

## Invitation to Tender No: ENTR/09/027 – Questions and Answers (#08)

### General

#	Ref. §	Page	Reference Sentences	Question	Answer
1				Can a company be part of several consortia, as partner (joint offer) or as subcontractor ?	Please see answers to questions 2 – 3.
2				Is it allowed by EU regulations, that a subcontractor of one bidder participates as subcontractor in another offer of another bidder at the same time?	Yes
3				Is it allowed by EU regulations, that a tenderer belonging to one group of tenderers participates at the same time in another offer as subcontractor with another bidder?	Yes, provided subcontracting for another bidder in another tender does not represent a variant of the offer he has already introduced as tenderer, or the replication of this offer as a subcontract as this could distort competition.
4				Is it allowed by EU regulations, that a tenderer of a joint group of tenderers participates at the same time in another joint offer as tenderer in another joint group of tenderers?	No. Offering as a partner or in a joint bid or as a stand-alone bidder, would lead to a direct contractual relationship with the Commission. (This is not the case for subcontracts.) Bidding on this top level more than once would in effect result in a variant being offered by the same bidder. In the case of this call for tender variants are not admissible.
5				Is it possible by EU regulations, that a bidder provides a substantial digital data set licensed for the purposes and duration of the project from a third party, without contracting this third party  1) as subcontractor or  2) as partner in a joint offer?	Yes, a bidder may propose to provide data which is stemming from a third party which is not involved in the consortium or a subcontractor.  In any case it will remain the bidder's responsibility to ensure that the intended use is covered by the applicable licences.

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6				In the case, that both options of the question 5 are answered with a principal "yes", are there any conditions limiting this product procurement such as the financial volume for the user license of the product involved or other limiting factors?	No.