



GSA/RP/11/16

"Security Support Services for the GSA (GSMC)"

Annex I to Invitation to Participate – Phase 1

'Conditions for Participation'

Ref: GSA/RP/11/16/Annex I – Phase 1

Issue: 1.0

Date: 9 June 2016



1 OVERVIEW 4

1.1 CONTEXT OF THE INVITATION TO PARTICIPATE 4

1.2 OUTLINE OF THE REQUEST FOR PARTICIPATION AND PROCEDURAL PROCESS 5

1.3 PURPOSE OF THE CONTRACT 6

2 TERMS OF REFERENCE 7

2.1 APPLICABLE LEGAL ACTS 7

2.2 PROCUREMENT PROCESS 9

 2.2.1 *Participation conditions* 9

 2.2.2 *PRS authorisation* 10

 2.2.3 *Non-Disclosure Undertakings* 11

2.3 DEDICATED PERFORMING ENTITY PRINCIPLE 13

2.4 TECHNICAL TERMS OF REFERENCE – HIGH-LEVEL DESCRIPTION OF TASKS 14

 2.4.1 *Task 1 – Contractor’s own project management and reporting* 14

 2.4.2 *Task 2 – Operations Engineering* 15

 2.4.3 *Task 3 – GSMC Technical Engineering* 15

 2.4.4 *Task 4 – GSMC Site Engineering Support* 16

 2.4.5 *Task 5 – Preparation and maintenance of accreditation of any GSA sites and/or GSA systems and preparation of Galileo System accreditation inputs* 16

 2.4.6 *Task 6 – Operations Validation Support* 16

 2.4.7 *Task 7 – Security Infrastructure and Organisation* 16

 2.4.8 *Task 8 – Training and knowledge management* 18

 2.4.9 *Task 9 – Projects Management and Administration Support* 18

 2.4.10 *Task 10 – Support on Software Development / Configuration / Setup / Maintenance* 18

 2.4.11 *Task 11 – Business Continuity Planning* 18

 2.4.12 *Task 12 – Integrated Logistics Support* 19

 2.4.13 *Task 13 – PRS and Security* 19

2.5 LEGAL AND CONTRACTUAL TERMS OF REFERENCE 19

 2.5.1 *Place of performance* 19

 2.5.2 *Volume of the Contract* 20

 2.5.3 *Duration* 20

 2.5.4 *Language of the Contract* 20

 2.5.5 *Sub-contracting* 20

 2.5.6 *Participation of consortia* 22

 2.5.7 *Confidentiality, security, and conflicts of interest* 22

3 ASSESSMENT OF REQUESTS FOR PARTICIPATION 24

3.1 EXCLUSION CRITERIA 25

3.2 SELECTION CRITERIA 25

 3.2.1 *Legal capacity* 25

 3.2.2 *Economic and financial capacity criteria* 28



3.2.3	Technical and professional capacity criteria.....	29
3.3	MINIMUM REQUIREMENTS	32
4	CONDITIONS FOR SUBMISSION OF REQUESTS TO PARTICIPATE	32
4.1	DISCLAIMERS	32
4.2	VISITS TO GSA PREMISES OR BRIEFING.....	32
4.3	VARIANTS	33
4.4	PREPARATION COSTS FOR REQUESTS TO PARTICIPATE AND TENDER	33
4.5	PRESENTATION OF THE REQUEST TO PARTICIPATE	33
4.6	SUBMISSION	36
4.7	PERIOD OF VALIDITY OF THE REQUEST TO PARTICIPATE.....	37
4.8	FURTHER INFORMATION	37
4.9	INFORMATION FOR CANDIDATES.....	37
4.10	PERSONAL DATA PROTECTION SPECIFIC TO THE TENDER PROCESS	38
5	LIST OF ACRONYMS AND ABBREVIATIONS USED	39
6	LIST OF ANNEXES – PHASE 1	40



1 OVERVIEW

The present conditions are attached to the Invitation to Participate and are intended to complement the information contained in the Contract Notice 2016/S 119-211209 and the corresponding documents provided in Phase 1 of the procurement procedure providing to the candidates further information on the procurement procedure and elements to allow them to prepare their requests to participate.

1.1 Context of the Invitation to Participate

The European GNSS Agency (hereinafter 'GSA', 'the Agency' or 'the Contracting Authority') is an official European Union regulatory authority formed by the European Union (henceforth designated as 'EU') to accomplish specific tasks related to the European GNSS programmes, including Galileo.

The GALILEO SECURITY MONITORING CENTRE (hereafter referred to as 'GSMC') is an integral part of the Galileo infrastructure. It undertakes the following missions:

1. Galileo Security Monitoring: monitoring and taking action regarding security threats, security alerts and the operational status of the system's components.
2. Management of the Public Regulated Service (hereafter referred to as 'PRS'), access at the system level: The GSMC will ensure that sensitive information relating to the use of PRS is suitably managed and protected and is not exposed to the Galileo Operating Centre. The GSMC shall be the interface with governmental entities using PRS for the management of PRS Access and with the Galileo core components to manage the satellite related signal messages.
3. Implementation of 'Joint Action' instructions: In the event of a threat to the security of the EU or of an EU Member State arising from the operation or use of the system, or in the event of a threat to the operation of the system, in particular as a result of an international crisis, the Council, acting unanimously, shall decide on the necessary instructions to the GSA.
4. Provide PRS and Galileo security expertise and analysis.

In this context, the GSA operates the Galileo Security Monitoring Centre at its sites in Saint-Germain-en-Laye, France, and in Swanwick, UK. The present request to participate serves to procure specific services to the GSA to support it in its GSMC operations following the description of the tasks provided below.



1.2 Outline of the request for participation and procedural process

Name: **GSA/RP/11/16 - "Security Support Services for the GSA (GSMC)"**

Procedure: **Restricted procedure** in accordance with Article 104(1)(b) FR¹ and Article 127(1)(2), 2nd subparagraph RAP² for procurement of services under a single **framework service contract**.

The GSA reserves the right to launch an exceptional negotiated procedure for new services with the same contractor in case of need, as foreseen in Art. 134(1)(e) RAP.

IMPORTANT NOTE:

- This procedure is organised in **two phases**:

Phase 1 – Selection Phase (*the present call*): In this phase any economic operator (including consortia) fulfilling the requirements for participation as described in the contract notice, the invitation to participate and its annexes, including this document, may submit a request to participate. The request shall be assessed against the exclusion and selection criteria detailed in this document, including references.

Phase 2 – Tender Phase (*separate invitation required*): Only candidates fulfilling all the requirements for participation and the exclusion and selection criteria as assessed under Phase 1 (hereinafter also referred to as "pre-selected candidates") will be invited by the GSA to submit a non-negotiable tender. The exact details of the technical, financial and contractual requirements for the tender will be communicated in the tender specifications which the pre-selected candidates will be able to access following Phase 1. The submitted tenders will be evaluated on the basis of the qualitative and financial evaluation criteria to be communicated also in the tender specifications;

- Please note that any attempt by a (pre-selected) candidate or tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the GSA during the process of examining, clarifying, evaluating and comparing requests to participate in Phase 1 or the tenders in Phase 2 will lead to the rejection of his request to participate or tender, as the case may be, and may result in administrative penalties;

The following schedule is expected to be followed in this procurement procedure:

¹ REGULATION (EU, EURATOM) No 966/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 as amended by REGULATION (EU, EURATOM) 2015/1929 of the European Parliament and of the Council (hereafter referred to as 'the Financial Regulation').

² COMMISSION DELEGATED REGULATION (EU) No 1268/2012 of 29 October 2012 on the rules of application of REGULATION (EU, EURATOM) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, as amended by COMMISSION DELEGATED REGULATION (EU) 2015/2462 of 30.10.2015.



TIMETABLE	Date	Comments
Phase 1 – Selection Phase		
Launch of procurement process – submission of the Contract Notice to the Official Journal	11 June 2016	All documents available at: http://www.gsa.europa.eu/gsa/procurement
Deadline for submission of clarifications requests by economic operators (Phase 1)	1 July 2016	Requests to be sent in writing only to: tenders@gsa.europa.eu
Last date on which clarifications are issued by the GSA (Phase 1)	11 July 2016	All clarifications will be published at: http://www.gsa.europa.eu/gsa/procurement Economic operators are advised to check this webpage on a regular basis possible updates and/or clarifications.
Deadline for submission of Requests to Participate (Phase 1)	18 July 2016	
Evaluation of Requests to Participate	July – August 2016	Estimated
Invitation of pre-selected candidates to Phase 2 and dispatch of rejection letters	Beginning August 2016	Estimated

NOTA BENE: Please note that Phase 2 deadlines will be communicated with the invitation to Phase 2, however the successful candidates should organise themselves to be ready to submit a tender in Phase 2 indicatively by October 2016 and the successful tenderer should be ready to enter into FWC and the subsequent specific contract #1 indicatively by end of November 2016.

