GSA/OP/04/21
"Enhanced Galileo Green Lane - Design and Implementation"

Annex I to Invitation to Tender

"Tender Specifications"

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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.: 2021/S 044-109053 with further information on the procurement procedure and scope.

1.1 European GNSS Agency

The European GNSS Agency (hereinafter referred to as 'the GSA', 'the Agency' or 'the Contracting Authority') is an agency formed by the European Union to accomplish specific tasks related to the European GNSS programmes (Galileo and EGNOS).

Further information can be found on the GSA's web site (http://www.gsa.europa.eu). This website contains also information about

- European GNSS programmes (https://www.gsa.europa.eu/european-gnss/what-gnss)
- Legal framework applicable to the GSA (https://www.gsa.europa.eu/register-of-documents)

Subject to the entry into force of the Space Regulation[1], the Agency may be succeeded by the European Union Agency for the Space Programme – "EUSPA" (i.e. the GSA successor[2]).

1.2 Outline of the tender

Name: GSA/OP/04/21 – ''Enhanced Galileo Green Lane - Design and Implementation''

Procedure: **Open procedure** in accordance with Article 164(1)(a) of Regulation 2018/1046 on the financial rules (hereinafter 'Financial Regulation' or 'FR')[3] for procurement of supplies under a **direct contract (hereinafter 'Contract').**

The GSA reserves 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.

1.3 Purpose of the Invitation to Tender

As response to the COVID-19 pandemic, the GSA implemented a series of projects aiming to support the EU citizens and industry. GSA recently designed a technological solution for border traffic optimisation, called Galileo Green Lane, that was piloted and tested in several Member States. The app

[1] See Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the space programme of the Union and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013, (EU) No 377/2014 and Decision 541/2014/EU https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A447%3AFIN

[2] For the purpose of this procurement procedure both GSA and EUSPA as GSA's successor shall be considered as contracting authority.

[3] 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

provided border officials and drivers real-time awareness on the main European border crossings in terms of traffic and waiting time and the European Commission an overview of the overall Green Lane initiative implementation. The solution include a smartphone application with two different interfaces a) for drivers and b) for border control authorities, and a website for visualizing and reporting on the overall border situation. At the end of the pilot phase, GSA confirmed the added-value of the developed solution and the readiness of Member States to deploy it in operational mode. At completion of its development, the following components were migrated to GSA servers: the Android Apps, the Galileo Green Lane model back-end, the geofencing map, websites hosting and designs, report and analytics section, service email and IT documentation/system manual. The solution is currently operational.

In order to create level playing field for competition information on the solution can be found at www.galileogreenlane.eu. Credentials will be shared with tenderers subject to entering into a non-disclosure undertaking (NDU) in the form provided in Annex I.G according to the procedure described in section 2.2.2.

Due to the persistance of the COVID-19 pandemic in Europe, the GSA aims to put in place the necessary actions to enhance the previous Galileo Green Lane tool as per the new EC Communication COM(2020) 685 final from 28th. October 2020. Following consultation with EU Member States and the International Road Transport Union (IRU), several areas of improvements were detected, such as the extension of the geographical coverage of operations to non-Schengen countries and the addition of new border crossing for railways, ports and other points of interest.

The purpose of the present tender is to:

- design and develop the overall architecture of a mobile and/or telematic and/or online solution and to operate the solution aiming at facilitating the work of freight dispatchers, road authorities and enforcers in border crossing in Europe;
- and operate such solution for a period of up to two (2) months;

concluding a direct supply contract (hereinafter 'the Contract') with a duration of 6 months for the baseline activities and 12 months for the options, if excercised.

1.4 Applicable legal acts and rules

Participation in this procurement procedure is subject to applicable legal restrictions and obligations. The reference documents include:

- REGULATION (EC) No 1285/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 11 December 2013 on the implementation and exploitation of the European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the EUROPEAN PARLIAMENT and of the COUNCIL (hereinafter 'GNSS Regulation');

- REGULATION (EU) No 912/2010 of the EUROPEAN PARLIAMENT and of the COUNCIL of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council as amended by Regulation (EU) No 512/2014 of the European Parliament and of the Council of 16 April 2014 (hereinafter 'GSA Regulation').

