

## CALL FOR TENDERS ENER/D3/563-2013

### QUESTIONS & ANSWERS

Updated at 3/10/13

#### Question 1:

We would like to know whether the documents - Turnover of the last two financial years above € 300 000, - Copy of the profit & loss account for the last two years for which accounts have been closed, evidence of professional risk indemnity insurance; may be sent in the Polish language (as it is one of the official language of the EU), or, rather, do we need to translate them into English?

#### Answer 1:

As you rightly mentioned, Polish is one of the official languages of the European Union and as per your request, the following documents "*Turnover of the last two financial years above € 300 000, - Copy of the profit & loss account for the last two years for which accounts have been closed, evidence of professional risk indemnity insurance*" can be sent in Polish.

#### Question 2:

We would like to find out whether we need to attach supporting evidence to Legal Entity Form as a team member of ours is already a Project Coordinator for an EU-funded project.

#### Answer 2:

If an **entity** is already registered in the Contracting Authority's accounting system, it must provide the Legal Entity form, but is not obliged to provide the supporting evidence.

Please check carefully the identity of the project coordinator of the existing project, before relying on the right of exemption.

#### Question 3:

I would like to make sure that the documents, which a potential Project leader of a Consortium to Call for Tenders No ENER/D3/563-2013 should collect from potential Partners, are the following:

- 1) **Identification of the tenderer – Annex 1** shall be filled and signed by any member of a Consortium,
- 2) **Legal Entity Form with its supporting evidence**  
([http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm#en](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm#en)),

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

If it has not been included with the Legal Entity Form, tenderers must provide the following information:

- For legal persons, a legible copy of the notice of appointment of the **persons authorized to represent the tenderer** in dealings with third

parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorization to another representative not indicated in the official appointment must be evidenced.

- For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

- 3) **Declaration of honour on exclusion criteria and absence of conflict of interest – IAnnex 2,**
- 4) **Power of attorney** – mandating one of the partners in a joint tender as lead partner and lead contractor to sign the contract with the Commission in case of an award – **Annex 3** **☑ should be signed by an authorized representative of each Partner**

What is more, I have a doubt about Evidence for selection criteria. To be more exact, economic and financial capacity criteria and evidence.

What exactly should we collect from potential Partners? According to 2.3.1 it is - Copy of the profit & loss account for the last two years for which accounts have been closed, Failing that, appropriate statements from banks, If applicable, evidence of professional risk indemnity insurance. Of course I am aware that there are other requirements, but I am especially concerned about the above.

Answer 3:

- We take, as a basis of our answer, that your question concerns a joint tender by a consortium.

**Identification of the tenderer form** has to be signed by all consortium members.

**Legal entity form** has to be signed by all consortium members. In the case the **same entity** has already been registered in the Contracting Authority's accounting system, the supporting evidence might not be provided. An example of the supporting evidence is e.g. the proof of registration of the entity in commercial or in another relevant register of the Member State in question.

**Declaration of honor** has to be signed by all consortium members.

**Power of attorney** is to be signed by all consortium members with the exception of the leading partner. The purpose is to authorize the leading partner to act on behalf of the other members.

- **Article 2.3.1** of the Tender Specification stipulates that “In order to prove their economic and financial capacity, the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium) must comply with the following criteria...”

In the case of a tender by a consortium the partners **jointly** must comply with the selection criteria. The consortium must be able to provide evidence of this joint compliance in

accordance to the paragraph 2.3.1 of Tender Specifications. In practice it means that if the leader of a consortium does not have a sufficient turnover to meet the requirement stated in the Tender Specification, profit and loss accounts of other member(s) of the consortium have to be submitted.