1.3 Purpose of the Contract

The general aim of this procurement is to award a framework contract (hereinafter „the FWC“ or „the Contract“) for the provision of operations, engineering and security support services to GSMC operations development within the scope of the tasks described in the terms of reference below. The FWC will be implemented through specific contracts.



The FWC and the subsequent specific contracts shall contribute to the GSA security missions and work programmes. Those work programmes (updated annually) cover the GSA's regulatory role (supporting security accreditation and the future operations of the GSMC), as well as European GNSS work programme related tasks of the European Commission (henceforth referred to as "EC") that have been entrusted to the GSA.

IMPORTANT NOTE: The purpose of this procurement and the ensuing Contract is not to replace GSA staff. Tasks shall be provided for support of operations, engineering and security activities not available in-house - a duplication of tasks is not intended and shall be avoided. Neither this procurement nor any activities under the ensuing Contract (i) are meant to establish any employment relationship between the GSA and the contractor's personnel performing the services or (ii) shall be permitted to be interpreted as establishing such a relationship. The contractor shall take all measures to ensure this understanding with its personnel and shall indemnify and hold the GSA harmless against any claim which the GSA would face in this respect. The candidate/tenderer/contractor shall ensure that the entire content and legal implications of this note are clearly communicated, understood, and endorsed by any consortium member and subcontractor, as the case may be.

2 Terms of reference

2.1 Applicable legal acts

Participation in this procurement procedure is subject to applicable legal restrictions and obligations. The reference documents include:

- REGULATION (EC) No 1285/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 11 December 2013 on the implementation and exploitation of the European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the EUROPEAN PARLIAMENT and of the COUNCIL (hereinafter 'GNSS Regulation');
- REGULATION (EU) No 912/2010 of the EUROPEAN PARLIAMENT and of the COUNCIL of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council as amended by Regulation (EU) No 512/2014 of the European Parliament and of the Council of 16 April 2014 (hereinafter 'GSA Regulation');
- REGULATION (EU) No 512/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 amending Regulation (EU) No 912/2010 setting up the European GNSS Agency;



- COUNCIL Decision 2014/496/CFSP on aspects of the deployment, operation and use of the European Global Navigation Satellite System affecting the security of the European Union and repealing Joint Action 2004/552/CFSP;
- COUNCIL DECISION of 14 April 2014 amending Decision 2013/488/EU on the security rules for protecting EU classified information (2014/233/EU);
- COMMISSION DECISION (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information;
- Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme (hereinafter 'PRS Decision');
- Commission Decision of 29 November 2001 amending its internal Rules of Procedure, 2001/844/EC, ECSC, Euratom, as last amended by Commission Decision 2006/548/EC, Euratom of 5 August 2006.

The procurement procedure will be carried out in accordance with the rules of:

- European GNSS Agency Financial Regulation and its Implementing Rules 2014 adopted by its Administrative Board on 25 April 2014;
- COMMISSION DELEGATED REGULATION (EU) No 1271/2013 of 30 September 2013 on the framework Financial Regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council;
- REGULATION (EU, EURATOM) No 966/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 as amended by REGULATION (EU, EURATOM) 2015/1929 of the European Parliament and of the Council;
- COMMISSION DELEGATED REGULATION (EU) No 1268/2012 of 29 October 2012 on the rules of application of REGULATION (EU, EURATOM) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, as amended by COMMISSION DELEGATED REGULATION (EU) 2015/2462 of 30.10.2015;



- The Programme Security Instruction (PSI) concerning European GNSS Programmes always in the latest version (current: Version 4.1 issued by the GNSS Security Board (GNSS SB) dated 26 September 2014).

In the general implementation of its activities and for the processing of procurement procedures in particular, regarding confidentiality, personal data protection and public access to documents, the following rules shall be observed by the GSA:

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, and;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

GSA Internal Rules relevant to the execution of the FWC will be made available to the contractor after the signature of the FWC.

IMPORTANT NOTE: Beyond the legal acts listed above, it shall be the contractor's duty and corresponding sole responsibility to comply and ensure continuous full compliance with all applicable laws of any part of performance under the Contract contemplated to be awarded as a result of the current procedure.

Current GSA internal rules relevant to the execution of the FWC will be made available to the pre-selected candidates in tender Phase 2 and to the contractor during the term of the Contract as they become available.

2.2 Procurement process

2.2.1 Participation conditions

For reasons related to the protection of the essential interest of the security of the European Union and/or its Member States and to public security, the participation to this tender (including through sub-contracting where such sub-contracting presents a security aspect) is limited to economic operators established in European Union Member States.

Economic operators referred to above are considered established in a European Union Member State when all of the following conditions are met:

1. They are formed in accordance with the law of an EU Member State, and have their central administration/registered office/principal place of business in an EU Member State (if legal persons) or they are nationals of one of the EU Member States (if natural



persons); and

2. Their decision making centres (defined by reference to the criteria set out in Article 22(1) of Directive 2013/34/EU, also including the ultimate controlling person) comply with the conditions under (1) above; and
3. The facilities (for goods manufacturing and/or supplying of services) which the economic operator would use for the execution of the Contract are located in the EU.

In exceptional circumstances related to the nature, cost or availability of specific goods and/or services, the GSA may, on the basis of motivated and justified waiver requests submitted in writing by economic operators, authorise participation of:

- a) Prime contractors which do not meet the conditions under (2) above;
- b) Sub-contractors (presenting security aspects) which fail to fulfil one or more of the conditions 1 to 3 above,

provided that they demonstrate the implementation of sufficient measures in order to guarantee the protection of the essential interest of the security of the European Union and its Member States and public security.

2.2.2 PRS authorisation

Further to the requirement of establishment, candidates/tenderers (including consortium members and sub-contractors) shall have to be authorised by the Security Accreditation Board of the EU GNSS Systems ('SAB') and the responsible national Competent PRS Authority ('CPA').

The GSA shall waive the requirement with regard to sub-contractors which the candidate/tenderer can demonstrate, to the GSA's satisfaction, have no need to know and thus no need to gain access to PRS information (including unclassified PRS information) for the performance of the tasks planned to be allocated to them under the Contract.

Given the nature of services to be provided under the Contract, candidates/tenderers (including consortium members and sub-contractors, unless the requirement is waived as detailed above) shall approach the CPA of the EU Member State where they are established with:

- A request for PRS authorisation in the category "support activities" in case the appropriate authorisation is not yet obtained; or
- In case the relevant authorisation has been already obtained, to confirm the extension of the authorisation for the purpose of the Contract.

The relevant CPA will be responsible to forward, after their approval, the request to the SAB.



Should more detailed descriptions of the tasks under the Contract be requested by the SAB or the CPA prior to their selection for Phase 2, candidates/tenderers may inform the institutions, that, the SAB and CPA may contact the GSMC³ directly for receiving more detailed information.

The contact details of the relevant CPA can be requested from the GSA, in accordance to section 4.8.

Candidates/tenderers (including consortium members and sub-contractors) shall provide proof that the SAB and the CPA have authorised the legal entity in the category “**support activities**” subject to the Contract to be awarded under this procurement.

In case the authorisation could not be obtained during Phase 1, the request to participate shall include a document evidencing that the request for authorisation has been submitted to the SAB by the responsible CPA. Once received, the authorisation has to be submitted with the tender in Phase 2.

IMPORTANT NOTE: The date by which this condition precedent must be fulfilled, which should be indicatively fifteen days prior to contract signature, shall be communicated by the Agency to the successful tenderer following the outcome of the evaluation phase. In case of the successful tenderer’s non-fulfilment by the date communicated, the Agency reserves the right to award the contract to another tenderer following the order of ranking set after application of award criteria.

2.2.3 Non-Disclosure Undertakings

2.2.3.1 Confidentiality disclaimers

- a) The template PRS and non-PRS NDU conditions (provided in Annexes I.F1 and I.F2) apply for management of proprietary information (as defined in NDUs).
- b) Requirements for access of joining sub-contractors to PRS and non-PRS information following Phase 1 will be detailed in the tender documents for Phase 2.
- c) Exchange of proprietary information subject to NDU with any economic operator who have not previously signed either the relevant NDU, or any less stringent NDU with subcontractors for non-PRS information, may lead to exclusion from the procurement procedure under the GSA’s discretion.
- d) Special attention shall be paid to the possibility that the pre-selected candidates may receive proprietary non-PRS information and PRS information from the GSA at any moment during Phase 2 of this procurement, so legal entities should ensure availability of their LSO as required.
- e) Previously signed agreements/undertakings giving access to the same proprietary information to economic operators shall not be regarded as fulfilling the NDU requirements under the present procurement procedure.

³ Contact at GSMC for SAB and CPA: Mr Neil G. WARFIELD, email neil.warfield@gsa.europa.eu (contact shall not be used by candidates themselves – section 4.8 applies.)