The procurement procedure will be carried out in accordance with the rules of:

- European GNSS Agency Financial Regulation and its Implementing Rules 2014 adopted by its Administrative Board on 25 April 2014;
- COMMISSION DELEGATED REGULATION (EU) No 1271/2013 of 30 September 2013 on the framework Financial Regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council;
- Regulation (EU, Euratom) No 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 (hereinafter 'Financial Regulation' or 'FR');

In the general implementation of its activities and for the processing of procurement procedures in particular regarding personal data protection and public access to documents, the following rules shall be observed by GSA:

- Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

IMPORTANT NOTE: Beyond the legal acts listed above, it shall be the tenderer's duty and corresponding sole responsibility to comply and ensure continuous full compliance with all applicable laws.

1.5 Procurement schedule

Timetable	Date	Comments
Launch of Procurement - Submission for publication of Contract notice to the supplement to the Official Journal by GSA.	04/03/2021	All documents of the Invitation to Tender available at https://www.gsa.europa.eu/about/how-we-work/procurement
Deadline for requests of clarifications.	05/05/2021	Requests to be sent in writing only to: tenders@gsa.europa.eu. Tenderers are invited to send requests for clarifications as early as possible.
Deadline for submission of signed Non-Disclosure Undertakings (the "NDU"), along with the relevant documents and the request to access proprietary information relevant for the tender preparation	10/05/2021	Section 2.2.2
Last date on which clarifications are issued by GSA.	10/05/2021	All clarifications will be published at the GSA's procurement website: http://www.gsa.europa.eu/gsa/procurement Tenderers are invited to check the GSA's procurement website on a regular basis.
Deadline for submission of tenders.	**17/05/2021 at 17.00 CET**	**According to conditions of submissions set out in section 4.7 of these specifications.**
Opening session and start of the evaluation session.	24/05/2021	11h00 (local time) in GSA premises in Prague, Czech Republic.
Completion of evaluation and award	June 2021	Estimated
Signature of contract	Beginning July 2021	Estimated

1.6 General information and procedural process

The purpose of this ITT is to establish a contract for the supply of the technical solution and the provision of services through its operation, as further specified hereinafter (hereinafter 'Contract').

- The tenderers will have to fulfil the conditions of submission set out in section 4.

- Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or GSA during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties.
- Any reference to 'sections' or 'Annexes' in these tender specifications shall mean the reference to a section or annex to these tender specifications unless explicitly stated otherwise.
- When drawing up their tenders, the tenderers should bear in mind the provisions of the draft Contract (see Annex II to the Invitation to Tender), namely since the draft Contract indicates the method and the conditions for payments;
- The Invitation to Tender is in no way binding on GSA. The GSA's contractual relationship commences only upon signature of the Contract with the successful tenderer;
- Until the signature of the Contract, the GSA may decide to abandon the procurement or cancel the award procedure. Such actions shall not entitle the tenderers to claim any compensation.

The terms and conditions of the Contract are described in the draft Contract - Annex II to ITT.

2 Terms of reference

2.1 Technical terms of reference

The Contractor shall perform the following tasks:

2.1.1 Baseline

Task 1: Technical solution aiming to monitor traffic of freight transport

The contractor shall design and develop the overall architecture of a mobile and/or telematic and/or online solution enhancing user journey/experience and facilitating the work of freight dispatchers, road authorities and enforcers from Europe. The designed architecture may take advantage of EU proprietary developments, databases or techniques (e.g. geofencing algorithms) from previous contracts (i.e. Galileo Green Lane under procurement reference GSA/NP/27/20). Information on such proprietary development is provided in the applicable documentation under section 2.1.3.
Tenderers can also develop alternative technical solutions, disregarding existing development. In case a mobile solution is proposed, this shall be compatible with at least Android and iOS smartphones.

