderer - Template Declaration of Honour - Power of Attorney - Subcontractor Letter of Intent
Annex I.E	Financial Statements relating to the Selection Stage
Annex I.F	Template Financial Table of Answers
Annex I.G	Security Aspects Letter
Annex I.H Part 1	Criteria for assessment of participating conditions
Annex I.H Part 2	Declaration of Ownership and Control
Annex I.H Part 3	Additional information regarding the assessment of participating conditions
Annex I.I - Lot 1	Technical Terms of Reference and Simulation Exercise
Annex I.I - Lot 2	Technical Terms of Reference and Simulation Exercise
Annex I.I - Lot 3	Technical Terms of Reference and Simulation Exercise
Annex I.I - Lot 4	Technical Terms of Reference and Simulation Exercise
Annex I.I - Lot 5	Technical Terms of Reference and Simulation Exercise
Annex I.I- Lot 6	Technical Terms of Reference and Simulation Exercise
Annex I.J	Template PRS Information Management Plan
Annex I.K	Template Statement of Compliance
Annex I.L	Templatte Non-Disclosure Undertaking

Table 12 – Annexes to Annex I

7 List of Proprietary Information

The following documents contain Proprietary Information:

Document Title	Doc reference
PROGRAMME SECURITY INSTRUCTION CONCERNING European GNSS Programmes	EU GNSS PSI
EU GNSS Programme COMSEC Instructions	EU GNSS Programme COMSEC Instructions