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Pre-Qualification Questionnaire

potential subcontractors for EUSPA support services

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# Introduction

You have received this document because you have expressed interest in taking part in the Invitation to Tender (ITT) being organised by ATG Europe B.V. (hereafter ATG). ATG has been awarded a framework contract for the "Provision of support services to the European Union Agency for the Space Programme and the European Commission", ref. EUSPA/OP/37/23. ATG has placed first in cascade for Lot 2 of the said framework contract, “Ground and Space Segments Engineering Support”.

As part of its contractual obligations towards the European Union Agency for the Space Programme (EUSPA), ATG is about to launch an ITT addressed to potential subcontractors as tenderers. All interested parties have been requested to fill in this document.

Please note that ATG may cancel the ITT procedure, without tenderers being entitled to claim any compensation. ATG reserves the right to supplement, vary, terminate or otherwise amend the tendering process without any liability for compensation to the tenderers.

Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence ATG during the process of examining, clarifying and evaluating tenders will lead to rejection of its tender.

# Instructions

This questionnaire covers the requirements that a (potential) subcontractor as tenderer must fulfil in order to receive the ATG ITT. If all the questions are not answered or if the answers show that the tenderer does not fulfil the requirements, the subcontractor will not receive the ITT.

Tenderers must answer all questions truthfully. In case further explanation is needed for the answers, there is a dedicated space for this at the end of the document. Please indicate clearly which question(s) the explanation(s) relate to.

For the time being the tenderers are only being requested to respond to questions on whether they fulfil the requirements present in the EUSPA forms and can provide the necessary supporting documents later. No forms need to be filled in and nothing, besides this questionnaire, needs to be submitted now.

**However, if the tenderer is later selected to receive a framework subcontract, all the necessary forms and supporting documents must be submitted within a tight deadline. If they are not submitted timely, ATG may reject the tender and move on to the tenderer with the next highest score. Therefore, ATG recommends that, if the tenderer sees that it fulfils all criteria, it should start gathering the supporting documents as of the moment of receipt of this questionnaire. Also please note that Qualified Electronic Signature MUST be used to sign such forms and documents.**

**This document is provided as a fillable Word document with fields. It is prohibited to change anything in the document other than the fields. Once the document is filled in, please turn it into a PDF file and sign it.**

**The questionnaire must be signed by a person that is authorised to represent the tenderer.** This does not need to be proven at this stage, but the evidence will form part of the supporting documents later.

**N.B. This questionnaire must be submitted as a signed PDF by email to** [**tenders@atg-europe.com**](mailto:tenders@atg-europe.com)**. The deadline for submitting the questionnaire is Friday 22/11/2024 at 23.59 CET. No questionnaire sent after this point in time will be considered by ATG. Only organizations who have submitted the questionnaire timely may receive the ITT.**

# Questions

Please fill in your company information below and respond to **ALL** questions by indicating either “Yes” or “No. In case further explanation is necessary, there is a dedicated space for this at the end of the questionnaire.

Kindly refer to the attached EUSPA documents when considering the answers.

(Company) Official Name: Official name of the entity/organisation, including legal form

Main Registration Number: Reg. no. in chamber of commerce, company register etc.

VAT number: Enter number

Registered Address: Include street name and number, postal code, city and COUNTRY