The architecture shall contain at least the following components:

- User interface for drivers;
- Control centre interface for the road authorities and enforcers;
- Back-end system;
- Web platform including visualization, analysis and reporting tools;

- Technical documentation and communication material.

The technical solution shall have at least following functionalities:

- Monitoring the traffic situation and the estimated waiting time in road, rail and maritime internal border crossings from EU Member States, considering the TEN-T map as a minimum reference;
- Monitoring the traffic situation and the estimated waiting time in road, rail and maritime non-Schengen border crossings, with particular interest to strategic corridors with neighbor countries (e.g. UK, EFTA, Western Balkans, EU candidate countries);
- Monitoring the traffic situation and the waiting time in additional points of interest for the Transport community, such as national logistics hubs (including airports), resting/service areas, re-fuelling stations, parkings, etc. including individual features of the facilities represented (e.g. open timing, restaurant, WC/showers, hotels);
- Connection to anonymized traffic information datasets from open data servers or floating car data either from public/private entities prioritizing its availability, accuracy and segregation by passenger cars and trucks;
- Automatic generation of reports, graphs and statistics in Excel and PDF formats with hourly granularity;
- Algorithms to anticipate peaks of traffic and adapt to changing traffic patterns;
- Application Programming Interface (API) facilitating access, analysis and distribution of data;
- Representation of routing alternatives for dispatchers and/or drivers showcasing at least the time needed to arrive from the current location to the closest border crossings considering the traffic monitored;
- Unidirectional communication tool from road authorities or service facilities to drivers located in the proximities of a specific point of interest.

<u>Task 2: Pilot testing with potential users</u>

The contractor shall engage road authorities, freight carriers and/or automotive clubs in the testing of the designed solution prior to implementation and any other entity as requested by the GSA. The testing campaign should be proposed with basic operational capacity by the tenderer in its proposal and performed at selected border crossings, following GSA agreement.

The tests shall include at least:

- Monitoring the traffic situation and the estimated waiting time in road, rail and maritime crossings or logistic hubs in a specific country. At least one cross-border monitoring test between two countries of Europe shall be implemented;
- Monitoring the traffic situation and the estimated waiting time in points of interest for the Transport community. At least one queuing time test in parking or resting/service areas shall be implemented.

Task 3: Operational maintenance of the overall solution

The contractor shall implement and maintain the mobile and/or telematic and/or online solution in full operational capacity.

The Tenderer may assume in the proposal up to 500.000 data records per month. This Task shall be delivered under the terms and conditions of a Service Level Agreement (SLA) applicable for Task 3, which is to be proposed by the Tenderer in its tender. The Tenderer shall consider the following as minimum requirements of the SLA:

- Availability of the platform shall be24 hours on 7 days per week with exception of marginal interruptions due to maintenance work and system updates. Target: 99.5%;
- Updates of relevant data of the platform shall be made at least once an hour;
- The response time to user´s incidents shall be no more than 1 working day.

Besides, the Tenderer shall propose additional KPIs to be included in the SLA and referring to the operational maintenance activities below.:

- Daily operation of web services, mobile apps and/or database;
- Data collection and processing from aggregated crowdsourced data;
- Ad-hoc traffic visualization, analysis and forecasting;
- Automatic reporting generation including graphics, KPIs and traffic statistics;
- Handling of the application support requests;
- Monitoring of the web server and of additional data storage needs;
- Provision of website “GalileoGreenLane.eu” maintenance;
- Monitoring of back-end services performance;
- Monitoring frontend app performance, runtime errors and bug fixing;
- Continuous data analysis and quality improvements;
- Other tasks needed to ensure the fulfillment of the SLA.

Task 4: System handover

Upon the completion of its development, the EU proprietary system components and documentation, as per article 9.1 of the draft contract (Annex II to the Invitation to Tender), shall be handed over to the GSA. The handover shall include whatever necessary for the GSA to be able to exercise its right as per contractual provision (e.g. it shall include the migration package, domains and service email addresses (if relevant) code, manuals and related documentation).

The duration of the baseline activities is 6 (six months) as provided in section 2.2.3 below.

