

Helsinki, 17 December 2014

Open call for tenders ECHA/2014/86

Provision of IT services for IT Applications of the European Chemicals Agency (ECHA), including C&L Inventory, C&L Platform, Dissemination, eChemPortal, Portal Dashboard, and other related IT systems

Clarification 3

Question 3:

In case we overcome the 1st phase of the restricted procurement procedure as a Single company, could you please clarify if would be possible to create a Joint Offer or association with a Subcontractor for the 2nd phase of the restricted procurement procedure?

Answer:

We refer to page 19 of the Specifications. In this regard, two different situations can be distinguished:

1. A change in the composition of the consortium by adding a new partner, at the request of a candidate in Phase 2 of the Restricted procedure, **will lead to the rejection of the corresponding tender. The request to participate submitted in Phase 1 provides the composition of the candidate and if this composition is modified, it is a different "Candidate" who submits the tender.**

The only cases where a change in composition of a consortium may be accepted are:

- (i) where there is a merger or takeover of one member of the consortium (universal succession);*
- (ii) where the change comes from the Agency, i.e. one member of the consortium is subject to exclusion.*

In both cases, the Agency will verify the following conditions:

- 1. in the case (i) above, whether the new entity has market access;*
- 2. in the case (i) above, whether the new entity is not in an exclusion situation;*
- 3. in both cases, whether the selection criteria are still fulfilled (without the excluded entity if applicable) compared to the request to participate originally submitted in Phase 1.*

If all the conditions are fulfilled, the Agency can accept the change in the composition of the consortium. Otherwise, the request to participate shall be rejected.

2. If the candidate requests in Phase 2 that a **subcontractor be added, removed or be replaced by another subcontractor, for any reason, then the Agency will verify the following conditions:**

- 1. whether the new subcontractor (if any) is not in an exclusion situation by requesting a declaration of non-exclusion;*
- 2. whether the candidate/tenderer still fulfils the selection criteria (with the new subcontractor*

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if any) compared to the request to participate originally submitted in Phase 1.

If all the conditions are fulfilled, the Agency can accept the change in subcontracting. If one of the conditions is not fulfilled, the tender shall be rejected.

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