



Clarification Note #5

GSA internal reference: 251045

Procurement procedure: GSA/OP/09/18

High Accuracy Data Generator (HADG)

Question #6: Do tenderers need GSA authorisation before they are able to share classified Proprietary Information with third parties?

Answer #6: According to the article 2.4 of the Non-Disclosure Undertaking (Annex I.11 to the Tender Specifications) and in line with the section 2.5.2 of the Tender Specifications, tenderers shall request GSA authorisation to disclose classified Proprietary Information to third parties. Along with their request, tenderers shall provide the GSA with an electronic copy either of the non-disclosure undertaking signed by the third party, or a non-disclosure agreement between the tenderer and such party, including provisions ensuring a level of confidentiality at least equal to that of the NDU signed by them and a proof that these third parties have appointed a Local Security Officer (LSO).

Question #7: How is the proof of the Local Security Officer (LSO) appointment obtained? Should there be special accreditation to the person appeared to be the LSO?

Answer #7: The proof of appointment of a LSO is to be a formal document - a letter, signed by the entity's authorised signatory indicating the appointed Local Security Officer, or a copy of the formal appointment of the LSO. If the LSO is an authorised signatory of the entity - a self-declaration of the person appeared to be the LSO is sufficient.

Question #8: When are third parties, from which Commercial Off-the Shelf (COTS) products are procured, considered to be subcontractors?

Answer #8: As per section 2.10.6 of the Tender Specifications, third parties from which COTS products are procured for the purposes of the contract are considered subcontractors only when such COTS are connected or used for security relevant activities. In such case the tender shall have to prove the compliance of these subcontractors to the participation condition and all other requirement set in the tender specifications, applicable to subcontractors. The Tenders shall present a list of such third parties / COTS product for verification by the Contracting Authority. When COTS are used for any activities not connected to security, third parties shall not be considered subcontractors. Notwithstanding the foregoing, it is further clarified that the providers of COTS which do not present security aspects will be considered as subcontractors for the limited purposes of the minimum indicative range for a competitive subcontracting (section 2.10.6 (1) of the tender specification), when selected through competitive tendering.

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