

Clarification

MARKT/2011/071/E

Study evaluating the legal framework for the free movement of lawyers against market and regulatory developments in the single market

30/08/2011

Question 1

We would like to know what do you mean exactly as statement of "turnover concerning the services covered by contract", as indicated in table 13.4,1), para. 3, page 13 of the Invitation to tender and, in particular, whether you refer to all the legal services rendered in the field of the internal market and free movement of workers or, more in general, to all the legal activity rendered by a law firm.

Answer 1

The service covered by the present contract is evaluation of European legislation. The tenderer should indicate the turnover generated by similar services delivered by them in the past.

Question 2

We have some doubts about the documents to be submitted by subcontractors.

In particular, we would like to know whether it will be sufficient that subcontractors submit only table 1.3 as indicated in Annex III, page 43 of the Invitation to tender, or if any further document has to be produced (e.g. declaration of absence of conflict of interest duly signed by an authorized representative, judicial record, financial statement form, etc...).

In addition, we would also like to know if the rules provided for members of consortia apply to sub-contractors, and in particular if in our tender we should include also a letter signed by the authorised representatives of each of our potential sub-contractor designing our company and its representative, as the person who will represent them for the signature of the contract and for all contacts with the Commission during the execution of the tasks, as required at page 12, para. 13.1, of the Invitation to tender.

Answer 2

As para 5. (sub-contracting) on page 8 of the Technical Specification stipulates: *The tenderer must indicate clearly in their methodology, which parts of the work will be sub-contracted, and the identity of all subcontractors. Full details of such subcontractors must also be provided in Annex III.*

The call for tender doesn't require any other documentation concerning the subcontractors, however, during the evaluation of the offers the evaluation committee can request for further documents or certificates regarding subcontractors. This is to verify whether subcontractors do not fall under the exclusion criteria and whether the tenderer together with his subcontractors meets the selection criteria.

If the proportion of the subcontracting is higher, it is advisable to provide all the documents that would be requested in case of a consortium.

Question 3

With reference to the technical capacity requirements listed at page 14, Paragraph 13.4, Section 12.2.2, 1), we would like to know what should be the specific content of the "list of references focused on the tenderer's expertise and experience relevant to the subject matter".

Answer 3

The list of references should be focused on the subject of the call for tender, notably the evaluation of European legislation, in particular in the area of the single market. It should demonstrate expertise and experience directly linked to the set of qualifications listed under point 12.2.2. (Technical capacity) on pages 10-11 of the invitation to tender.