

Clarification Note #3

GSA internal reference: 250546

Procurement procedure: GSA/OP/09/18 HADG

Question #2: What requirements do tenderers need to meet in order to be given access to the classified part of the tender documentation under the GSA-OP-09-18?

Answer #2: In order to receive the proprietary information at RESTRAINT UE/EU RESTRICTED level, tenderers need to submit proof of Local Security Officer (LSO) appointment, as provided in the section 2.5.2 (b) of the Tender Specifications. The LSO appointment shall prove that either a security organisation has been set up within the company or that the company has nominated a security officer who will be responsible for handling the classified information

It should further be noted that the activities under the contracts resulted from the above-mentioned procurement procedure are expected to require the handling and production of documents classified up to SECRET UE/EU SECRET (section 2.4.1 of the Tender Specifications), for which stricter conditions must be met, like Facility Security Clearance (FSC) possession.

Question #3: Is the situation where the tendering involves a minimum of two entities outside the group plus one entity belonging to the tenderer's group considered competitive tendering, as section 2.10.6 of the Tender Specifications requires?

Answer #3: According to the section 2.10.6 of the Tender Specifications and in line with Article 26 (1) and (2) GNSS Regulation the tenderer is requested to subcontract a share of the contract to companies outside the tenderer's group, in particular to new entrants and SMEs. In this context, competitive tendering is considered to be the situation where offers only from entities other than those belonging to the tenderer's group have been requested by the tenderer. Therefore, any offer requested from the tenderer's group shall not be considered competitive tendering.

Question #4: As per selection criterion T4 (Capacity to fulfil security requirements) laid down on page 32 of the Tender Specifications, tenderers must provide evidence of their ability to comply with the security requirements set in section 2.4 of the tender specifications, including the export control requirements. Does this criterion apply also to subcontractors who are not involved in any security related activity nor do they need access to CLA information for the performance of the subcontracted tasks?

Answer #4: As provided in the section 2.4.2 of the Tender Specifications, demonstration of compliance with the security requirements laid down in the Tender Specifications is obligatory for the entities involved in activities for which these security requirements apply to. Therefore, if an entity is not involved in any security related activity nor in handling of classified information under the contract, this entity is not required to provide evidence of its ability to comply with the aforementioned security requirements.



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