

## **EIGE/2011/OPER/31. Questions & Answers Nr 3**

### **Question 1:**

Relates to the **Selection criteria/Financial Capacity (Pages 29 - 31)**

Will a tenderer be ineligible to participate in the tender if the tenderer has been a legal entity for less than 3 years? (assuming all technical/professional criteria are met)

### **Answer 1:**

Financial data must be presented for at least the last two years for which accounts have been closed.

### **Question 2:**

If a consortium is used to meet the requirements of the tender, and one member of the consortium has been in operation for less than 3 years, will the consortium be eligible to participate in the tender?

### **Answer 2:**

Please refer to Answer 1

### **Question 3:**

Can EIGE clarify, Section A Economic and Financial capacity, point 3 (Page 30) - 'the consortium may rely on the capacities of members of the consortium.

### **Answer 3:**

According to the current Commission Regulation "an economic operator may ... for a particular contract, rely on capacities of other entities, regardless of the legal nature of the links which it has with them. It must in this case prove to contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources on its disposal. Under the same conditions, a consortium of economic operators ... may rely on the capacities of members of the consortium ...."