

Helsinki, 22/09/2011
D(2011)

CLARIFICATIONS 4

Open call for tender ECHA/2011/66

Framework contract for the provision of Enterprise Content Management Services and Solutions

Question 4.1:

Could you please elaborate on the following case?

A Consortium composed of a Company A and a Company B is bidding for this tender. Company A is a subsidiary of a Group, owned 100% and fully controlled by the Group.

- a) To our understanding, in order for the Company A to present the Group's resources, a Letter of Support / Endorsement by the Group to the Company A stating that the Group provides to the Consortium its full support and resources is sufficient. Could you please confirm?
- b) We understand that no additional administrative documentation / evidence from the Group or other (except for Company A) Group's subsidiaries should be included within the Consortium overall offer. Please confirm that our understanding is correct.

Answer:

a) *Referring to the Specifications (page 23. Section 4.1.2.1. Selection Criteria Documentation), an economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case, evidence must be provided that the economic operator will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those entities to place those resources at its disposal.*

If a tenderer intends to rely on its Group leader or other subsidiaries of the Group, it is to the tenderer to decide whether the Group leader, or other subsidiaries of the Group, will be partners in a consortium or subcontractors of the tenderer. In case of joint offer a power of attorney, and in case of subcontracting a letter of intent, will have to be submitted with the tender, as provided for in the Specifications (page 22, Section 4.1.2.1).

b) *A consolidated assessment of the financial and economic, technical and professional capacity shall be made for joint offers (all members of the consortium together) and in case of subcontracting (tenderer/s plus subcontractor/s) to the extent that the subcontractor puts its resources at the disposal of the tenderer for the performance of the contract.*

This consolidated assessment of capacity requires that joint tenderers and/or sub-contractors that contribute to reaching the capacity required in the relevant selection criteria submit the evidence described in section 4.1.2.1 of the Specifications.

ECHA