

**OPEN INVITATION TO TENDER****AO/ECVL-RES/PHT-LT/Europass/011/2009***‘Software and website development and support services for Europass’***REQUEST FOR CLARIFICATIONS (2) – QUESTIONS AND ANSWERS**

Dear Madam/Sir,

In regards to the above mentioned open Tender Procedure please find below the Clarification Question which was raised by one potential tenderer, and the respective Clarification Answer.

Question 1:

We would like to ask the following question regarding the selection criteria set:

Selection Criteria, Section 5.2.1 Economic & Financial capacity, page 25 You require that the tenderer's average annual overall turnover for the last three years is at least 1m Euros and that its turnover of related services is at least 350.000 Euros. On the other hand the estimated annual value of the contract (approx. 740 person-days) seems to be in the order of less than a 1/4 of the minimum requested overall turnover of the tenderer. If a potential tenderer well exceeds the second requirement and can document its capacity to perform the contract does the 1m Euro mark still remains as a barrier to exclude the tenderer from competing? Otherwise, in order to submit a bid a consortium arrangement is the only option although it may not be essential for the actual performance of the contract.

Cedefop's clarifications to Question 1:

The basic rules underlying public procurement are to ensure fair and unbiased competition between the tenderers. The contractor will be selected by fully respecting the main procurement principles. Thus, all requirements and criteria specified in the published procurement documentation will be applied and cannot be modified during the tendering procedure. Tenderers (single company or consortium) should cover the minimum requirements as specified and published in the Contract Notice and the Tender Documents, including the one for overall average annual turnover of min. 1 M€ for the last three financial years.

The minimum capacity levels required in the published Tender Documents and in the Contract Notice are appropriate and proportionate to the size and subject of the contract. The selection stage includes evaluation of the selection criteria so that, when the award criteria are applied, no doubt remains about the capacity of the tenderer to provide the service in question.

If a potential tenderer easily covers on his own the required for each of the last three financial years minimum turnover of 350,000 € concerning the type of services covered in this tender, but does not reach the required overall average annual turnover of min 1 M€ for the last three financial years, he may submit a bid by entering into a consortium arrangement with another company working in the field (in the large sense) which may fill the difference. Whether then that second company (the consortium partner) will have an important role to play in performing the contract is up to the tenderer to define and to present his technical proposal accordingly.

If the tender is submitted by a consortium the turnover of the consortium as a whole will be calculated by adding the individual turnover figures of each consortium member. The evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

Please note also the text in the last paragraph of point. 6 of the Tender Documents and of Art.III.2.1 of the Contract Notice: An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. He must in that case prove to the contracting authority that he will have at his disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at his disposal.