

**CORRIGENDUM 2**

**Title of Procedure: ‘Engineering Services’**

**Publication Reference: EUSPA/RP/01/22**

(EUSPA internal reference: 270508)

- 1) In section 1.5 of the Tender Specifications, a new annex is added to ‘b) Annex I to Invitation to Participate with its annexes’:

(...)

*Annex I.M - Template PRS Information Management Plan*

- 2) Table 1 – Procurement schedule in section 1.9 of the Tender Specifications is amended as follows:

<b>Phase</b>	<b>Action</b>	<b>Date</b>	<b>Comments</b>
<b>Phase I – Invitation to Participate and pre-selection of Tenderers</b>	<i>Submission for publication of Contract Notice in the Official Journal of the European Union</i>	<i>22 April 2022</i>	<i>All documents of the Invitation to Tender will be made available at:  <a href="https://www.euspa.europa.eu/opportunities/procurement">https://www.euspa.europa.eu/opportunities/procurement</a></i>
	<i>Deadline for requests for clarification for Phase I</i>	<del><i>23 May 2022</i></del> <i>6 June 2022</i>	<i>Clarification requests to be sent in writing only to:  <a href="mailto:tenders@EUSPA.europa.eu">tenders@EUSPA.europa.eu</a></i>
	<i>Last date on which clarifications may be issued by EUSPA</i>	<del><i>25 May 2022</i></del> <i>8 June 2022</i>	<i>All clarifications will be published at EUSPA’s procurement website:  <a href="https://www.euspa.europa.eu/opportunities/procurement">https://www.euspa.europa.eu/opportunities/procurement</a></i>

			<i>Tenderers are encouraged to check EUSPA's procurement website on a regular basis.</i>
	<i>Deadline for submission of Requests to Participate including NDU</i>	<del>31 May 2022</del> <b>14 June 2022</b>	<i>In accordance with the conditions of submission set out in section 4.7.</i>
	<i>Evaluation process of Phase I (estimated)</i>	<del>15 July 2022</del> <b>29 July 2022</b>	<i>Please note that within this time, the Tenderer may be requested to answer clarification questions posed by the Evaluation Committee, with short deadlines for responses.</i>
<b>Phase II – Submission of Tenders</b>	<i>Invitation to Tender (estimated)</i>	<i>July</i>	<i>Dispatch of invitations to tender and tender documents to the pre-selected Tenderers.</i>  <i>Notifications sent to unsuccessful Tenderers.</i>
	<i>Deadline for requests for clarification for Phase II</i>		<i>Requests for clarification shall be sent by email to <a href="mailto:tenders@euspa.europa.eu">tenders@euspa.europa.eu</a>, clearly specifying in the subject the reference of this procurement procedure (EUSPA/RP/01/22).</i>  <i>Deadline will be determined in the tender specifications – Phase II.</i>

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

**3) Section 1.10, paragraphs 5, 6, and 7 of the Tender Specifications are amended as follows:**

(...)

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

The NDU shall be submitted with the Request to Participate as provided in in section 4.7.

**4) Section 2.2.10.1, paragraphs 2, and 3 of the Tender Specifications are amended as follows,:**

(...)

- (ii) *When subcontracting, Tenderers shall ensure the subcontractors' compliance with the exclusion criteria under Section 3.1 ~~Error! Reference source not found.~~ If the identity of the intended subcontractor(s) is already known at the time of submitting the RtP and/or tender, Candidates/Tenderers shall provide the subcontractor's Declaration of Honour, as provided in section 3.1 ~~Error! Reference source not found.~~ Regarding the subcontractors' compliance with the selection criteria, attention is drawn to the Important Note at the end of Section 3.2.3 ~~Error! Reference source not found.~~*

- (iii) *Third parties from which Commercial Off-the Shelf (COTS) products are procured for the purpose of this FWC shall not be considered subcontractors except for the purpose of demonstrating compliance to the requirements related to subcontracting shares under Section 2.2.10.2 ~~Error! Reference source not found.~~, unless such COTS are used or present elements of connection with security relevant activities<sup>1</sup> 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.*

**5) Section 2.2.11, paragraphs 3, and 5 of the Tender Specifications are amended as follows:**

(...)