2.1.2 Options

The proposal shall include the following options:

Option 1

Scope: Delivery of the services under Task 3 for a period of two (2) months.
Validity: from the Contract entry into force until its expiry.
Option exercising: via letter (or equivalent) by the GSA to the Contractor, sent at least two (2) weeks before the start of the option implementation.
Number of options: 3 (three)

2.1.2 Deliverables

The Contractor shall deliver the following deliverables as outcome of Task 1:

- Deliverable 1.1. User interface for drivers; T0+2 months
- Deliverable 1.2. Control centre interface for the road authorities and enforcers; T0+2 months
- Deliverable 1.3. Back-end system; T0+2 months
- Deliverable 1.4. Web platform including visualization, analysis and reporting tools; T0+3 months
- Deliverable 1.5. Technical documentation and communication material ; T0+3 months

The Contractor shall deliver the following deliverables as outcome of Task 2:

- Deliverable 2.1 Report on testing activities and basic operational capacity, T0+4 months

The Contractor shall deliver the following deliverables as outcome of Task 3:

- Deliverable 3.1 Report on the Galileo Green Lane solution full operational maintenance, including at least the information on the performed activities, processing bugs, suggested quality improvements and compliance to the Service Level Agreement, , T0+6 months

The Contractor shall deliver the following deliverables as outcome of Task 4:

- Deliverable 4.1 Migration package of all EU proprietary content and system documentation, T0+6

2.1.3 Applicable documentation

In this section, all applicable documents are reported.

The applicable documents are listed in the following table:

#	Document	Version	Remark
AD.1	App installation package.zip		Document to be provided to tenderers upon signature of NDU as provided in section 2.2.2
AD.2	Web + App manual and source code.zip		Document to be provided to tenderers upon signature of NDU as provided in section 2.2.2
AD.3	Online tools access.pdf	1.0	Document to be provided to tenderers upon signature of NDU as provided in section 2.2.2
AD.4	JRC Technical Paper on Green Lane Mobile geofencing functionality.pdf	1.0	Document to be provided to tenderers upon signature of NDU as provided in section 2.2.2

2.1.4 Place of performance

The main place of performance of the tasks shall be the Contractor's premises. The testing under Task 2 could partially happen in other location in Europe.

2.2 Legal and contractual terms of reference

2.2.1 Participation conditions

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). Tenderers shall clearly indicate in Annex I.A their place of establishment and present supporting evidence normally acceptable under the law of that state.

2.2.2 Request for accessing Proprietary Information (unclassified) information as per section 2.1.3

In order to be given access to the Proprietary Information as defined in **section 2.1.3** the interested economic operators / potential tenderers shall submit a request to GSA via email to tenders@gsa.europa.eu including a scan of a duly signed Non-Disclosure Undertaking according to template provided in Annex I.G (the original to follow by mail) with attached to it:

a) filled and signed Legal Entity Form in the form[4] and the attachments requested in.

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 GSA may 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 GSA endeavours to deliver the documentation within 7 working days from the date of the request.

The following restrictions apply:

- ✓ The GSA reserves the right to refuse access to documentation if the conditions for access are not fulfilled.

The GSA 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 ceilings estimated for the maximum duration of the SC is 500,000.00 EUR (five hundred thousand euro). Offers exceeding the above-mentioned amount limit shall be rejected.

The estimated total value of the baseline activities is 380,000.00 EUR (three hundred eighty thousand euro) and the estimated value of the optional activities is 120,000.00 EUR (one hundred twenty thousand euro).

2.2.4 Duration

The duration of the baseline activities shall not exceed 6 months from the Contract signature by the last party (whichever is later) and 12 months including the performance of the optional activities.

[4] Available here: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal-entities_en.cfm

2.2.5 Subcontracting

2.2.5.1 General principles

The contractor may call on subcontractors also to provide specific know-how for the Contract. For the purposes of Article 26(2) of the GNSS Regulation, the contractor must overall subcontract a minimum share of 5% of the overall Contract value by competitive tendering outside its group. Beyond this range other subcontractors may be selected (the requirements for competitive tendering and non-belonging to the group set above shall not apply) with no restrictions in terms of percentage of the Total Contract Value.

