

Helsinki,  
D(2009)

**Subject: ECHA/2009/39: Multiple Framework Contract with reopening of competition and division into lots for external service provision for development, studies, support of information systems and security, awarded through an open procurement procedure**

### **CLARIFICATIONS 3**

3.1 Can a company with legal entity in non-EU country be eligible to apply for this tender?

*Only tenderers with a legal entity from a third country that has concluded with the Communities a specific agreement in the area of public contracts or Multilateral Agreement on Public Contracts of the WTO can be considered eligible to participate in this procurement procedure, as well as any physical person or legal entity coming from countries within the EU .*

*Only joint offers made with entities that all meet the eligibility criteria can be considered.*

3.2 We have legal entities (Branch in EU country A and Subsidiary in EU country B) in Europe through which we are planning to submit the tender. I would like to know if the financial status of Parent company (based out of a non-EU country) applies for your calculations or that of the branch/subsidiary apply. In case of branch/subsidiary's financial status being applicable, will we be able to give a parent company guarantee so that you can consider the financials of parent company as well?

*Only the financial and economic capacity of the eligible tenderer(s), e.g. the branch and/or subsidiary, submitting the bid, as well as the capacity of other entities, such as sub-contractor(s), e.g. the parent company, shall be subject of a consolidated assessment, to the extent that such an entity puts its resources at the disposal of the tenderer for the performance of the contract, as evidenced by the signed and dated form provided for that purpose in the specifications.*

3.2 How many vendors are expected to be selected for framework agreement in each lot?

*A minimum of three contractors for each lot will be selected, provided that the criteria laid down in the specifications are met.*

**ECHA**