

QUESTIONS AND ANSWERS PERTAINING TO THE OPEN CALL FOR TENDER

IMI.2018.OP.01

“Analysis of bibliometric data and other project output indicators”

Date: 14/08/2018

QUESTION	ANSWER
<p>1. Article 1.1 states that the procurement procedure is open to any natural or legal person wishing to bid for the assignment and established in any of the European Union Member States, Norway, Iceland or Liechtenstein. Under the Stabilisation and Association Agreements (SAA) economic operators from Albania, the Former Yugoslav Republic of Macedonia (FYROM), Montenegro, Serbia, Bosnia & Herzegovina and Kosovo are also eligible to submit a tender.</p> <p>Could you please confirm that this criterion is only applicable to bidding companies or consortium members but not to nominated subcontractors? For example, would it be possible involve a subcontractor from a country which is not mentioned in Article 1.1? Are there any limitations to the involvement of such subcontractors (e.g. in terms of budget volume assigned to them)?</p>	<p>The rules of access to the market do not apply to subcontractors. By access to the market, it is meant: <i>“participation in a procurement procedure as in submitting an offer”</i>.</p> <p>Subcontracting is the situation where a contract has been or is to be established between the contracting authority and a contractor only and where the contractor or candidate/tenderer, in order to carry out that contract, enters into legal commitments with other entities for performing parts of the contract. Hence, a sub-contractor does not submit an offer and will not sign the contract. The contracting authority has no direct legal commitment with the subcontractor(s).</p> <p>Contracting authorities cannot limit subcontracting, neither geographically speaking, nor in terms of shares. Thus, in principle all economic operators can act as subcontractors of other economic operators who have themselves access to the EU procurement procedures, any level of subcontracting is possible and candidates/tenderers are free to choose their subcontractors from any country.</p> <p>Nevertheless, the contracting authority may request a statement by the candidate/tenderer specifying clearly the identity, roles, activities and responsibilities of subcontractor(s), or of the main subcontractors above a certain proportion.</p> <p>In this sense, please note details provided in point “1.5 Subcontracting” of the tender specifications:</p>

		<ol style="list-style-type: none">1. Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.2. Tenderers are required to identify subcontractors whose share of the contract is above 20 % and those whose capacity is necessary to fulfil the selection criteria.3. During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.
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