- f) Further to the requirement to submit NDUs with the tender as detailed above, the following shall be noted for the implementation of the Contract: in case the NDU is signed and provided the compliance matrix to the Security Aspects Letter (henceforth referred to as 'SAL') is reviewed, verified, and deemed accepted by the GSA, further proprietary information will be disclosed by the GSA to the successful tenderer upon signature of the FWC.

2.2.3.2 Submission of NDU(s) Regarding Non-PRS Proprietary Information

2.2.3.2.1 Phase 1 requirements

In order to be eligible to be invited to tender in tender Phase 2, each candidate (including all consortium members) shall submit as part of their request to participate their non-disclosure undertaking ('NDU') for non-PRS information – Annex I.F.1 – in one (1) signed original. This will allow them to gain access to proprietary non-PRS information in Phase 2 for preparing their tender and for performing the services subject to the Contract. The submission is mandatory.

2.2.3.2.2 Phase 2 requirements

As part of their tender, tenderers will have to submit a declaration that they have signed a confidentiality agreement not less stringent than the NDU submitted to the GSA by the candidates in Phase 1 with all their subcontractors. The GSA reserves the right to request evidences of such signature at any time.

2.2.3.1 Submission of NDU(s) Regarding PRS Proprietary Information

2.2.3.1.1 Phase 1 requirements

- a) In order to be eligible to be invited to tender in tender Phase 2, each candidate (including all consortium members) shall submit their NDU for PRS information – Annex I.F.2 – in one (1) signed original accompanied with their need-to-know declaration, an organisational chart showing clearly the units within the organisation and naming the natural persons who may require access to classified PRS information. This will allow them to gain access to proprietary PRS information in Phase 2 for preparing their tender and for performing the services subject to the Contract. The submission is mandatory.
- b) Sub-contractors already known at the time of submission of the request to participate shall submit their NDU for PRS information – Annex I.F.2 – in one (1) signed original as part of the request to participate if they have a need to access proprietary PRS information in Phase 2 (including unclassified PRS information) for preparing the tender or performing the services subject to the Contract. The submission shall be accompanied with a cover note from the candidate detailing the need-to-know basis for the sub-contractors and an organisational chart showing clearly the units within their organisations and naming the natural persons who may require access to classified PRS information.

2.2.3.1.2 Phase 2 requirements

All sub-contractors joining a pre-selected candidate and having a need to access proprietary PRS information (including unclassified PRS information) shall submit their NDU for PRS information – Annex I.F.2 – in one (1)



signed original to the GSA before being allowed to access the relevant PRS information during the tender preparation phase. The NDU original shall in any case be submitted as part of the tender. The submission shall be accompanied with a cover note from the candidate detailing the need-to-know basis for the sub-contractors to access PRS information.

IMPORTANT NOTE: sub-contractors joining a pre-selected candidate will not be allowed to access the relevant PRS information unless they have provided a document evidencing that they have been authorized by the SAB or that the request for authorisation has been submitted to the SAB by the responsible CPA.

2.3 Dedicated Performing Entity Principle

The term Dedicated Performing Entity as used in the context of this procurement process shall be understood as either a single natural persons or legal entities ('Single Dedicated Performing Entity') or multiple natural persons or legal entities ('Multiple Dedicated Performing Entity'), that render tasks - including but not limited to communication, filing, storage and exchange of information -, which shall be strictly separated by all appropriate means ('chinese walls') throughout the entire procurement process and the entire duration of the Contract from any other entity. Such entity shall not - actively or by omission - share, make available, disclose or bring to the attention nor allow, by whatever means, any other entity, including but not limited to entities belonging to the candidate, pre-selected candidate or tenderer (including members of a consortium and sub-contractors), the contractor or its sub-contractors, access to any information in whatever format regarding aspects of performance of the respective tasks under the Contract.

In case of Multiple Dedicated Performing Entities, they shall be led and coordinated by a 'Lead Dedicated Performing Entity' – a single natural or legal entity explicitly designated by the candidates, the pre-selected candidates, the tenderers (including members of a consortium and sub-contractors) or the contractor, or its sub-contractors, as may be relevant, to operationally manage the delivery of the information, documentation and task(s) subject to the constraints elaborated under this section.

In this context, the GSA requires that the tasks explicitly described below in this section are performed by a Dedicated Performing Entity, as described above. While the concept for implementation of the Dedicated Performing Entity principle will be subject to the tender evaluation in Phase 2, candidates are invited to already consider their approach without delay since the setup to be proposed as part of the tender in Phase 2 shall be applied continuously during the term of the Contract and shall not be subject to change without prior written agreement by the GSA.

The Dedicated Performing Entity structure to be submitted as a minimum requirement of the tender in Phase 2 shall comply, at minimum, with the following principles – to be further detailed in Phase 2:

1. Quality and Efficiency;
2. Managing (potential) conflicts of interests;



3. Managing restrictions on the Task Entities (i.e. any legal entity, and individuals involved in or performing tasks subject to the Contract) of the contractor during or after the end of the Contract or in the set-up of such Task Entities;
4. Managing restrictions on the individuals (staff of the contractor) during or after the end of the Contract, or in the set-up of such Task Entities;
5. Managing restrictions on the avoidance of conflicts of interest regarding all legal entities forming or involved with the contractor (members of consortium, sub-contractors, including all staff).

For the avoidance of doubt, any legal entity or personnel of the candidates may be Task Entity for more than one task requiring application of the Dedicated Performing Entity Principle. However, such legal entity and the personnel rendering services under the Contract shall have to respect any additional requirement relating to the execution of said tasks.

As a means of upfront information relevant for the implementation concept for the Dedicated Performing Entity Principle in the tender for Phase 2, the following tasks have already been identified as specifically relevant (with the list not being exclusive):

- Task 1 – Contractor’s own project management and reporting, carefully observing the Dedicated Performing Entities Principle;
- Task 2 – Operations Engineering;
- Task 3.2 – Technical infrastructure and logistics support;
- Task 4 – GSMC Site Engineering Support;
- Task 6 – Operations Validation Support.

2.4 Technical terms of reference – high-level description of tasks

In order to allow economic operators to assess whether the procurement could be of interest for them, the following high-level description of the tasks to be performed under the Contract is provided.

The scope description/task description below is provided to economic operators as a first point of orientation for Phase 1. The list of precise tasks will be further detailed in the documents to be provided to the pre-selected candidates in Phase 2.

2.4.1 Task 1 – Contractor’s own project management and reporting

The objective of this task is to manage the resources provided by the contractor and to communicate efficiently with the GSA including project reporting and project risk management. Each specific contract will



constitute a project to be managed by the contractor. The contractor may choose any of the recognized project management methodologies.

Candidates need to be aware that the generic project management and reporting must not conflict with the Dedicated Performing Entities Principle. Accordingly, tasks which are subject to this principle will require a specific management and reporting structure compliant with the principle while maintaining the efficiency and quality required for the particular task – this may also require additional resources.

2.4.2 Task 2 – Operations Engineering

The overall aim of this task is to support the GSA in developing all operational procedures, supporting processes, operational tools and other operations engineering activities of the GSMC covering:

1. How to deliver on GSA's GSMC missions;
2. How to manage the interactions with GSMC Stakeholders;
3. How to properly use the GSMC building infrastructure and Galileo Equipment, in close interactions with other operators of the Galileo system;
4. How to develop and implement local security operational procedures for Galileo Security relevant sites subject to the Contract in close cooperation with the Hosting State of the relevant site;
5. How to develop GSMC services in line with the GSMC's mission.

2.4.3 Task 3 – GSMC Technical Engineering

This task is to be seen as complementary to the procurement processes managed by the European Space Agency ('ESA') and the provision of Hosting Services to the GSA by the France and the United Kingdom hosting entities. The main activities under this Task will be the following:

1. Provision of expertise in reviewing ESA and Hosting States' contractors detailed designs, testing plans and subsequent deliveries against applicable requirements and approved designs, to ensure a long-term cost-effective use thereof for the GSA as an operator and to identify any missing requirements or delivery;
2. Support the GSA in guaranteeing that the GSA GSMC staff will find a full working environment compliant with all relevant requirements (operational and security) within the GSMC to perform its mission;
3. Support the GSA in security related aspects for establishing and maintaining contracts needed for the GSMC beyond those directly procured by the European Commission;
4. Lastly, the contractor may be required to support GSA to assess the competitiveness of terms and conditions of both potential and existing providers of GSMC.