Lots that the organization/company wants to take part in: Add letters of lots

Contact email for this procedure: Email

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| No. | Question/Requirement | Answer | |
|  | Tenderers are required to accept all the terms and conditions set out in the **EUSPA Draft Contract**, as well as its Annexes (to the extent that they reasonably apply to subcontractors). Tenderers are required to waive their own general or specific terms and conditions. Can you confirm that you accept these requirements? | Yes | No |
|  | In order to protect the essential security interest of the Union and its Member States, in accordance with Article 24 of Regulation (EU) 2021/69613, the **participation to the ITT** is open to economic operators fulfilling the following three cumulative conditions:  a) legal entities established in a Member State with their executive management structures established in that Member State.  - Economic operators are considered established in the EU when they are formed in accordance with the law of an EU Member State, and have their central administration, registered office and 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);  - ‘Executive management structure’ means the body of the legal entity appointed in accordance with national law and which, where applicable, reports to the chief executive officer or any other person having comparable decisional power, and which is empowered to establish the legal entity's strategy, objectives and overall direction, and oversees and monitors management decision-making.  b) economic operators committing to carry out all relevant activities in one or more Member States; and  c) legal entities not being subject to control by a third country or third country entity. For the purpose of this paragraph ‘control’ means the ability to exercise a decisive influence over a legal entity directly or indirectly through one or more intermediate legal entities.  The criteria for the assessment of these conditions are presented in ANNEX I.H – Part 1, “Criteria for assessment of participating conditions” and ANNEX I.H – Part 3, “Additional information regarding the Assessment of participating conditions”. For this purpose, selected subcontractors will be asked to fill in and sign ANNEX I.H – Part 2, “Declaration of Ownership and Control” (unless already submitted to EUSPA, as explained in paragraph 2.2.1.1 of the EUSPA Tender Conditions).  Can you confirm that if you were to fill in ANNEX I.H – Part 2, it would demonstrate that you fulfil the **participation conditions** referred to above? | Yes | No |
|  | In accordance to the Council Implementing Decision (EU) 2022/2506 adopted on 15 December 2022 on **measures for the protection of the Union budget against breaches of the principles of the rule of law in Hungary** it’s been established that, where Union budget is implemented in direct or indirect management pursuant to of Article 62(1) points (a) and (c) of Regulation (EU, Euratom) 2018/1046, no legal commitments shall be entered into with any public interest trust established on the basis of the Hungarian Act IX of 2021 (or any other entity maintained by such a public interest trust).  Can you confirm that your organization in not such a public interest trust? | Yes | No |
|  | Selected subcontractor are expected to participate in **PRS-related activities** and, therefore, selected subcontractors shall be authorised by the **Security Accreditation Board (SAB)** in the PRS category indicated per Lot:  Lot A No PRS required  Lot B PRS SUP required  Lot C PRS RCV required  Lot D No PRS required  The tenderer must be able to provide evidence in the form of a formal statement by the relevant CPA (Annex I.N) specifying the SAB category/categories for which authorisation has been issued.  If your organization wishes to take part in Lot B or Lot C, can you confirm that you already have the authorisation in the correct PRS category and are able to provide the required evidence upon request? | Yes | No |
|  | Paragraph 2.2.4 of the EUSPA Tender Specifications mentions the **NDU** that ATG has already signed and submitted to EUSPA. Before disclosure of EUSPA Proprietary information to subcontractors, ATG is required to make such subcontractors sign an equivalent NDU.  Can you confirm that, if selected as subcontractor, you will sign the Annex I.L, “**Non-Disclosure Undertaking**” and comply with its conditions? | Yes | No |
|  | The tenderer shall not be in any **exclusion situation** described in the declaration of honour included in ANNEX I.B – Template Declaration of Honour. Supporting evidence may be requested from subcontractors with expected contribution above 10% of the overall EUSPA Framework Contract (FWC) value.  Can you confirm that your organization is not in any exclusion situation described in the declaration of honour and that it will provide the above-mentioned supporting evidence, if required? | Yes | No |