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

(...)

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

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<sup>1</sup> 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.).

6) In section 3.2.1, criterion L6 is amended as follows:

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

		<p>lead to exclusion from the procurement process.</p> <p>(ii) The tenderers must have the process of SAB authorisation completed by the time of the contract signature. Failure of the winning Tenderer to provide evidence for completed SAB authorisation process for the PRS Security Module Category required shall lead to the cancellation of the award decision and potentially to award the contract to the Tenderer ranked next.</p>	
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**7) In section 3.2.2, criterion F1 is amended as follows:**

<p><b>F1</b></p>	<p>A stable financial capacity to sustain its business.</p> <p>If, for some exceptional reason which EUSPA considers justified, the Tenderer is unable to provide the requested documents, the Tenderer may prove its capacity by other documents which EUSPA considers appropriate. In any case, EUSPA must, as a minimum, be notified of any exceptional reason and its justification in the <b>request to participate tender</b>. EUSPA reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.</p>	<p>1. Submitting a full copy of the Tenderer's <b>annual accounts of the last 3 (three) years</b> (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable) and</p> <p>2. <b>Financial statements relating to the Selection Stage in Annex I.E.</b></p>	<p>Tenderer, including its consortium members.</p>
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**8) Section 3.2.3, last paragraph of the Tender Specifications is amended as follows:**

(...)

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

**9) Section 3.3.1, last paragraph of the Tender Specifications is amended as follows:**

(...)

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

10) In Section 4.5.2, the reference to 4.6.2 is changed to 4.7

11) Section 4.6.1, lines 2 and 4 of the table in the Tender Specifications are amended as follows:

(...)

(2)	<i>The duly filled in, signed and dated <b>identification sheet of the Tenderer</b> using the template in <b>Annex I.A</b> <del>Error! Reference source not found.</del> (<b>one per Tenderer</b> including all the legal entities involved in the consortium, if applicable, and subcontractors, and containing, where appropriate, as many sections as legal entities involved).</i>
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(...)

(4)	<i>In case of consortia, a duly signed and dated <b>statement/declaration by each of the consortium members specifying the company or the Leader</b> authorised to submit a tender on behalf of the consortium, sign and manage the Contract, <b>using the template in Annex I.C</b> <del>Error! Reference source not found.</del></i>
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12) Section 4.6.3, lines 2, 5, 6 of the table in the Tender Specifications are amended as follows:

(...)

<i>Identification sheet of the Tenderer (<b>Annex I.A</b> <del>Error! Reference source not found.</del>)</i>		x	x	x
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(...)

<i>Declaration of honour on exclusion criteria and selection criteria (<b>Annex I.B</b> <del>Error! Reference source not found.</del>)</i>		x	x	x
<i>Power of attorney (only applicable in case of consortia – <b>Annex I.C</b> <del>Error! Reference source not found.</del>)</i>		x		



**13) Section 4.7 of the Tender Specifications is amended by adding the following text after the 12<sup>th</sup> paragraph:**

(...)

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

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

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

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

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

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

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

(...)

**14) Section 1.3 of Lot 4 SOW is amended as follows:**

(...)

R-SAC-2. The full list of applicable documents is constituted by the documents listed in Table 1-2 ~~Table 1-2~~ and the list of applicable documents from AD.1.

**15) Section 3.7 OF Lot 4 SOW is amended as follows:**

(...)

<b>DL-SAC-8</b>	<i>Galileo System Security Plan (including both G1G and G2G, Galileo systems/chains (OPE, VAL, pre-OPE) and PRS User Segment)</i>	<b><i>R-SAC-1, R-SAC-52, R-SAC-53, R-SAC-54, R-SAC-59, R-SAC-62, R-SAC-63, Error! Reference source not found, R-SAC-65</i></b>
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Annex 1 to this document: Annex I to Invitation to Tender “Tender Specifications – Phase I” after Corrigendum 2 (separate file)

Annex 2 to this document: Lot 4 SOW Security Accreditation, Compliance and Risk Analysis after Corrigendum 2 (separate file)

Annex 3 to this document: Annex I.M - Template PRS Information Management Plan (separate file)

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