2.4.4 Task 4 – GSMC Site Engineering Support

The scope of this Task is to provide the GSMC with support in managing the deployment and development of the GSMC sites. Consequently, this Task may cover:

1. Support the GSA in ensuring compliance to the local security and technical environments of the two GSMC sites (UK and France) by conducting studies and making recommendations related to topics such as national security rules, safety practice and other local regulatory issues.
2. The contractor may be requested to support the preparation of site development and evolutions, working to develop the GSA's needs and requirements. In addition, the contractor shall support the GSA in the establishment of hosting services through activities such as the preparation of specifications, management of service levels and other site related activities. The contractor may be requested to support the GSA in working with suppliers for services relevant to the GSMC site development.
3. Support to the GSA in defining the requirements for building evolution support including the preparation of building evolution files such as plans, architecture drawings, space requirements analysis, gathering user needs and the preparation of justification files.

2.4.5 Task 5 – Preparation and maintenance of accreditation of any GSA sites and/or GSA systems and preparation of Galileo System accreditation inputs.

The aim of this Task is the preparation and maintenance of the relevant accreditation files for any GSA sites/systems and also the preparation of the GSMC input to the Galileo System Accreditation. This will require, inter alia, the drafting of threat scenarios definition, analysis of the risk mitigation/coverage of scenarios as delivered by the building infrastructure, the Galileo Operational Equipment, the GSA IT infrastructure, the Standard Operation Procedures ('SOP') for the GSA/local sites operations (and execution thereof) and also assessing and justifying the compliance of GSMC operations and systems to requirements.

2.4.6 Task 6 – Operations Validation Support

The aim of this Task is the execution of test campaigns in order to validate the correct behaviour (both from a technical and team operations point of view) of the GSMC, its operational interface with PRS participants, end-to-end PRS service delivery, the interactions with the other Galileo system segments, and the end-to-end security chain of command.

Upon case by case requests by the GSA the contractor shall monitor/perform the relevant test (or manage relevant third parties under control of GSA), and shall report the outcome thereof in a document.

2.4.7 Task 7 – Security Infrastructure and Organisation

The contractor shall provide ad-hoc expert advice, as well as support the GSA in establishing the proper organisation, procedures, determining staff requirements to ensure GSMC is accredited for operations according to the applicable security operations (SECOPS). In this context, please note that the list presented



below is not definitive, however it is intended to provide the candidates with an overview of the areas covered under this Task:

1. IT security: The contractor shall assist the GSA in delivering all its IT systems, ensuring that the systems are secure, use best practices, where required are compliant with the accreditation requirements for processing classified information;
2. Physical security: Implementing measures necessary to ensure the physical security of all classified crypto material and the provisioning of inter-site protection keys;
3. Security consultancy: The contractor shall assist the GSA in the design and maintenance of its security systems and arrangements of all kinds (IT, physical etc.);
4. Quality management: Developing and operating procedures in the areas of configuration control, product assurance and quality control to support the test, validation and upgrade of operational procedures in GSMC core activities;
5. Security expertise: It includes security awareness within the GSA Security Team, effectiveness of the GSMC's internal security controls, the monitoring of the security of the communications infrastructure, network assets and database infrastructure of the GSMC looking for indicators which could be lead to the conclusion of an internal or external violation of the system;
6. Technical reports: Establish standard and ad-hoc technical reports about the status of the European GNSS Systems;
7. Crypto support: Support the GSA in further defining the setup of the GSA's Crypto Distribution Authority ('CDA') and advise on potential on the cryptographic key distribution mechanisms that may be appropriate for the efficient (and effective) distribution of keys being used by the system and by PRS receivers;
8. Administration and upkeep: sending and receiving of the classified documents, as well as keeping registers of such activities;
9. Technology watch: The contractor will support the GSA in the analysis of the GSMC/PRS user needs, industry developments regarding GNSS systems and threats (e.g. interferences, jamming, etc.), as well as help to integrate the observations of the operational area in order to translate those into desirable changes to the GSMC/PRS/Galileo related design/infrastructure/services /technological roadmaps;
10. Guarding: Supporting the GSA by providing analysis and recommendations / requirements in support of the Guarding capability and services required by the GSMC sites to meet the GSMC security requirements.



2.4.8 Task 8 – Training and knowledge management

This Task covers the possible following activities by the contractor:

1. Preparation of a training management system;
2. Preparation of the training courses and related material;
3. Preparation of the technical material (documents, presentations, etc.);
4. Examination activities;
5. Training certification;
6. Support to Member States' POCP operators;
7. Other training needs in relation to the missions of the GSMC and the scope of the Contract.

2.4.9 Task 9 – Projects Management and Administration Support

While Task 1 was focussed on the contractor's own resources management and reporting to the GSA in execution of the FWC (and specific contracts), the contractor shall, upon request also provide a 'project management and administrative' support focussed on helping to maintain and deliver on an on-going basis an integral plan of GSMC and/or PRS relevant activities. Also in this Task, candidates shall take care to observe in particular the compliance with the Dedicated Performing Entities Principle which may require for additional management and reporting lines (ref. Task 1 for details).

2.4.10 Task 10 – Support on Software Development / Configuration / Setup / Maintenance

The contractor shall develop or configure software tools requested by the GSA, either by itself or by providing support to the GSA in defining its specifications for subsequent procurement of it. The contractor shall ensure that all deliverables related to the above are properly documented and follow the best practices in the relevant field. The Contractor shall support the maintenance of engineering supporting tools as well as specific application operational tools.

2.4.11 Task 11 – Business Continuity Planning

The contractor shall support the GSA in developing and maintaining its business continuity plan using well known standards and methodologies, including but not limited to business impact analysis, business continuity plan and disaster recovery plans, including potential periodical testing, verification, and updates of the documentation.



2.4.12 Task 12 – Integrated Logistics Support

The contractor shall support the development and deployment of the GSMC Integrated Logistics Support ('ILS'). This ILS support applies to all GSMC equipment and systems and is not limited to the GSMC operational equipment. Please note that this includes ILS support for classified equipment and for equipment which handles cryptographic keys.

In support of the ILS the Contractor shall set up a Configuration management process integrating all Configuration Items managed by GSMC staff.

2.4.13 Task 13 – PRS and Security

The contractor shall provide engineering and operational support to the GSA covering the following areas.

1. Support to PRS;
2. Support to EU GNSS Security Requirements and Standards;
3. Support to the EU GNSS Distribution Authority.

2.5 Legal and Contractual terms of reference

When drawing up their requests to participate, candidates should bear in mind that the signature of the FWC imposes no obligation on the GSA to purchase. Only implementation of the FWC through specific contracts is binding for the GSA. The draft FWC and draft specific contract will be provided in Phase 2 of the procurement process.

2.5.1 Place of performance

The place of performance of the tasks shall mainly be the GSA GSMC sites at:

- GSMC-FR, Saint-Germain-en-Laye, France;
- GSMC-UK, Swanwick, United Kingdom;

Further tasks, meetings and reviews may further be performed/held at the GSA headquarters, in Prague, Czech Republic

Meetings and specific missions may take place at across Europe, in particular:

- Galileo Control Centre, Oberpfaffenhofen, Germany;
- Galileo Control Centre, Fucino, Italy;
- Launch and Early Operations Centre at ESOC, Darmstadt, Germany;
- Launch and Early Operations Centre, Toulouse, France;
- In-Orbit Testing Centre, Redu, Belgium.



2.5.2 Volume of the Contract

The maximum budget estimated for the maximum duration of the Contract is EUR 20,000,000 (twenty million euro).

This budget is only indicative; it will be subject to budget allocations given to the GSA.

2.5.3 Duration

The expected duration of the FWC is 1 (one) year from the signature of the Contract, with the possibility of extension up to 3 (three) times for 1 (one) year each (4 (four) years maximum).

2.5.4 Language of the Contract

Unless specified otherwise by the GSA, English shall be the working language of the Contract. However frequent interactions with French-speaking stakeholders and sub-contractors are expected.

2.5.5 Sub-contracting

When sub-contracting, (pre-selected) candidates and tenderers shall ensure the sub-contractor's compliance with the exclusion criteria under section 3.1. Wherever the (pre-selected) candidates and tenderers intends to sub-contract a significant part of the Contract, sub-contractors shall also fulfil the relevant selection criteria under section 3.2.

The GSA envisages for the **sub-contracting an indicative minimum share of 30% and maximum share of 70% of the total Contract value.**

The minimum and maximum indicative subcontracting shares shall be established taking into account:

- (a) the subcontractors to be selected by competitive tendering outside the candidate's/tenderer's group⁴ (including consortium members);
- (b) the subcontractors chosen by the candidate/tenderer, other than those under letter (a) above.

According to Article 26 (1) GNSS Regulation, the GSA intends to favour wide participation of various economic operators, while securing smooth and effective operations. For the purposes the GSA envisages the following indicative share for subcontracting which the tenderer shall implement by **competitive tendering outside the tenderer's group: minimum share of 10% of the total Contract value.**

Competitive tendering outside the tenderer's group is considered to have taken place when more than one offer from an entity outside the group has been requested by the candidate/tenderer.

