

Clarification Note #1

GSA internal reference: 256894

Procurement procedure: GSA/NP/22/19

Public Regulated Service Radio Frequency Constellation Simulator - PRS RFCS

Question #1: Is it possible for the same company (legal entity) to participate in the tender in more than one consortium albeit with different roles, as per the following scenarios:

- the company being Prime in Consortium A and Core Team Member in Consortium B
- the company being Prime in Consortium A and Subcontractor in Consortium B
- the company being Core Team Member in Consortium A and Subcontractor in Consortium B
- the company being Core Team Member in more than one Consortium
- the company being Subcontractor in more than one Consortium

Answer #1: Participation of the same legal entity in multiple requests to participate/tenders (regardless of its quality as prime, consortium member or subcontractor) is not precluded by default.

However, such a participation shall not lead to any collusion or exchange of information which would influence the content of each of the requests/tenders. Therefore, the consortia in question must provide clear evidence of the measures which were taken to ensure that the different requests to participate/tenders in which the same legal entity participates are independent, specifically that the participation of the same legal entity in multiple requests to participate/tenders did not influence the content of each of those requests/tenders.

In case the consortium does not demonstrate the above-mentioned measures, the concerned requests to participate/tenders will be excluded from the procurement procedure in their entirety.

Question #2: As the detailed technical aspects are not disclosed in Phase I of the procurement procedure, there could be some impact on core teams and subcontractors in Phase II depending on the technical specifications. Is it possible to change in some way the consortium structure in Phase II, e.g. to change the role of a subcontractor to core team member or vice versa?

Answer #2: No change in the composition of the core team or consortia as presented in the Request to Participate in Phase I is possible in Phase II, unless specifically authorised by the GSA in writing. If such changes are presented in the Initial Tender in Phase II, the GSA reserves the right to ensure that the new composition is compliant with the evaluation criteria identified in the Phase I Tender Specifications (ref. GSA/NP/22/19/Annex I/WF256094) on the basis of additional supporting documentation.

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