

Clarification Note #1

GSA internal reference: 244941

Procurement procedure: GSA/NP/37/18 "Aviation DFMC SBAS Receiver Prototype (second source)"

Question #1: In the current "Brexit" climate, would a UK entity be eligible to participate in this tender, either as the prime or as a subcontractor?

Answer: The participation in the tender is limited to

- a) all natural and legal persons coming within the scope of the Treaties of the European Union;
- b) all natural and legal persons in a third country which has a special agreement with the European Union in the field of public procurement, applicable to the GSA under the conditions laid down in that agreement.

These conditions must be met not only at the time of the tender submission and of the contract signature, but also during the term of the contract. The tenderer/contractor is therefore responsible for ensuring compliance with this requirement during the entire term of the contract.

Accordingly, should the contractor, as the consequence of the Brexit, lose its status of an entity meeting participation criteria (i.e. there will be no agreement in place as outlined above), the GSA will have the right to terminate the Contract (Article II.14.1(a)) unless measures for maintaining compliance are undertaken.

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