Each tenderer is responsible for organising its own competitive tender(s) aimed at finding necessary subcontracting respecting the following procurement principles:

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

Tenderers shall clearly indicate in their tenders which tasks, allocated to which activities and to which proportion (in %) in relation to the overall contract value they intend to subcontract, demonstrating compliance with the above-mentioned requirements. As proof of competitive subcontracting tender(s), including thorough visibility of technical and financial offer of consulted entities outside the group (envisaged subcontractors), shall be provided together with the offer.

If the tenderer does not manage to complete the competitive tender(s) required by the time of tender submission, it shall submit a signed undertaking presenting credible tendering plan it intends to carry out.

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

The tenderer shall request the GSA's prior written authorisation to introduce any newly selected subcontractor(s) according to the Contract provisions. In case of failure to respect the undertaking of subcontracting or obtaining the said authorisation, the Contract may be terminated for tenderer's default.

In the case where no or not the required minimum share of competitive tendering is planned to be undertaken, the tenderer shall submit a justification providing compelling reasoning for the non-compliance with the above-mentioned requirement. Failure to provide such justification may lead to the rejection of the tender.

Tenderers may at any time after tender submission or during the Contract execution be requested to submit supporting evidence of their application of competitive tendering for the selection of sub-contractors and their compliance with the principles established above. Tenderers can be subject to possible auditing according to contractual provisions.

Without prejudice to the above, GSA 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 GSA and may be based only on the criteria used for the selection of tenderers for the main Contract.

Sub-contracting shall not relieve the tenderer from its obligations under the Contract. In this respect, the tenderer shall remain the sole partner and person legally and financially responsible vis-à-vis GSA.

In the evaluation, particular attention will be paid by GSA to the approach proposed by the tenderer for the management of its subcontractors.The Contractor shall not change any sub-contractor without prior authorisation by GSA.

2.2.6 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 the contract. The template of this power of attorney is provided in Annex I.

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

Each member of the consortium must provide the required evidence for the exclusion and selection criteria (see **sections 3** 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.

2.2.7 Intellectual property rights

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

2.2.8 Terms of payment

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

2.2.9 Liability

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

3 Assessment of tenders

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 GSA 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 (**Annex I.**A**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 **Annex I.**A**B**.

Supporting evidence requested as part of the declaration of honour can be submitted only by the successful tenderer upon notification of award by the GSA. The tenderers should however start preparing the evidence in original version as soon as possible given the time necessary to gather them. The GSA reserves the right to request the supporting evidence during the tendering procedure.

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

3.2.1 Legal and regulatory capacity

Ref. #	Legal and regulatory capacity criteria	To be evidenced by:	Applicable to:
L1.	**General requirement** The tenderer must be authorized to perform the Contract under national law.	A duly filled in and signed **Legal Entity Form**[5] alongside a copy of the **trade or professional register excerpt** of the entity and the supporting documents required in the form, i.e. copy of the **value added tax (VAT) registration document** (the latter not applicable for subcontractors). When the Candidate has already provided the Legal Entity Form and the supporting documents on a previous occasion during the last 12 months, it may provide only a reference to this submission instead.	Core Team and all non Core Team subcontractors where the envisaged percentage of subcontracting is equal to or exceeds 10%
L2.	**Place of establishment** Tenderers must be established in an EU Member State. Tenders must comply with specific participation conditions laid down in section 2.2.1.	1. Submission of a proof provided for under criterion L1; 2. Filled in dedicated section in the declaration on honour (**Error! Reference source not found.**); 3. Additional supporting documents may be requested from successful tenderer upon notification of award by the GSA.	Core Team and all non Core Team subcontractors

