

Brussels,

Subject: Procurement procedure reference No. 15.CAT.OP.070: "Services Contract for the provision of a study on the design of a Power Management System for Land Platforms" - CLARIFICATIONS 1

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Q: We are [a non-EU] company with various sites across EU.

Would a tender submitted from EU member state be considered under conditions that the engineers performing the scope of work for the Study would be based in [a non-EU country]?

Or would be [a non-EU] sister company be considered as a third party that needs to have special document signed with EDA?

A: In case an EU entity relies on the capacity of a sister or parent company in order to meet the economic and financial and/or the professional and technical selection criteria, evidence shall be provided that it will have at its disposal the resources necessary for performance of the contract, by producing a clear undertaking on the part of the sister or parent company to place those resources at its disposal.

In case the contract is awarded to the EU company, the sister or parent company shall become either a joint tenderer or a sub-contractor. If the parent company is not in an EU member state or third countries which have signed a bilateral or multilateral agreement with the European Union in the field of public procurement that provides access to the present procurement procedure, the sister or parent company shall become a sub-contractor of the EU entity.

In case an EU entity relies on the capacity of its sister or parent company in order to meet the economic and financial and/or the professional and technical selection criteria, the sister or parent company may be required to sign the contract (becomes a contractor) or, alternatively, to provide a joint and several first-call guarantee. If the sister or parent company is not in an EU member state or third countries which have signed a bilateral or multilateral agreement with the European Union in the field of public procurement that provides access to the present procurement procedure, the sister or parent company *may* be required to provide a joint and several first-call guarantee.

EDA