



23 July 2013

Clarification No 1

Reference: Open call for tenders No EEA/OSE/13/002

Title: Framework contract for the provision of IT consultancy services for the European Environment Agency (EEA)

Question 1

Is the request to the Consortium "to adopt a given legal form before the contract is signed" at the discretion of the Contracting Authority, or does it rely on specific conditions being/not being met?

In this second case, is it possible to state explicitly which conditions would trigger the request?

Answer 1

Please refer to section 4.2. Application of the tender specifications, where it is stated that 'The EEA will not request consortia to have a given legal form in order to be allowed to submit a tender, but reserves the right to require a consortium to adopt a given legal form before the contract is signed if this change is necessary for proper performance of the contract. This can take the form of an entity with or without legal personality but offering sufficient protection to the EEA contractual interests (depending on the member countries concerned this may be for instance, incorporation or partnership or a temporary association). Consortia must identify one of their members as coordinator who will interface with the EEA.'

Each member of a consortium must fulfil the conditions for participation mentioned in sections 4.1 and 4.2 of the tender specifications and provide the required documents according to sections 11.1 and 11.2 in these tender specifications. Therefore, each member of a consortium shall specify his role, qualifications and experience.'

Question 2

Is it possible to know which legal forms the Contracting Authority could require the Consortium to adopt?

Answer 2

Pursuant to Answer 1 (see above).

Question 3

As the request to adopt a given legal form would be made after the Consortium is awarded the contract, what delay will be granted in order to comply with all the obligations necessary to adopt the prescribed legal form, before the Framework Contract is signed?

Answer 3

Pursuant to Answer 1 (see above) the proper performance of the contract has to be taken into account and at this point in time it is not possible to give any additional details.