



## Clarification Note #6

GSA internal reference: 222038

### Procurement procedure: GSA/OP/32/15 "SUPPORT SERVICES FOR THE GSA"

#### Question #15:

[REQ 2] from the SAL indicates that all "Contractor's personnel as well as subcontractors' personnel involved in work under this contract shall be nationals of an European GNSS PSI Participant unless otherwise agreed in advance and in writing with the GSA." If we wish to include in our proposal personnel for any of Lots (and for tasks that do not require any level of PRS accreditation) who are not nationals of European GNSS PSI Participants, can we obtain permission in advance of submitting the proposal and if so, can GSA please explain the process?

Also, if we wish to position certain nationals of non-European GNSS PSI Participants in functional (and non-content related) roles, who will be supporting our operational fulfilment of the contract, would that also require advanced agreement with GSA?

Answer: Contractor's personnel as well as subcontractors' personnel involved in work under this contract shall be nationals of a European GNSS PSI Participant. The tenderer may request authorisation of the GSA to have personnel as well as subcontractors' personnel that are not nationals of a European GNSS PSI Participant following a written request to the below address:

European GNSS Agency (GSA)  
Local Security Officer  
Janovskeho 438/2  
170 00 Prague 7  
Czech Republic  
e-mail: lso@gsa.europa.eu

The request shall entail a well-substantiated elaboration on the tasks to be performed of the personnel that are not nationals of a European GNSS PSI Participant, the names and nationalities of the personnel and a justification why this personnel is necessary to perform the tasks of the contract.

**Question #16:**

**[REQ 3] from the SAL indicates that "All Contractor's personnel as well as subcontractors' personnel involved in work under this contract shall hold an appropriate valid Personnel Security Clearance (PSC) for accessing EU and, national classified information at the level of SECRET UE/EU SECRET, should the need arise to access such national classified information. Whenever applicable they shall also be the holder of an appropriate CRYPTO authorisation."**

**It is our understanding from reading the Specific Technical ToR for each Lot that SECRET level PSCs would only be required in Lot 2. Furthermore, it is also our understanding that certain other PSC status might be required for some of the PRS-related activities in Lot 1. We would also like to point out that in some European countries it can be extremely difficult (even impossible) to obtain a PSC until the exact work activities an individual will undertake are understood and clearly require that level of clearance.**

**We suspect that many of the tasks the GSA has identified across the 4 Lots will not require a SECRET level PSC as there are differences in the ways that Specific ToRs for each Lot make these aspects explicit or not.**

**We would kindly ask GSA to confirm exactly what level of clearance is required for each Task in each Lot. And can GSA clarify if it is acceptable to submit a candidate we believe can be cleared, and begin the clearance process once the specific tasks for an individual are clearly defined (as required by many Member States own clearance procedures) 2.3 of general tender specs: If required, the activities under the framework contracts may entail the handling and production of documents classified up to SECRET UE. Contractor's staff may access area or data classified up to SECRET UE while performing their tasks.**

**Answer: As stated in the Security Aspect letter and section 2.3 of the General Tender Specification, the overall level of security classification of the contract is up to SECRET UE/EU SECRET – CRYPTO as Contractor's staff may access security areas accredited at the level SECRET UE/EU SECRET or handle information or material classified up to SECRET UE / EU SECRET for the purpose of this contract. Thus, an appropriate Security Clearance is required for all Lots for all (sub-)contractors staff, unless they show evidence that in the performance of their tasks they do not have to handle EU Classified Information at the level of CONFIDENTIEL UE/EU CONFIDENTIAL and above.**

**For what concerns the possibility of starting the clearance process once the specific tasks for an individual are clearly defined, the contractor shall guarantee that the individual has received the required PSC at the moment of the execution of the tasks involving the handling of EU Classified Information at the level of CONFIDENTIEL UE/EU CONFIDENTIAL and above.**



**Question #17:**

**Our legal entity is composed by several members (legal entities) throughout the European Union. It is the case when contracting with EU Institutions, that our legal entity has the role of contracting vehicle with no operational tasks on any assignment, whilst a few select members, depending on the project, are fully responsible for the day-to-day management of the contracts and for the provision of all services to our clients. Accordingly, it is always the case that the employees of our members perform the services under each contract we hold with any client. Also, our legal entity relies on our members' facilities to perform any service for the client.**

**Given this configuration, we consider that, in order to comply with the tender specifications, it would be acceptable to obtain PSC clearance only for the personnel employed by the members involved in the contract implementation and obtain an appropriate level of FSC clearance only for the relevant facilities of our members involved in the contract. As a consequence, our legal entity would not go through this process.**

**Can GSA please confirm whether this approach would be acceptable?**

Please see Question #16.

**Question #18:**

**[REQ 7] from the SAL indicates that "All industrial or other entities participating in classified contracts which involve access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above shall hold a Facility Security Clearance (FSC) at the appropriate classification level." Is it required for subcontractors or consortium members that only deploy staff to work in GSA-premises to hold a Facility Security Clearance? Is it required for subcontractors or consortium members that deploy staff which ONLY require access to information classified RESTREINT UE/EU RESTRICTED or lower to hold a Facility Security Clearance? Correspondingly, if subcontractors or consortium members ONLY require access to information classified CONFIDENTIEL UE/EU CONFIDENTIAL or lower, is it required for that entity to hold a SECRET level Facility Security Clearance?**

Facility Security Clearance is expected to be held by the (sub-)contractors in charge of executing tasks involving handling of EU Classified Information at CONFIDENTIEL UE/EU CONFIDENTIAL and above.

For the other questions, please refer to Question #16.

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