



EUROPEAN COMMISSION
Directorate General for Education and Culture
Directorate Culture, Audiovisual policy and Sport
Unit Audiovisual policy

**Questions relating to the open tender procedure DG EAC/03/04 on 02/07/2004
concerning:**

Study on co-regulation measures in the media sector

Deadline to submit the offers: 31/08/2004

(Questions and answers are presented in original linguistic version)

Question

Dear Madam or sir,

We have a concerning an invitation for tenders for a study on co-regulatory measures in the media sector (Tender No. DG EAC 03/04). According to No. 6 of the "Specifications" (Sub-Contracting), full details of subcontractors must also be given, "in accordance with point 6, below". Are we right in assuming that only documents proving the identity of the subcontractor have to be provided (as described for the Tenderer in No. 7 of the specifications)? Or are further documents required for the subcontractors, as well (fulfilled obligations relating to the payment of social security contributions or the payment of taxes (No. 8), economic and financial capacity (No. 9.1), technical and professional (No.9.2., etc.)?)

As we would like to provide all documents required for the tender, it would be very nice if you could help us in understanding No. 6 of the "Specifications" precisely.

Answer

Dear Mr XXX., please find attached a reply to a similar question asked recently for another open procedure which cover your question:

Question from a potential candidate:

"Dear sir, madam,

We address herewith a request for clarification concerning the document called "Specifications", more precisely items 6, 7, 8 and 9 of that document.

reading:

In point 6. (sub-contracting), it is specified that "The Tenderers must indicate clearly in their methodology, which parts of the work will be subcontracted, and the identity of all subcontractors undertaking more than 10% of the work by value. Full details of subcontractors must be given in accordance to point 6 (note: we read that to be point 7) below".

In point 7. (identity of the tenderer), it is specified that "Tenderers must complete annex 3 (information concerning the Tenderer)"; and also "supporting evidence is not necessary for sub-contractors"

In point 8. (exclusion criteria), it is specified : the different exclusion criteria and the proof of evidence that is needed for each element.

In point 9. (selection criteria), it is specified : the different selection criteria and the proof of evidence that is needed for each element.

request :

Is it correct to interpret this as follows?

Tenderers should complete annex 3 AND provide full evidence as it is mentioned in points 7, 8 and 9.

Subcontractors, if they undertake more than 10% of the work by value, should complete annex 3 ONLY and NOT provide any further evidence, .

Subcontractors that undertake less than 10% of the work by value, should NOT complete annex 3 and NOT provide any evidence."

Reply from the Commission:

"To reply to your question, information concerning the identity of the subcontractors should be supplied only if said subcontractors undertake more than 10% of the work. For this purpose, annex III concerning the identity of the subcontractors should be filled in.

However, as is specified in point 7, it is not necessary to provide evidence to demonstrate the registered address of the subcontractors.

Further, points 8 and 9 concern exclusively the Tenderers and not the subcontractors."

Subcontractors that undertake less than 10% of the work by value should NOT complete annex 3 and NOT provide any evidence.