|  | The tenderer and its respective relevant persons (i.e. the natural or legal persons indicated in section 4 of Annex I.B, Declaration of Honour) must not be a **Restricted Person** or fall under the scope of subject to **EU Restrictive Measures** in the list published at www.sanctionsmap.eu. In case of discrepancies between ‘sanctionsmap.eu’ and the restrictive measures published in Official Journal of the EU, the latter prevails.  Can you confirm that the tenderer fulfils these criteria? | Yes | No |
|  | Can you confirm that you fulfil the requirement **L1** concerning **Legal entity authorisation** in paragraph 3.2.1 of the EUSPA Tender Specifications and will provide the supporting evidence required therefor upon request? | Yes | No |
|  | Can you confirm that you fulfil the requirement **L2** concerning  **Participation conditions** in paragraph 3.2.1 of the EUSPA Tender Specifications and will provide the supporting evidence required therefor upon request? | Yes | No |
|  | All subcontractors are expected to handle EU classified information. The expected **classification levels** are the following:  Lot A CONFIDENTIEL UE / EU CONFIDENTIAL  Lot B SECRET UE/EU SECRET  Lot C SECRET UE/EU SECRET  Lot D SECRET UE/EU SECRET  All personnel provided by the subcontractor is expected to have to access classified information and, therefore, should have a **Personal Security Clearance (PSC)** at the appropriate level issued by the national security authority of an EU Member State, to be maintained throughout the duration of the respective contract. Some EU Member States require organizations to hold a **Facility Security Clearance** before releasing PSC for their staff.  Considering the above, can you confirm that you fulfil the requirement **L3** concerning **FSC** in paragraph 3.2.1 of the EUSPA Tender Specifications or are otherwise able to provide to ATG qualified personnel with **PSCs** and will provide the supporting evidence required therefor upon request?  Please **indicate in Further Clarifications below**, which level of EU FSCs and/or PSCs is applicable to your organization. | Yes | No |
|  | Can you confirm that you can fulfil the requirement **L4** concerning **Appointed Local Security Officer (LSO)** in paragraph 3.2.1 of the EUSPA Tender Specifications and will provide the supporting evidence required therefor upon request? | Yes | No |
|  | Can you confirm that you fulfil the requirement **L5** concerning **Absence of conflicting professional interests** in paragraph 3.2.1 of the EUSPA Tender Specifications and will provide the supporting evidence required therefor upon request? | Yes | No |
|  | Can you confirm that you fulfil the requirement L6 concerning Full compliance or acceptable deviations from applicability of the **Security Aspects Letter (SAL)** in paragraph 3.2.1 of the EUSPA Tender Specifications and will provide the supporting evidence required therefor upon request? | Yes | No |
|  | OPTIONAL: Requirement **L9** in paragraph 3.2.1 of the EUSPA Tender Specifications concerns **COMSEC Items handling capacity**. This will most likely NOT be necessary for subcontractors, but it is useful for ATG to know if you do have such capacity.  Can you confirm if your organization fulfils requirement L9 and will be able to provide the supporting evidence required therefor upon request? | Yes | No |
|  | Can you confirm that you fulfil the requirement **F1** concerning **Stable financial capacity** to sustain its business in paragraph 3.2.2 of the EUSPA Tender Specifications and will provide the supporting evidence required therefor upon request? | Yes | No |
|  | EUSPA has set for all contractors a requirement for a certain level of relevant experience. ATG considers this point important also for its (potential) subcontractors, but we hereby modify the EUSPA requirement T1 concerning in paragraph 3.2.2 of the Tender Specifications so that the tenderers must have two (2) projects to show as relevant experience. These projects can be relevant any of to the lots (A to D) of this tender, regardless of the lot(s) that the tenderer wants to bid for.  Can you confirm that you fulfil the requirement **T1** concerning **Relevant experience** in paragraph 3.2.2 of the EUSPA Tender Specifications, as modified by the above, and will provide the supporting evidence required therefor upon request? | Yes | No |
|  | Can you confirm that you agree that any non-public documents/information shared with you in the context of the present procedure shall remain and be treated as **confidential**? | Yes | No |

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|  | Further Clarifications by the Tenderer  These clarifications concern the following requirements: State the number(s) of the requirement(2) concerned  Enter clarification text here |  |  |

**I declare that all the information/responses provided by my organization in this document is truthful and correct.**

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SIGNATURE

Name of organization (tenderer): Enter text

Name of signatory: Enter text

Title of signatory: Enter text