

Clarification Note #3

GSA internal reference: 257423

Procurement procedure: GSA/NP/22/19

Public Regulated Service Radio Frequency Constellation Simulator - PRS RFCS

Question #1: Due to the coronavirus (COVID-19) outbreak, national rules have confined personnel in their homes making the signature of the tender documentation impossible. Moreover, national authorities have not responded to requests for SAB authorisation. Given the circumstances, is it possible to (i) finalise the signature of the remaining unsigned files and (ii) submit the SAB authorisations after the deadline for submission of Requests to Participate to Phase I?

Answer #1: Please see the corrigendum no.2 extending the deadline for submission of Requests to Participate. Further, if any of the forms requested as part of the Administrative file (see section 4.6.1 of the Annex I to Invitation to Participate “Tender Specifications”) were not signed physically, the GSA will treat the matter in the frame of clarification requests during the evaluation of the Requests to Participate.

If the authorisation of the entities in the respective PRS categories as reflected in the PRS Information Management Plan (PIMP) could not yet be achieved before submitting the Request to Participate, Candidates must provide proof that they have requested the required authorisation to be granted by the SAB; the SAB authorisation must be received no later than the time before receiving the tender documents subject to Phase II (see section 2.3.2.1 of the Annex I to Invitation to Participate “Tender Specifications”). Accordingly, and in view of the process established under Decision No 1104/2011/EU, it is sufficient for applicants to submit proof that they have formally contacted the competent national authorities with a request to be authorised in the PRS categories required under Annex I to Invitation to Participate “Tender Specifications”.

Question #2: In accordance with Clarification Note #2 published by the GSA, the PRS Information Management Plan ‘PIMP’ shall be submitted in a separate package and pursuant to the process laid down in the EU GNSS PSI, while the unclassified part will be organised as per the instructions in sections 4.5 and 4.7 of Annex I to the Invitation to Participate ‘Tender Specifications’. Could you please clarify:

(i) with respect to package labelling, should the outer envelope of the PIMP package be labelled as indicated in section 4.5.2 of the Tender Specifications, indicating the procurement procedure and bearing the marking “Request to Participate - Not to be opened by the internal mail service”?

(ii) whether the PIMP package should be addressed to the GSA Legal and Procurement Department as indicated in section 4.7 of the Tender Specifications or should it be addressed to a different GSA department?

Answer #2: Considering that the PRS Information Management Plan ‘PIMP’ and the documentation proving the PRS authorisation of entities (as indicated in the PIMP) constitute evidence relating to the selection criterion L6 in section 3.2.1 of the Tender Specifications, it forms part of the Administrative file (see section 4.6.1 number (8) of the Tender Specifications).

In view of the need to classify the PIMP at RESTREINT UE/EU RESTRICTED level, Candidates must follow the packaging requirements stipulated in Clarification Note #2 published on GSA’s website. Accordingly, it is clarified that:

- (i) the Administrative file will consist of two separate envelopes, one containing the unclassified part of the Administrative file and one containing the classified part (i.e. the PIMP); both of these 2 inner envelopes will be included within the outer envelope/package and only the outer envelope/package needs to bear the marking “Request to Participate - Not to be opened by the internal mail service” as per the instructions in section 4.5.2 of the Tender Specifications;
- (ii) the complete outer envelope/package – which will include the classified part as per point (i) above – will be submitted to the GSA Legal and Procurement Department as per section 4.7 of the Tender Specifications.

Question #3: In the published Clarification Note #2 there are no instructions on the submission of classified information in electronic format. Are any of the following ways acceptable to the GSA:

- (i) copying the classified files in .zed format, protecting them with a password on a CD (with the password sent separately via email to tenders@gsa.europa.eu) and including the CD in envelope 1 (as per section 4.6.1 of the Tender Specifications), or**
- (ii) copying the classified files in .pdf format (no encryption) and classifying the CD at RESTREINT UE/EU RESTRICTED level**

Answer #3: In accordance with [REQ 3.9] of Annex I.H ‘Security Aspects Letter’, electronic handling, processing and transmission of EU classified information (‘EUCI’) shall be done in accordance with the provisions laid down in the European GNSS PSI. These require inter alia that [...] any electronic submission of EUCI shall be protected by approved cryptographic products in accordance with Commission Decision No 2015/444 [...]. Moreover, [REQ 3.9.1] of Annex I.H ‘Security Aspects Letter’ stipulates that where cryptographic products are to be used for communication with the GSA, the product shall be agreed with the GSA Security Department.

In view of the abovementioned requirements, it is clarified that the electronic submission of documentation classified at RESTREINT UE/EU RESTRICTED shall be organised as follows:

- either the classified documents will be encrypted by the EU Council authorised software (the Chiasmus tool for Windows developed by BSI) – in which case such encrypted file or electronic media containing the encrypted file will be treated as UNCLASSIFIED, or
- the classified documents will not be encrypted by the EU Council authorised software – in which case such file or electronic media containing the file will be treated as RESTREINT UE/EU

RESTRICTED, and will be included in the envelope containing the classified part of the Request to Participate (as per the answer to question #1 above).

Question 4: Due to the COVID-19 pandemic, hand delivery of the Request to Participate is impossible (in view of travel restrictions) and courier/postage may be difficult/unreliable. Given these circumstances:

- (1) could GSA accept an electronic delivery for the unclassified part of the Request to Participate?**
(2) could GSA accept for the delivery of the PRS Information Management Plan (or other classified documentation) one of the following solutions: either to deliver only the SAB authorisations in Phase I while postponing the delivery of the PIMP to Phase II, or, in case PIMP is strictly required in Phase I, to deliver a chiasmus encrypted PIMP using existing keys?

Answer 4: (1) Please refer to corrigendum no. 3 published on the GSA website.

(2) Submission of the PRS Information Management Plan in Phase I is mandatory. Please refer to corrigendum no.3, as well as to the answer to question #3 above.

Question 5: In order to provide a Facility Security Clearance Information Sheet (FSC-IS) as an evidence of compliance with the handling of information classified at CONFIDENTIEL UE/EU CONFIDENTIAL, the competent National Security Authority (NSA) requires a formal request from the GSA. Please clarify how this process will be initiated and via which channel we can send to the GSA a reference of the facility that will work on the topic. Alternatively, we can provide to the GSA the relevant contact with the competent NSA.

Answer 5: Please request the competent National Security Authority (NSA) to send a relevant communication to tenders@gsa.europa.eu, indicating (i) the name of the economic operator which has approached the NSA for the purpose of generating a Facility Security Clearance Information Sheet and (ii) the reference of the procurement procedure. The GSA will then formally confirm to the NSA the need of generating the Facility Security Clearance Information Sheet.

Question 6: Due to the COVID-19 pandemic we are unable to sign the required documents. Is it acceptable to sign the documentation with the use of electronic signature?

Answer 6: Yes, this is possible; please refer to corrigendum no. 3 published on the GSA website.

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