

Contract notice: OJEU S 12-160619

Invitation to tender No. TREN/D1/458/2009 concerning

"Support activities for the development of baseline data and methodology for reporting requirements for biofuels"

Time-limit for receipt of tenders: 24/07/2009

FREQUENTLY ASKED QUESTIONS

1. *XXX is a US organisation with many partners and offices all over the world. Will the nationality of the organisation be a problem or would we have to fill in extra paperwork to bid for such a tender?*

If the European branch is a separate legal entity established in a Member State then it is treated like any other tenderer established in a Member State.

If it is not a separate legal person, but has its registered office in the US, Article 107 FR provides the answer to the question.

The Multilateral Agreement on Government Procurement concluded within the WTO applies, allowing US companies to tender.

So in conclusion no additional rules have to be adhered to by such a tenderer.

2. *Clause II.2.5. in the Draft Contract requires the Contractor take out insurance against risks and damage relating to performance of the Contract if required by the relevant applicable legislation. The Contractor is also required to take out supplementary insurance as reasonably required by standard practice in the industry. A copy of all the relevant insurance contracts shall be sent to the Commission should it so request.*

Organisation XXX does not normally carry professional liability insurance. Instead of insurance it, in effect, self insures against this potential liability. Is this sufficient to meet the requirements?

We understand that the sender would like to know whether his organisation needs to take out professional liability insurance or he can rely on self-insurance.

Whether self-insurance is sufficient depends on the laws applicable to the organisation. As a general rule, however, the European Commission would not expect that self-insurance suffices. In any case, if national legislation requires taking out insurance against risks and damages related to professional performance, the tenderer shall comply with this.