⁴ For the purpose of this requirement the expression "group" is meant to encompass i) the entity or the group of entities acting as a candidate/tenderer, ii) the entity/entities to which the candidate/tenderer or any of the members of the group acting as candidate/tenderer is affiliated, iii) the entities affiliated to the candidate/tenderer or to any of the members of the group acting as candidate/tenderer. An entity shall be deemed affiliated to the candidate/tenderer or any of the members of the group acting as candidate/tenderer if their links fall within the scope of Article 22 of Directive 2013/34/EU, of 26 June 2013.



Each candidate/tenderer is responsible for organising its own competitive tender(s) aimed at finding necessary subcontracting respecting the following procurement principles:

- Fair competition & equality of treatment
- Transparency
- Proportionality
- Best value for money

Tenderers shall clearly indicate in their tenders which part of the services and to which proportion (in %) in relation to the total Contract value they intend to subcontract, demonstrating compliance with the above mentioned requirements. A proof of competitive subcontracting tender(s), including thorough visibility of technical and financial offer of consulted entities outside the group (envisaged subcontractors) shall be provided together with the offer.

If the tenderer does not manage to complete the competitive tender(s) required by the time of tender submission, it shall submit a signed undertaking presenting credible tendering plan it intends to carry out.

If the competitive tenders are completed only during contract execution, the concluded subcontracts shall not lead to a change of the contract unless it is in favour of the GSA as contracting authority.

The contractor shall request GSA prior written authorisation to introduce any newly selected subcontractor(s) according to contract provisions. In case of failure to respect the undertaking of subcontracting or obtaining the said authorisation, the contract may be terminated for contractor's default.

In case where no or not the required minimum share of competitive tendering is planned to be undertaken, tenderer shall submit a justification of the non-compliance with the above mentioned requirement. Failure to provide such justification may lead to exclusion from the tender.

Tenderers may at any time after tender submission or during contract execution be requested to submit supporting evidences of their application of competitive tendering for the selection of subcontractors and their compliance with the principles established above. Contractors can be subject to possible auditing according to contractual provisions.

Without prejudice to the above, the GSA may reject the proposed sub-contractor(s) and ask for another sub-contractor(s) to be proposed as part of the tender. Such rejection shall be justified in writing by the GSA and may be based only on the criteria used for selection of candidates for the main Contract.

Sub-contractors must not sub-contract further.

Sub-contracting shall not relieve the contractor from his obligations under the Contract. In this respect, the contractor shall remain the sole partner and person legally and financially responsible vis-à-vis the GSA.



2.5.6 Participation of consortia

Consortia may submit a request to participate / tender on the condition that it complies with the rules of competition.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure.

Such grouping (or consortium) must specify a single legal entity heading the project (of submission of request to participate / tender / contract) (the leader) and must also submit necessary relevant document(s) proving authorisation of this legal entity to (i) submit the request to participate in Phase 1, (ii) to submit the tender for Phase 2 and (iii) to sign the ensuing contract and any amendment thereof, in case of award on behalf of the consortium.

All members of a consortium (i.e. the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (see section 3 of these Conditions for Participation). Concerning the selection criteria “economic and financial capacity” as well as “technical and professional capacity”, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

The participation of an ineligible person will result in the automatic exclusion of that person. If that ineligible person belongs to a consortium, the whole consortium will be excluded.

NOTE: For a full overview of the documents required for submission by consortia for Phase 1 please refer to the list of Annexes under Section 6.

2.5.7 Confidentiality, security, and conflicts of interest

2.5.7.1 Confidentiality

The candidates undertake to treat in the strictest confidence and not make use of or divulge to third parties any information or documents which are linked to the procurement process and/or the performance of the Contract. The contractor shall continue to be bound by this undertaking after completion of the tasks.

The candidate shall further be ready for his service personnel to provide a written statement that they will respect the confidentiality of any information which is linked, directly or indirectly, to execution of the tasks and that they will not divulge to third parties or use for their own benefit or that of any third party any document or information not available publicly, even after completion of the tasks.

The GSA reserves further rights to ask the contractor (including any member of a consortium and any subcontractor and any member of their staff performing the services) to sign a declaration regarding confidentiality, non-disclosure and/or declaration regarding precise obligations of processing of personal data.



2.5.7.2 Security requirements and conflicts of interest – on-site support

The Contract is to be considered of highly sensitive nature, considering that the contractor will not only have direct access and knowledge of the GSA's internal organisation, including personal details of members of staff and external visitors, but will also have to deal with classified information, not necessarily restricted to the GSA's premises. Therefore, the contractor (including any consortium member) needs to be holder of a Facility Security Clearance ('FSC) of at least EU SECRET level, to be maintained throughout the duration of the Contract.

Its personnel, planned to access classified information under the Contract shall likewise have a Personal Security Clearance ('PSC') of at least EU SECRET level, to be maintained throughout the duration of the Contract.

The requirement for FSC and PSC shall apply to sub-contractors and their personnel accordingly.

The GSA shall waive the requirement for the FSC for individual consortium members and sub-contractors, if the candidate/tenderer/contractor can demonstrate to the GSA's satisfaction in writing the absence of that consortium member's, or sub-contractor's need to access classified information for performing the tasks under the Contract on a general basis outside the GSA's premises.

The GSA shall further waive the requirement for the PSC for individual contractor's, consortium member's or sub-contractor's personnel, if the candidate/tenderer/contractor can demonstrate to the GSA's satisfaction in writing the absence of that personnel's need to access classified information for performing the tasks under the Contract.

For handling classified information, candidates /tenderers/contractor (including any consortium member and sub-contractors) must have appointed a Local Security Officer, to be maintained throughout the duration of the Contract.

The GSA shall waive the requirement for a Local Security Officer if the candidate/tenderer/contractor can demonstrate to the GSA's satisfaction in writing the absence of that consortium member's, or sub-contractor's need to access classified information for performing the tasks under the Contract.

In case of award of the FWC, and before start of any service provisions under a specific contract, the contractor shall be prepared to declare in writing to the GSA Local Security Officer that its personnel providing the services is suitable for the performance of their duties, **free from criminal convictions** and enjoy full rights as **citizen of the EU**.

The contractor shall **commit** towards the GSA to **ensure** through adequate arrangements with its service providing personnel that they:

- (1) are bound to follow any security rules as may be set by the GSA from time to time for anyone entering into or staying in the premises of GSA – any such rules shall be provided to the contractor;
- (2) are ready to sign a "**declaration on confidentiality and absence of conflict of interest**" with the GSA before commencing any service provision. The current form of such declaration shall be annexed to



the FWC (which shall be provided in Phase 2 of this procurement procedure) for information on the understanding that such form is liable to evolve and possibly cover additional aspects from time to time and shall not in any way release the contractor from any of its obligations.

These security requirements are supplemented by the applicable documents which are listed in the SAL.

2.5.7.3 Conflicts of interest – programme level

In addition to signing the Declaration of Honour provided as Annex I.D tenderers required to provide the following further documents:

1. Tenderers shall substantiate their management approach of any potential conflict of interests by providing an analysis and comprehensive justification on absence of conflict of interests, in particular (without limitation) in relation to (i) previous and/or current involvement in the Galileo programme and (ii) circumstances referred to in GSA policy on prevention and management of conflicts of interest for staff and third parties working for the GSA (Appendix I to Annex I.D).
2. In addition, in order to prove absence of conflict of interests and/or appropriate management of any risk of conflict of interest tenderers are required to include a presentation of operational structure and mechanisms for monitoring the absence of conflict of interests during the execution of the framework contract, in compliance with GSA policy on prevention and management of conflicts of interest for staff and third parties working for the GSA (Appendix I to Annex I.D) which is evaluated as a selection criteria.

Upon assessment by the GSA of the above documents the GSA reserves the right to exclude any tenderer whose analysis, justification or presentation regarding conflict of interests would be considered insufficient, inadequate or irrelevant.

3 Assessment of Requests for Participation

All requests for participation submitted will be assessed in view of the participation requirements under Section 2.2 and the admissibility criteria described in section 4 below.

The assessment of the candidates in Phase 1 of this procurement procedure is further carried out in successive stages against the exclusion and selection criteria set out below.

- (1) **Exclusion stage** – to check, on the basis of the exclusion criteria, whether candidates can take part in the tendering procedure, including conflicts of interest of each candidate.
- (2) **Selection stage** – to check, on the basis of the selection criteria, the legal, the economic and financial capacity as well as the technical and professional capacity, including the capacity to manage security aspects of the Contract.



3.1 Exclusion criteria

This procurement process is only open to candidates (all entities involved, including sub-contractors) who are able to sign the 'Template declaration of honour on exclusion and selection criteria' (hereinafter referred to as the 'Declaration of Honour' – Annex I.D). Failure to do so will lead to exclusion from the procurement process.

Before the signature of the Contract the successful tenderer will have to submit supporting documents to the Declaration of Honour (listed therein).