[5] For download: https://ec.europa.eu/info/publications/legal-entities_en

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:
F1	A stable financial capacity to sustain its business.	Duly filled in **Financial Statements relating to the Selection Stage** in **Annex I.E.** 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. If, for some exceptional reason which the GSA considers justified, the tenderer is unable to provide the requested documents, the tenderer may prove its capacity by other documents which the GSA considers appropriate. In any case, GSA must, as a minimum, be notified of any exceptional reason and its justification in the tender. The GSA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.	Tenderer (all members of consortium cumulatively), including subcontractors, if the tenderer relies on their capacity for fulfilment of economic and financial capacity criteria

F2.	The tenderer must have a minimum yearly turnover (in EUR) of: 10% of the value of the contract indicated in section 2.2.3 in the last three years preceding the year of launch of the present tender procedure.	Duly filled in Financial Sta-tements relating to the Se-lection Stage in Annex I.X Submission of a copy of the **tenderer's annual accounts** (profit and loss account, notes on the accounts and auditors' remarks when applicable). If, for some exceptional reason which the GSA considers justified, the tenderer is unable to provide the requested documents, the tenderer may prove its capacity by other documents which the GSA considers appropriate. In any case, GSA must, as a minimum, be notified of any exceptional reason and its justification in the tender. The GSA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.	Tenderer (all members of consortium cumulatively), including subcontractors, if the tenderer relies on their capacity for fulfilment of economic and financial capacity 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:

Ref #	Technical and professional capacity criteria	To be evidenced by:	Applicable to:

T1.	Candidate has gained minimum 2 years of recent experience in the processing of aggregated data from GNSS-based telematic systems, and/or the operational maintenance of fleet monitoring applications.	Information on previous projects or contracts established to developed similar telematics applications for the freight industry. Additional supporting documents may be requested from successful Candidate upon notification of award by the GSA.	Tenderer (all members of consortium and proposed sub-contractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria).
T2.	Candidate has gained minimum 2 years of recent experience in the design and development of map servers, online mobility platforms and/or mobile apps with geolocation capabilitites.	Information on previous projects or contracts established to developed similar mobile applications. Additional supporting documents may be requested from successful Candidate upon notification of award by the GSA.	Tenderer (all members of consortium and proposed sub-contractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria).

T3.	Candidate has gained minimum 1 years of recent experience in the design of statistics and visual analytics on traffic information.	Information on previous projects or contracts established to developed similar traffic applications. Additional supporting documents may be requested from successful Candidate upon notification of award by the GSA.	Tenderer (all members of consortium and proposed sub-contractors cumulatively, if the tenderer relies on their capacity for fulfilment of technical and professional capacity criteria).

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.**A**B**.	Tenderer (all members of consortium and proposed sub-contractors cumulatively)

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.

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

3.4.1 Qualitative award criteria

The evaluation of technical quality will be based on the ability of the tenderer to meet the objectives of the Contract, as described in these tender specifications and the respective terms of reference. 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 and sub-criteria (with equal relevance) below.

The qualitative award criteria will be scored out of one hundred and five (100). Tenders scoring **less than 50 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 evaluated on the basis of the tenderer's technical proposal as follows:

Ref no	Award criterion	Maximum points	Minimum points
Q1	**Credibility of the proposed solution** • Quality and credibility of the proposed design and development approach with justification of the design and development choices vis a vis performances and cost efficiency • Adequacy and responsiveness of the proposed Service Level Agreement (SLA) to analyse and resolve any potential indicent in a clear, relevant, realistic and well-structured way to achieve the objectives and provide the service as requested. • Reliability of the proposed characteristics of the operational maintenance of the solution, including the systematic retrival of data from multiple sources	60	30
Q2	**Quality and adequacy of the project management plan** • Adequacy of the proposed management plan, including quality of the proposed planning, monitoring and evaluation, quality control process/mechanisms for ensuring a continuous service, product assurance,	20	10

	risk assessment, dissemination and stakeholder management plan.		
Q3	**Adequacy of the team, organisation of the work and allocation of resources with respect to the delivery of the tasks as described in the offer** • Relevance of each team member's background for the duties allocated to him/her. • Allocation of personnel per task in the work package description • Suitability of equipment, tools or facilities at the disposal of the tenderer for the execution of the tasks and justification of their contribution to the project's objectives	20	10

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 form provided in Annex I.F.

