

## **Clarification Note #1**

EUSPA internal reference: **270997**

**Procurement procedure: EUSPA/OP/21/21**

**Question #1: In case of proposal submission in paper format, how are administrative documents signed with a QES to be handled? Will a printed out copy of the QES signed document suffice for the paper version of the proposal, if the digital original is included in the USB stick (electronic copy of the proposal)? Or will all documents need to be hand-signed in case of a paper submission?**

**Answer #1:** In case the electronic copy of the proposal includes QES signed document, it is sufficient that the respective paper copy of the proposal includes the printed QES signed documents.

**Question #2: Is the Power of Attorney expected to be signed on the same form by all members of the consortium, or will individually signed Powers of Attorney for each consortium member be accepted?**

**Answer #2:** The Power of Attorney can be signed either on the same form by all members of the consortium, or on separate copies, to the extent that the power of attorney is signed by a duly authorised representative of the entity granting it.

**Question #3: In the Tender Specifications section 3.2.3 "Technical and professional capacity", Table 5, it is mentioned that the proposed relevant examples of past projects should be "completely handled" by the tenderer. Could you kindly please clarify what this means? Is it expected that the proposed past projects cannot have involved any companies outside of the currently assembled consortium?**

**Answer #3:** In this regard, "completely handled" means that the tenderer was coordinating/leading the project.

**Question #4: In section 2.2.12 of the Tender Specifications, page 25, it is mentioned: "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."**

**Does the competitive subcontracting procedure need to be carried out already at the FWC proposal level and therefore should be concluded by the 11th of July? Or will the competitive subcontracting be carried out at the level of each individual Specific Contract throughout the Framework contract execution?**

**Answer #4:** The competitive tendering may be concluded either at the tendering phase (i.e. before the submissions' deadline) or during the contract performance. In either case, the tenderers shall

provide in their offer a detailed plan on how to achieve the required percentage of the competitive tendering, as per section 2.2.12 of the Tender Specifications.

**Question #5: If the competitive subcontracting needs to happen at the level of specific contracts: does the addition of the competitive subcontracting procedure in turn imply that EUSPA will give longer deadlines for offer submission to its requests for services?**

**Answer #5:** There is no such provision. It is the contractor's responsibility to make the necessary arrangements in order to meet the EUSPA's deadlines in its requests for services.

**Question #6: If the competitive tendering can be concluded at the time of the framework contract performance, can you clarify when this is expected to take place for each specific contract, i.e. during the specific contract proposal preparation phase or after the SC has already been awarded (i.e. during project execution)?**

**Answer #6:** If the competitive tendering is to be concluded at the time of contract execution, such should be done before the specific contract signature, i.e. at the time of the specific offer submission.

**Question #7: Should the requirement for competitive subcontracting, combined with the clause II.6.1 of the draft contract "The Contractor shall not subcontract and have the FWC implemented by third parties beyond the third parties already mentioned in its tender without prior written authorisation from the Contracting Authority.", be interpreted so that potential participants to competitive subcontracting procedures need to be identified already in proposal phase? Or will an authorisation be issued by EUSPA for each and every specific contract?**

**Answer #7:** This provision is applicable to any sub-contractors, including the ones selected with the competitive tendering procedure. This said, the sub-contractors selected with competitive tendering procedure should be authorised by EUSPA, once identified by the contractor.

**Question #8: The annexes to the Tender Specifications for several Lots (3, 4 and 5) provide some ambiguity over the market segments to be covered, e.g. the segments referred to in the first footnote of Annex I.5 - Lot 4 the segments mentioned in the general description of the scope (consumer solutions are missing). A final clarification on the segments in scope for each of the lots above would be welcome.**

**Answer #8:** The market segments defined in the tender specifications do not follow the structure of the market segments presented in the *EO and GNSS Market Report*. The respective footnotes in the annexes refer to the *EO and GNSS Market Report* where various examples of the respective market segment are described in a more detailed way.

In Annex I.5 Lot 4, the footnote refers to examples regarding "Consumer Solutions, Tourism and Health" which can be found in the *EO and GNSS Market Report*. However, not all areas from Lot 4 in the Tender Specifications can be found under the chapter of "Consumer Solutions, Tourism and

Health" in the *EO and GNSS Market Report*. This counts as well for all lots in the Tender Specifications referring to the *EO and GNSS Market Report* displaying examples.

**Question #9: In Annex I.I\_Lot I a series of activities are identified that entail a deep understanding of MMFP and MMFT (e.g., tasks 5, 6, 7).**

**As potential newcomers in this Lot, we kindly ask EUSPA to provide the entire MMFP and MMFT (or at least a large enough sample along with a detailed description of methodology, inputs and outputs used) to fully appreciate the activities required under this Lot, which are on the other hand already well known by the incumbent.**

**Answer #9:** The simulation exercise requires the understanding of the MMFT/MMFP only at the level of outputs, as its objective is, inter alia, the quantification of outputs for two non-quantified applications. Examples of already existing (quantified) applications are available in the GNSS and EO Market Report (being a public document – link can be found in the relevant annexes of Tender Specifications).

The MMFT will be handed over to the winning bidder at the Kick-off meeting of the first specific contract under the framework contract EUSPA/OP/21/21 in order to understand the existing MMFT model in depth and thus be able to perform the tasks requested for the execution of the Lot 1 specific contracts.

**Question #10: Should the competitive tendering be done at FWC level or at SC level?**

**Answer #10:** 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 (i.e. through specific contracts) under the FWC and not as a percentage from the maximum nominal volume of the FWC. Please further refer to the section 2.2.12 of the Tender Specifications.

**Question #11: The subcontractors included in the FWC can be counted as part of the "competitive tendering share" if their selection to include them in the proposal is done through a competitive tendering already or in case of award should a competitive tendering be opened also for them under every SC to make them count towards the "competitive tendering share"?**

**Answer #11:** The competitive tendering may be concluded either at the tendering phase (i.e. before the submissions' deadline) or during the contract performance. Therefore, if the competitive tendering is concluded at the tendering phase, there is no need for further re-opening of the competitive tendering procedure. It is, however, for the contractor to ensure compliance with the said requirement throughout the contract execution.

Please further refer to the Q&A #4 and #6 above and to the section 2.2.12 of the Tender Specifications.

**Question #12:** Section 2.2.12 of the Tender Specifications states that “such [competitive] subcontracting shall be done at the level of each individual specific contract concluded under the respective FWC”. Could EUSPA confirm that this is a firm requirement, or whether they are open to other proposals for meeting the minimum required level of subcontracting?

**Will there be a procedure in place to ensure that each service contract contains an activity suitable for allocation to a subcontractor, or will this be fully the responsibility of the contractor?**

**Answer #12:** It is confirmed that this is a firm requirement. Furthermore, it is for the tenderers to organise themselves in a way to ensure compliance to this requirement.

**Question #13:** Is there provision for electronic submission of proposals?

**Answer #13:** The tenderers may submit the tender on paper or only on electronic media. Please further refer to the section 4.7 of the Tender Specifications.

**Question #14:** The template provided “Letter of Intent” (Annex I.D) is requiring estimating the proportionate value (in %) of contribution to the total contract value. Due to the fact this is a Framework Contract, it seems difficult to estimate a % related to a subcontractor at this stage, because we do not know yet about the content of the Specific Contracts. Could you please specify how we are to understand the question related to the % and how we should fill this at the Framework Contract proposal stage?

**Answer #14:** Please note that the proportion (%) of the subcontractors to be presented in the Annex I.D is an estimate and should represent the elements of the tender for which subcontracting is planned.

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