3.2 Selection criteria

To be assessed in the selection stage, the candidates must have passed the exclusion stage described above.

Candidates must fulfil all the legal, economic and financial capacity as well as the technical and professional capacity criteria required in this Request to Participate to be invited to Phase 2.

3.2.1 Legal capacity

Table 1 – Legal Capacity Criteria

Ref. #	Legal capacity	Evidence
L1.	General requirement All economic operators participating in this procurement, i.e. candidates/ tenderers (including any consortium member and sub-contractors) have to be authorised to perform the Contract under the national laws	<p>Candidates (including all consortium members and any proposed sub-contractors) shall provide a duly filled in and signed Legal Entity Form (see Annex I.B) alongside a copy of the trade or professional register excerpt of the entity and the supporting documents required in the form, i.e. copy of the value added tax (VAT) registration document.</p> <p>In case of award of Contract, the candidate shall further provide upon request and within the time limit set by the GSA the documents requested in said Annex.</p> <p>Where a candidate has already signed another contract with the GSA, it may provide instead of the legal entity file and its supporting documents a copy of the legal entity file provided on that occasion, unless a</p>



		change in its legal status occurred in the meantime or the legal entity file or its supporting documents are older than one year .
L2.	<p>Facility Security Clearance (FSC) Requirement</p> <p>All economic operators participating in this procurement, i.e. candidates/ tenderers (including any consortium member and sub-contractor) must have a FSC of at least EU Secret level.</p> <p>The GSA shall waive the requirement for the FSC for individual consortium members and sub-contractors, if the candidate/tenderer/contractor can demonstrate to the GSA’s satisfaction in writing the absence of that consortium member’s, or sub-contractor’s need to access classified information for performing the tasks under the Contract on a general basis outside the GSA’s premises.</p>	Candidates (including all consortium members and any proposed sub-contractors) shall submit official documentation proving their FSC up to EU Secret.
L3.	<p>Personnel Security Clearance (PSC) requirement</p> <p>All candidate’s / tenderer’s (including any consortium member and sub-contractors) personnel planned to perform tasks under the Contract must have a Personal Security Clearance PSC of at least EU Secret level.</p> <p>The GSA shall waive the requirement for the PSC for individual contractor’s, consortium member’s or sub-contractor’s personnel, if the candidate/tenderer/contractor can demonstrate to the GSA’s satisfaction in writing the absence of that personnel’s need to access classified information for performing the tasks under the Contract.</p>	<p>Candidates (including all consortium members and any proposed sub-contractors) shall submit official documentation proving that the relevant personnel has a PSC to handle classified information up to EU Secret.</p> <p>In lack of a PSC for any personnel in question at the time of submission of the request to participate, the candidate shall, with his request, submit a plan providing sufficient confidence to the GSA that the relevant PSC should be obtained within the next 5 (five) months therefrom.</p>
L4.	<p>Appointed, available Local Security Officer (LSO)</p> <p>All economic operators participating in this procurement, i.e. candidates /tenderers (including any consortium member and sub-contractors) are</p>	Candidates (including all consortium members and any proposed sub-contractors) shall complete and sign the Candidate Identification Form (see Annex I.A). Candidates



	<p>required to have an appointed Local Security Officer for handling of any classified information linked to the procurement process and the provision of services under the Contract.</p> <p>The GSA shall waive the requirement for a Local Security Officer if the candidate/tenderer/contractor can demonstrate to the GSA’s satisfaction in writing the absence of that consortium member’s, or sub-contractor’s need to access classified information for performing the tasks under the Contract.</p>	<p>shall submit, along with Annex I.A, a proof of the appointment of their respective LSO.</p> <p>NOTE: There is no specific format/template for proof of appointment of the Local Security Officer – a signed declaration of the duly authorised representative of the concerned entity shall be sufficient.</p>
L5	<p>Establishment in EU Member State</p> <p>All economic operators participating in this procurement, i.e. candidates/ tenderers (including any consortium member and sub-contractors) have to be established in one of the Member States of the European Union as further described under section 2.2.1.</p>	<p>Submission of an excerpt from the public registry or any other official document providing proof of place of establishment in a Member State of the European Union or a third country with a special agreement as described in the legal requirement.</p>
L6.	<p>Establishment of a Competent PRS Authority (CPA)</p> <p>The Member State as place of establishment of economic operators participating in this procurement, i.e. candidates/tenderers (including any consortium member and sub-contractors) is required to have established a Competent PRS Authority (CPA).</p> <p>The GSA shall waive the requirement with regard to sub-contractors which the candidate/tenderer can demonstrate, to the GSA’s satisfaction, have no need to know and thus no need to gain access to PRS information (including unclassified PRS information) for the performance of the tasks planned to be allocated to them.</p>	<p>Submission of an excerpt from the public registry or any other official document providing proof of place of establishment and in a Member State of the European Union having an established CPA.</p> <p>In order to facilitate a waiver of the requirement, for individual sub-contractors, the candidate/tenderer shall submit a motivated and justified waiver request in writing demonstrating that no need to know and thus no need for access to PRS information will exist for the respective entity for the entire duration of the Contract to be awarded.</p>
L7.	<p>Authorisation by the SAB and national CPA.</p>	<p>Document providing proof that the SAB and the CPA have authorised the legal entity in the category “support activities” subject to</p>



	<p>Candidates/tenderers, including consortium members and sub-contractors (unless the L6 requirement is waived), have to be authorised by the SAB and their national CPA in the category “support activities” subject to the Contract.</p>	<p>the Contract to be awarded under this procurement.</p> <p>In case the authorisation could not be obtained during Phase 1, the request to participate shall include a document evidencing that the request for authorisation has been submitted to the SAB by the responsible CPA. <u>Once received, the authorisation has to be submitted with the tender in Phase 2.</u></p> <p>In order to facilitate a waiver of the requirement, for individual sub-contractors, the candidate/tenderer shall submit a motivated and justified waiver request in writing demonstrating that no need to know and thus no need for access to PRS information will exist for the respective entity for the entire duration of the Contract to be awarded.</p>
--	--	---

3.2.2 Economic and financial capacity criteria

The candidate shall demonstrate the financial and economic capacities required for performance of this Contract.

Financial and economic capacities shall be demonstrated by:

Table 2 – Economic and Financial Capacity Criteria

Ref. #	Economic and Financial capacity criterion
F1.	Duly filling in and submitting the Financial Statements relating to the Selection Stage in Annex I.E
F2.	Submitting a full copy of the candidate’s annual accounts (balance sheet, profit and loss account, notes on the accounts and auditors’ remarks when applicable (with reference to Annex I.E)
F3.	Submitting a statement of overall turnover and turnover relating to the relevant services) of the last three years , as approved by the competent body of the company and, where applicable, audited and/or published (with reference to Annex I.E).



The Minimum Requirement for general and specific annual turnover:

F4.	The candidate (all members of consortium cumulatively) is expected to prove minimum general turnover of 4,000,000 EUR (four million euro) per year by submitting copy of the official balance sheets of the last three years approved by external auditors.
F5.	The candidate (all members of consortium cumulatively) is expected to prove minimum specific turnover of 1,000,000 EUR (one million euro) per year by submitting a copy of the official balance sheets of the last three years approved by external auditors. Specific turnover shall be from provision of services similar to those subject to this procurement.

3.2.3 Technical and professional capacity criteria

The candidates have to fulfil the technical and professional capacity criteria required in this section and shall provide the requested evidence in their requests to participate for assessment of their capacity. In case projects are required as evidence of the capacity, the same project may be used to cover multiple capacity criteria. Any activities in excess of the required one(s) for proof of a criterion will not be considered any further. The candidates shall submit the requested information using the Technical and Professional Selection Criteria Cover Sheet (Annex I.G to this Invitation to Participate), with the information provided not exceeding the indicated page limit per criterion. For reasons of comparison, candidates shall use the following formatting: Arial 11pt, 1.5 spaced with 2 (two) cm left, right, top and bottom distance.