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, initialed, 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 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:

The final score of Tender X= Total technical score of Tender X *0.6 + Financial score of Tender X *0.4

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 GSA'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.
Each outer envelope shall carry the following information:

- the reference number of the Invitation to Tender **GSA/OP/04/21**,
- the project title **"Galileo Green Lane: Enhanced Galileo Green Lane - Design and Implementation"**
- **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 "**GSA/OP/04/21**";
- Envelope 2: "TECHNICAL OFFER", with the name and stamp of the tenderer and the reference number of the Invitation to Tender "**GSA/OP/04/21**";
- Envelope 3: "FINANCIAL OFFER", with the name and stamp of the tenderer and the reference number of the Invitation to Tender "**GSA/OP/04/21**".

Each inner envelope shall contain **one (1) ORIGINAL and one (1) 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 GSA 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 GSA reserves the right to request additional evidence in relation to the tender submitted for evaluation or verification purposes.

4.6.1 Administrative file (ENVELOPE 1)

Each tender shall include an administrative file, containing:

Ref. #	ENVELOPE 1 – ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and LEGAL AND FINANCIAL/ECONOMIC SELECTION CRITERIA (one (1) ORIGINAL, one (1) ELECTRONIC COPY per envelope)
(1)	A **cover letter**, dated and signed by duly authorized representative of the tender, including: • A declaration of full acceptance of the requirements in this Invitation to Tender; • The tenderer's undertaking to provide the services; • 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.
(2)	The duly filled in, signed and dated **identification sheet of the tenderer** using the template in **Annex I.A**. (**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).
(3)	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. 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.
(4)	A duly signed and dated **statement of authorization/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 SC on behalf of the organization, should it be awarded it.
(5)	The duly filled in, signed and dated **Financial Identification Form** using the template available at: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm 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. Please pay attention to the supporting documents that should be submitted together with dully filled in financial identification form.
(6)	The duly filled in, signed and dated **Declaration(s) of Honour** relating to **exclusion criteria and selection criteria** using the template in Error! 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 Error! Reference source not found.**,** complemented by the **full financial statements** for the last three financial years and a **statement of turnover** relating to the relevant services for this tender for the last three financial years as requested in section 3.2.2 of these tender specifications.
(8)	All evidence relating to the selection criteria
(9)	All evidence relating to the minimum requirements
(10)	In case of consortia, 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 an tender on behalf of the consortium, sign and manage the Contracts.
(11)	For the proposed subcontractors, duly filled in, signed and dated **subcontractor Letter of Intent** using the template in **Annex I.C.**
(12)	Description and measures ensuring compliance with the subcontracting requirements under section **Error! Reference source not found.**.
(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

4.6.2 Technical proposal (ENVELOPE 2)

Each tender shall include an administrative file, containing:

	ENVELOPE 2 – TECHNICAL OFFER (one (1) ORIGINAL, one (1) ELECTRONIC COPY)
(1)	**Technical Proposal**, in accordance with the requirements of the present Tender Specifications divided into following sections with headings: • Executive Summary (2 pages maximum) • All evidence relating to the selection criteria in section 3 above. • One section per each award criterion, subdivided into subsections per subcriteria.Each of these sections and subsections shall include the complete approach proposed by the tenderer in relation to the respective award criteria and subcriteria. The GSA 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.

(3)	**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

4.6.3 Financial proposal (ENVELOPE 3)

4.6.3.1 Content

Each tender shall include a financial offer, containing:

	ENVELOPE 3 – FINANCIAL OFFER (one (1) ORIGINAL and one (1) ELECTRONIC COPY per envelope).
(1)	**Duly signed and dated financial proposal** using the templates in **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

The financial offer must respect the following conditions:

4.6.3.2 Prices

Prices quoted in **Annex I.F**, must be firm and fixed and are not subject to revision. The Prices in the financial offer will constitute the price list for the duration of the Contract[6], and shall include all costs and expenses which are necessary for performance of the tasks.

These costs and expenses are indicative: 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).

The price quotes given shall not be conditional and are binding for the Tenderer.

