

**OPEN INVITATION TO TENDER****AO/DSL/VKVET-GRUSSO/Real-time LMI 2/009/16
Cedefop Clarification – Questions and answers (4)**Question 1

[...] has been approached by two consortia to contribute to two separate tenders for the above call. We note the tender guidance:

A legal person can take part (as an individual tenderer or as a member of a consortium submitting a tender) in only one tender. In the opposite case all tenders in which that person has participated may be excluded from the evaluation.

Given that the proposed contribution of [...] is small in both cases, it is likely that [...] will not be contributing as a consortium member in at least one of the tenders. Our question is whether [...] could take part in two tenders for the same call if:

- a) the contribution in both tenders was as a subcontractor, or
- b) the contribution in one of the proposals was a subcontractor and in the second was as a partner in a consortium.

Cedefop answer 1

As per the section extracted from the Tender documents you refer to (*A legal person can take part (as an individual tenderer or as a **member of a consortium** submitting a tender) in only one tender. In the opposite case all tenders in which that person has participated may be excluded from the evaluation*), a member of a consortium may not take part in two different tenders.

Therefore, the first configuration you describe is compliant with the above requirement (please refer also to **Clarification 3** on the same subject) whereas the second one isn't because of the involvement of the institution as member of a consortium in one of the two tenders.