The criteria presented in Table 3 below shall be used during the technical and professional capacity assessment, in the selection stage:

Table 3 – Technical and Professional Capacity Criteria

Note: Candidates applying as consortium or relying on sub-contractors for capacity criteria SHALL clearly indicate the relevant consortium member or sub-contractor in the evidence for each task!		
Ref.#	Criteria	To be evidenced by
T1.	Relevant experience in management of complex security related projects with numerous tasks, including reporting activities with different and clearly separated reporting lines and management of sub-contractors and continuity planning and experience with applying recognized project management methodologies.	Description of at least 3 (three) projects fulfilling the requirement managed during the last 3 (three) years.
T2.	Relevant experience in development and operation of an operational security centre, including the development of concepts, procedures and supporting processes such as (: (1) Concept of operations (henceforth referred to as “CONOPS”) design and preparation; and/or (2) Operational procedures design and preparation for event monitoring systems; and/or (3) Operational procedures design and preparation for service delivery systems; (4) Development of operational services for classified systems; and/or (5) Development of operational services for GNSS systems; and/or (6) Use of relevant tools including an IETM (e.g. Adonis or similar) and other support tools including Ministry of Defence Architecture Framework (MODAF), DOORS.	Description of at least 3 (three) security operational services fulfilling the requirement performed during the last 3 (three) years.
T3.	Relevant experience in systems engineering activities including <i>designing, building/delivering, validation and the development of operations, ILS, and maintenance</i> in at least 3 (three) of any of the categories listed below:	Description of at least 3 (three) different projects (each covering a different one of the listed



	<p>(1) Complex and critical IT systems operating 24 (twenty-four) days, 7 (seven) days a week. Space assets related ground infrastructures (IT, building and/or operations).</p> <p>(2) Global Navigation Systems assets.</p> <p>(3) Security monitoring assets of complex systems.</p> <p>(4) Hardware security/cryptography modules and crypto boxes for secured communications.</p> <p>(5) Automated cryptographic key distribution systems and key management/verification systems.</p> <p>(6) Building infrastructure, buildings and related supporting, heating, ventilation, electricity, access control systems services and maintenance.</p> <p>(7) Performing and managing software tool development, configuration, set-up and maintenance for complex security relevant systems as well as developing related software specifications suitable for procurement procedure.</p>	<p>categories) having been performed during the last 3 (three) years.</p>
T4.	<p>Relevant experience in preparation, performing, and maintaining of accreditation of space or security sensitive infrastructures.</p>	<p>Description of at least 3 (three) projects fulfilling the requirement performed during the last 3 (three) years.</p>
T5.	<p>Absence of conflict of interest at GALILEO programme level as described under section 2.5.7.3.</p>	<p>Provision of the following documents:</p> <p>(i) assessment of any risk of perceived partiality and/or justification of absence of any conflict and</p> <p>(ii) description of any steps taken to circumvent any such risk thanks to the presentation of the operational structure and mechanisms to monitor the risks.</p>



3.3 Minimum Requirements

The candidate / tenderer /contractor shall be compliant with the following Minimum Requirements (in meaning of Article 105 of FR):

Ref. #	Minimum Requirement
M1.	Compliance with applicable environmental, social and labour law obligations established by European Union law, national legislation, collective agreements or the applicable international social and environmental conventions listed in Annex X of Directive 2014/24/EU
M2.	Very good understanding of English by candidate / tenderer (including understanding of all technical and legal tender documentation) as it is an essential mean of demonstrating candidate's / tenderer's capacity to provide services in daily working language of GSA on all its sites despite location.
M3	Readiness and capability to implement the Dedicated Performing Entity principles established under section 2.3

Please note that the GSA reserves the right to (i) re-evaluate compliance to the Minimum Requirements above in Phase 2 of the procurement procedure; and (ii) to define further Minimum Requirements in Phase 2 of this procurement procedure.

4 Conditions for submission of requests to participate

4.1 Disclaimers

- (1) This request to participate is in no way binding on the GSA. The GSA's contractual obligation commences only upon signature of the Contract with the successful tenderer. Up to the point of signature, the GSA may either abandon the procurement or cancel the award procedure, without candidates and tenderers being entitled to claim any compensation.
- (2) Submission of a request to participate and any subsequent tender implies acceptance of all the terms and conditions set out in the tender documentation and all annexes pertaining to this Phase 1 and Phase 2, including, without limitation the draft FWC, the draft specific contract, and, where appropriate, waiver of the candidate'/tenderer's own general or specific terms and conditions. They shall be binding on the tenderer to whom the Contract is awarded for the duration of the Contract.

4.2 Visits to GSA premises or briefing

Visits to GSA's premises or briefings during the procurement process are not foreseen.



4.3 Variants

Variants are not permitted under this procurement procedure therefore candidates should not deviate from the services requested.

4.4 Preparation costs for requests to participate and tender

Costs incurred in preparing or submitting the requests to participate as well as any costs incurred in preparing or submitting the subsequent tender are borne by the candidates/tenderers alone and will not be reimbursed.

4.5 Presentation of the request to participate

Request to participate must be submitted in accordance with the double envelope system.

The outer envelope or parcel should be sealed with adhesive tape, signed across the seal and carry the following information:

- the ref. number of the invitation to tender **GSA/RP/11/16**
- the project title **“Security Support Services for the GSA (GSMC)”**
- the name of the candidate
- the indication **“Request to Participate - Not to be opened by the internal mail service”**
- the address for submission of requests to participate as indicated below
- the date of posting (*if applicable*) should be legible on the outer envelope

The outer envelope must contain **one (1) inner envelope**, the content of which must be as follows:



Ref #	ADMINISTRATIVE DOCUMENTS and DOCUMENTS RELATING TO EXCLUSION and FINANCIAL AND ECONOMIC SELECTION CRITERIA to be submitted with the request to participate
(1)	The Cover Letter , dated and signed by the candidate or by any other duly appointed representative, declaring acceptance of the conditions in this invitation to participate; the candidates undertaking to request the participation in this procurement process with the aim of being invited for the submission of tender to provide the services subject to this process and listing all the documentation included/enclosed in the request to participate. If the request is submitted by a consortium or group of service providers, it must be accompanied by a letter signed by each member undertaking to request the participation in the tender and specifying each member's own role and qualifications.
(2)	The duly filled in, signed and dated identification sheet of the candidate using the template in Annex I.A (One per candidate presenting all the legal entities involved in the consortium and sub-contractors).
(3)	The duly filled in, signed and dated Legal Identity Form using the template in Annex I.B (One per candidate and, in case of consortia, one per economic operator involved in a consortium, and in any case one per sub-contractor).
(4)	A duly signed and dated statement of authorisation containing the name and position of the representative/signatory and official documentary evidence on the person's legal authority to validly sign on behalf of the organisation (per each candidate and each signatory of a Power of Attorney).
(5)	<u>In case of consortia</u> , the Power of Attorney designating the entity that will sign on behalf of the consortium duly signed and dated by the authorised representative of each group/consortium member using the template provided in Annex I.I .
(6)	<u>For the proposed sub-contractors</u> , duly filled in, signed and dated sub-contractor Letter of Intent using the template in Annex I.J .
(7)	The duly filled in, signed and dated Financial Identification Form using the template referred to in Annex I.C . (In case of consortia, only one Financial Identification Form for the whole consortium, nominating the bank account into which payments are to be made under the Contract. In case the consortium prefers split of payments each consortium/group member shall submit their individual Financial Identification Form).
(8)	The duly filled in, signed and dated Financial Statement relating to the selection stage as requested in section 3.2.2 of these Conditions for Participation, including the standard template in Annex I.E .



(9)	The duly filled in, signed and dated Technical and Professional Selection Criteria Cover Sheet provided in Annex I.G , along with by the information required for the fulfilment of the technical and professional selection criteria, as presented in section 3.2.3.
(10)	The duly filled in, signed and dated Declaration(s) of Honour relating to exclusion criteria and selection criteria using the template in Annex I.D (One per economic operator) (i.e. candidate, all consortium members, all sub-contractor(s), where relevant).
(11)	The duly filled in, signed and dated Non-Disclosure Undertakings for Non PRS and PRS information using the templates provided in Annex I.F.1 and Annex I.F.2 with all the relevant declarations and charts attached as outlined in section 2.2.3 – one signed original per legal entity (i.e the candidate, all consortium members, and all subcontractors as required) marked as „Original“ .
(12)	A proof of the appointment of the economic operator's (including consortium members and sub-contractors where so required under section 3.2.1, L4.) LSO – a signed declaration of the duly authorised representative of the concerned entity is sufficient.
(13)	Official document proving that economic operators (including all consortium members and any proposed sub-contractors) has a FSC to handle classified information up to EU Secret where so required under section 3.2.1, L2.).
(14)	Official document proving that economic operators' (including all consortium members and any proposed sub-contractors) personnel planned to perform tasks under the Contractor have a PSC to handle classified information up to EU Secret where so required under section 3.2.1, L3.
(15)	The duly filled in, signed and dated Compliance Matrix to the SAL (Template provided in Annex I.H) and any declaration/certification required therein (One per economic operator (i.e. the candidate and all consortium members, all sub-contractor(s)).
(16)	For the all economic operators (including any consortium member and any sub-contractor) an excerpt from the public registry or any other official document providing proof of place of establishment as described under sections 2.2.1 and 3.2.1, L5. (including with established CPA , as may be required or written demonstration that the relevant entity has no need to know/gain access to PRS information (including unclassified PRS information) for the performance of the tasks planned to be allocated to them under the Contract as described under section 3.2.1, L6.).
(17)	Unless waiver as described under section 3.2.1, L6 applies, written proof of individual authorisation of the SAB and the responsible CPA for the economic operator (including any consortium member and <u>any sub-contractor</u>) for the specific PRS category subject to the Contract.
(18)	An electronic copy of each document submitted with the request to participate on CD-ROM with the full set of documents in machine readable format (MS Office 2003 or later, or Adobe Reader Version 8.0 or later) with separate folders reflecting the reference numbers of the documents listed in this table.
(19)	In case of consortium- necessary relevant document(s) proving authorisation of this legal entity to (i) submit the request to participate in Phase 1, (ii) to submit the tender for Phase 2 and (iii) to sign the ensuing contract in case of award on behalf of the consortium (as defined in section 2.5.6).