The Financial Proposal shall provide the breakdown of the costs allowing a clear identification of:

- The costs of baseline activities;
- The cost of each of option, if offered;
- The costs of each Task specified in the proposal.

[6] Price grid quantities estimates are provided by the GSA in Annexe I.F. Such estimates will only be used by the GSA to simulate the cost competitiveness of tenderers against the most realistic scenario of implementation of the contract. 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 Annexe I.F shall be binding.

4.6.3.3 VAT exemption

As the GSA 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 1.5 above to the following address:

European GNSS Agency
Procurement and Legal Department
Tender ref: GSA/OP/04/21, ''Galileo Green Lane: Enhanced Galileo Green Lane - Design and Implementation''
Janovskeho 438/2
170 00 Prague 7
Holesovice, Czech Republic

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 1.5. 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 GSA 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 GSA 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@gsa.europa.eu. The subject of the email shall be: "Enhanced Galileo Green Lane - Design and Implementation: 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 electronically, 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 following folders with the corresponding documents:

- Folder 1: ADMINISTRATIVE DOCUMENTS
- Folder 2: TECHNICAL OFFER
- Folder 3: FINANCIAL OFFER

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 resubmit the media with the original files under the condition that the hashes of the files are strictly identical with the hashes which were inserted into the original outer envelope.

If the submitted media and files are not readable and the tenderer does not resubmit files which are strictly identical with the above-mentioned hashes promptly 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/applicant. 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 1.5 above, in the offices of the GSA, 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@gsa.europa.eu, specifying the name of the attending person and the tenderer (s)he represents. The subject of the email shall be: "GSA/OP/04/21*:* request from *[insert name of legal entity / consortium]* to participate to the opening session"

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

Given the exceptional situation surrounding the COVID-19 outbreak the opening session may be organised via videoconference. Tenderers who wish to attend it are invited to send a request (at least 5 (five) calendar days before the date of the opening) to TENDERS@GSA.EUROPA.EU, specifying the name(s) of the attending person(s) and the tenderer (s)he represents. The subject of the email shall be: "GSA/OP/04/21: request from [insert name of legal entity / consortium] to participate to the opening session". In reply to this e-mail, the tenderer 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 GSA 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 GSA 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@gsa.europa.eu. The subject line of the e-mail has to quote the reference of the procurement procedure: **GSA/OP/04/21.**
- Requests for additional information received after deadline specified in section 1.5 above cannot be processed.

- The GSA 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 GSA 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 GSA 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 GSA 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:** European GNSS Agency (GSA), Head of Market Development, market@gsa.europa.eu.
- **Data Protection Officer:** GSA Data Protection Officer, Janovskeho 438/2 170 00 Prague 7, Czech Republic, dpo@gsa.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 SC

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 GSA 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 GSA 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 Regulation[7] (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

[7] Regulation (EU, Euratom) 2018/1046

Recipients of the data processed:

- a limited number of staff of the GSA managing this tender procedure
- data processors:
  - a limited number of staff of GSA contractors assisting GSA staff in the management of this tender procedure
  - a limited number of staff of GSA contractors in charge of the provision of hosting services for the GSA'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)
- 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 GSA servers with access control measures (i.e. one or two factor authentication) hosted by GSA contractors which are located in the EU and abiding by the necessary security provisions
  - physically in secure storage cupboards in the GSA 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 GSA Legal Department at tenders@gsa.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 GSA, 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 GSA
- 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 GSA Legal Department at tenders@gsa.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	
LEF	Legal Entity Form
SAL	Security Aspects Letter

6 List of tender specifications annexes

These tender specifications have the following annexes:

Annex	Title
Annex I.A	Template Identification Sheet of the Tenderer
Annex I.B	Template Declaration of Honour for exclusion and selection criteria
Annex I.C	Template Subcontractor letter of intent
Annex I.D	Template Power of Attorney
Annex I.E	Financial Statements relating to the Selection Stage

Annex I.F	Template Financial Table of Answers
Annex I.G	Non-Disclosure Undertaking