



**Questions relating to the open tender procedure concerning**  
Media policy aspects of advertising, labelling and public information –  
SMART 2009/0002

Deadline to submit the offers: 01.09.2009  
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(Questions and answers are presented in original linguistic version)

**Questions**

- (1) Are there any formal requirement (seniority, ...)? We have only existed for two years, but have previous and valuable experience (and expertise) in the fields of advertising and media.**

European Commission's answer:

Requirements for tenderers and related documentary evidence are detailed under "Selection criteria", in section 5.2 of part 2 of the Tender Specifications (p 17.)

- (2) However, I don't know that we would indeed qualify to this requirement: Documentary evidence: list of contracts of a value of at least 200 000 euros each, performed by the tenderer(s) in the last three years. If we were to consider forming a consortium, must the above requirement be met by the leader, or can we include contracts by members of the consortium??**

European Commission's answer:

Those documents are requested to demonstrate the management capability that relates to the assessment of the technical background. In accordance with the Tender Specifications (p 17), "the selection criteria in respect of technical capacity (see 5.2.3 below) will be assessed in relation to the combined capacities of all the members of a partnership as a whole (including subcontractors)."

- (3) The total maximum amount can be EUR 300000. Does that include the VAT? Meaning that the total cost to the EC cannot surpass the indicated amount and VAT (at 21% for Belgium) will have to be deducted from the maximum total amount?**

European Commission's answer:

According to section 4.3 of part 2 of the Tender Specifications (p 12), "Under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 (OJ L 152 of 13 July 1967), the Communities are exempt from all charges, taxes and dues. Such charges may not therefore be included in the calculation of the price quoted. **The VAT amount must be indicated separately.** VAT exemption is granted to

the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

- (4) **For the declaration of honour will a closed year-end financial statement suffice if the company has no judicial or other issues? Or are other documents required? If other documents are required, could you please specify which type of documents for Belgium?**

European Commission's answer:

Section 5.1.4 of the Tender Specifications (p 14) specifies that "**ONLY the tenderer to whom the contract is to be awarded** shall confirm the declaration by providing, within a time limit defined by the contracting authority and preceding the signature of the contract, the following evidences..."