

BEREC Office ref. № MC (13) 18

QUESTIONS AND ANSWERS

In relation to Call for Tenders № 2013-BEREC-OT-01

PROVISION OF PROFESSIONAL EVENT ORGANISATION SERVICES IN EUROPE AND/OR IN THE REPUBLIC OF LATVIA FOR BEREC AND BEREC OFFICE EVENTS

Contract Notice № 2013/S 045-071537 of 05/03/2013

Question on Annex 4:

Annex 4: all bidders are requested to complete the form as presented in annex 4 and sign it. Please could you let us know if you also require criminal record extracts and a solemn statement as well?

Answer:

The reply is based on the analysis of two different phases during the procurement procedure and on the simplification and reduction of administrative burden for companies:

a) At the moment of sending an offer:

The sole purpose of the exclusion criteria is to determine whether an operator is qualified to participate in the tendering procedure. Candidates and tenderers must provide, when submitting an offer, only a declaration on their honour, duly signed and dated, stating that they are not in one of the exclusion situations. This same declaration may also be requested from subcontractors. Two of the exclusion criteria (fraud and professional misconduct, both proven by judgement) apply not only to the candidate or tenderer, but to natural persons having power of representation, decision-making or control. The objective of this provision is to protect the Union's financial interests, in particular by preventing natural persons, who act fraudulently, dissolve and routinely create new companies to receive Union funding. "Power of representation" refers to the legal representatives of the company which are publicly available in the legal statute, court or trade registry depending on national law. "Decision-making" refers to the company director(s) or the management board or other supervisory body in case of larger companies. "Control" refers to cases where one natural person is a majority shareholder.

b) At the moment of awarding the contract, after the evaluation process has ended, only the potential successful tenderer will be required to provide evidence confirming the declaration about the exclusion criteria:

For contracts awarded by the institutions on their own account, the tenderer to whom the contract is to be awarded must provide, within a time limit stipulated by the contracting authority in the tender specifications and before signature of the contract, evidence confirming the declaration referred to in the previous point. This must be specified in the tender specifications, together with the time limits and it will be confirmed in the information letter sent to the successful tenderer.

All the foregoing considerations concerning exclusion criteria can also be applied to subcontractors.

In conclusion, the documents mentioned by you, notably for the situations described in points a,b,d,e of the model template of Annex 4, shall be provided in case of award of the contract and BEREC Office will require them in the letter to the successful tenderer.

Question on Annex 6B:

For some events we might require the services of an external expert. Will the BEREC Office require them to sign the form in Annex 6B and should they be submitted together with the offer at this stage? Is there any other information the BEREC Office would require from the external expert?

Answer:

Individual external experts, not part of the tenderer's staff, foreseen to execute a part of the work are to be considered subcontractors. In that case they will have to provide the letter of intent in Annex 6b (ORIGINAL). If the expert would make part of the team who will execute the contract, the BEREC Office would expect also to receive the information requested in item 5.2.2 "Experience, specialised knowledge and credibility of proposed team"

Riga, 19 March 2013