(20)	Statements of compliance to all Minimum Requirements (set in section 3 above)
------	---

The candidate shall submit the documents as **one (1) original** and **two (2) copies**. Originals must be marked **“ORIGINAL”**, and copies signed in the same way as the original and marked **“COPY”**.

Request to participate shall be drafted in one of the official languages of the European Union, preferably **ENGLISH**.

Nota bene:

- It is strictly required that request to participate be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the request to participate.
- GSA retains ownership of all documents received under this procedure. Consequently, candidates shall have no right to have their requests to participate returned to them.

4.6 Submission

Requests to participate sent by **post mail** are to be sent not later than on date specified in section 1.2 above, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the following physical address:

European GNSS Agency Legal and Procurement Department Janovskeho 438/2 170 00 Prague 7 Czech Republic

Requests to participate sent by **express mail, commercial courier or hand-delivered** should be addressed to the same postal address not later than **17.00 (CET) on date specified in section 1.2 above**. In this case, a receipt must be obtained as proof of submission, signed and dated by the reception desk officer. The reception is open from 08.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays, European Commission holidays and some Czech national holidays.

WHEN THE REQUEST TO PARTICIPATE IS SUBMITTED TO A DELIVERY SERVICE, THE CANDIDATE IS REQUESTED TO SEND AN EMAIL NOTE TO tenders@gsa.europa.eu DECLARING THE DATE OF HAND-OVER, THE DELIVERY SERVICE USED AND THE ESTIMATED TIME OF DELIVERY, IF KNOWN.



4.7 Period of validity of the request to participate

Period of validity of the request to participate, during which candidate may not modify the terms of their request to participate in any respect: nine (9) months from the closing date for the reception of the request to participate.

4.8 Further information

Contacts between the contracting authority and candidates are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of request to participate:

- At the request of the candidate, the contracting authority may provide additional information solely for the purpose of clarifying the nature of the Contract, save any information pertaining to Phase 2.
- Any requests for additional information must be made in writing only to tenders@gsa.europa.eu. The subject line of the e-mail has to quote the reference of the procurement procedure.
- Requests for additional information received after deadline specified in section 1.2 will not be processed (for practical reasons).
- The GSA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the tender documents. Operators are invited to regularly monitor the GSA's website to that effect.

After the opening of requests to participate:

- If, after the requests to participate have been opened, some clarification is required in connection with a request to participate, or if obvious clerical errors in the submitted request to participate must be corrected, the GSA may contact the candidate, although such contact may not lead to any alteration of the terms of the submitted request to participate.

4.9 Information for candidates

The GSA will inform candidates of decisions reached concerning the requests to participate in due course, including the grounds for any decision not to invite a candidate or to recommence the procedure.

If a written request is received, the GSA will inform all rejected candidates of the reasons for their rejection.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.



4.10 Personal data protection specific to the tender process

If processing your reply to the invitation to participate involves the recording and processing of personal data, such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Identity of the Controller: Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your request for participate in accordance with the invitation to participate documentation and will be processed solely for that purpose by the Executive Director of the GSA (the Controller), Head of Administration and Head of Galileo Security Monitoring Centre (the Delegated Controllers).

Purpose of processing: Upon reception of your request to participate by the Controller, your personal data is collected and further processed for the purpose of the management and administration of the selection of procurement by GSA services.

Data concerned: Personal data collected and further processed concern the candidate and its staff or sub-contractors (natural persons). Information can relate to the following data: name; function; contact details (e-mail address, business telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, internet address); certificates for social security contributions and taxes paid, extract from judicial records; bank account reference (IBAN and BIC codes), VAT number, passport number, ID number; information for the evaluation of selection criteria or eligibility criteria: expertise, technical skills and languages, educational background, professional experience including details on current and past employment; declaration on honour that they are not in one of the exclusion situation referred to in article 93 and 94 of the Financial Regulation.

Legal bases: The Financial Regulation and the Rules of Application.

Lawfulness of processing: The lawfulness of the processing is based on Article 5(a), 5(c) and 5(d) of Regulation (EC) No 45/2001.

Recipients of the data processed: For the purpose detailed above, access to your personal data is given to the following persons, without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with European Union law: (i) the GSA staff as well as outside experts and members of opening or evaluation committee (notably including the staff of European Commission and European Space Agency) and contractors who work on behalf of the GSA for the purposes of management of the procurement procedure and request to participate evaluation, and the bodies charged with a monitoring or inspection task in application of European Union law (e.g. internal audits, Financial Irregularities Panel, European Anti-fraud Office - OLAF); (ii) members of the public; In case you are awarded a contract by the GSA, your personal data will be made public, in accordance with the GSA's obligation to publish information on the outcome of the procurement procedure and on the beneficiaries of funds deriving from the budget of the European Community (Article 90, 110 (2) and Article 30(3) of the Financial Regulation, respectively). The information will concern in particular your name and address, the amount awarded and



the name of the project or programme for which you are awarded a contract. It will be published in supplement S of the Official Journal of the European Union and/or on the website of the GSA.

Information on the retention period of personal data: Files relating to tender procedures, including personal data, are to be retained by the GSA until procurement procedure is finalised, and in the archives for a period of seven (7) years following the end of the year when last payment has been made under the contract signed as a result of the procurement procedure. However, requests to participate from unsuccessful candidates have to be kept only for seven (7) years following the signature of the contract. Files may have to be retained also until the end of a possible audit if one started before the end of the above periods.

Technical storage information: Files relating to tender procedures, including personal data, are retained both in soft (electronic) and hard (paper) format in GSA servers/premises where access is granted in controlled manner strictly on basis of justified need-to-know.

Your personal data may also be registered in the Early Detection and Exclusion System (EDES) of European Commission if you are in one of the situations mentioned in Article 106 of the Financial Regulation. For more information, see the Privacy Statement on

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

The data subject's rights and contact data: Data subjects have the right of access and rectification (modification, correction or deletion) of their personal data at any time. Requests shall be addressed to the Controller via GSA Data Protection Officer at dpo@gsa.europa.eu by describing your request explicitly. Any rectification of your personal data will be taken into consideration from the data protection point of view. Special attention is drawn to the consequences of a request for deletion, as this may lead to an alteration of the terms of the prior request to participate and lead to exclusion as stated in Article 148 of the Rules of Application. Data subjects are entitled to lodge an appeal with the European Data Protection Supervisor (EDPS) at edps@edps.europa.eu should they consider that the processing operations do not comply with Regulation (EC) 45/2001.

5 List of acronyms and abbreviations used

Acronym / Abbreviation	Complete Designation
CDA	Crypto Distribution Authority
CONOPS	CONcept of OPerationS
contractor	The tenderer to whom the Contract will be awarded.
CPA	Competent PRS Authority
EC	European Commission
ESA	European Space Agency
EU	European Union
Galileo	European satellite navigation project – one of the European GNSS



GMS	Ground Mission Segment
GNSS	Global Navigation Satellite System
GSA	European GNSS Supervisory Authority
GSF	Galileo Security Facility
GSMC	Galileo Security Monitoring Centre
ILS	Integrated Logistics Support
LSO	Local Security Officer
MODAF	Ministry of Defence Architecture Framework
POCP	Point Of Contact Platform
PRS	Public Regulated Service
SAB	Security Accreditation Board of the EU GNSS systems
SAL	Security Aspects Letter
SOP	Standard Operating Procedure

6 List of Annexes – Phase 1

Annex I.A – Identification Sheet of the Candidate – TEMPLATE

Annex I.B – Legal Entity Form – TEMPLATE

Annex I.C – Financial Identification Form – TEMPLATE

Annex I.D – Declaration of Honour – TEMPLATE

Appendix I to Annex I.D – GSA policy on prevention and management of conflicts of interest for staff and third parties working for the GSA

Annex I.E – Financial Statements relating to the Selection Stage

Annex I.F.1 – Non PRS Non-Disclosure Undertaking

Annex I.F.2 – PRS Non-Disclosure Undertaking

Annex I.G – Technical and Professional Selection Criteria Cover Sheet

Annex I.H – Compliance Matrix to the SAL

Annex I.I – Power of Attorney – TEMPLATE

Annex I.J – Sub-contractor Letter of Intent – TEMPLATE

END OF DOCUMENT