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| **QUESTIONS** | **CLARIFICATIONS** |
| Can a new company apply for this tender? | The procurement notice, under article 5, establishes that a company need to have for each of the last two accounting years a turnover exceeding at least six times its financial proposal. In other words an entity in order to apply must have met this requirement. Additionally, it must have at least 5 staff employed on a permanent basis in the last three years. In other words an entity in order to apply must have at least a seniority of three years. |
| Can a company rely on the capacity of other entities | Yes, according to article 5 of the Procurement notice a company can rely on the capacity of other entities in order to meet the selection criteria. In this case, the company needs an UNDERTAKING provided by the supporting entities. Please note that the presence of subcontractors is not equivalent to the provision of UNDERTAKINGS. On the contrary, in case of tenders submitted by a consortium, Consortium members would sum their capacity to the capacity of the leading Consortium member. Finally, it is very important to pay attention to the need of a clear link between the provided references and capacity and the company providing them. For instance, the mother company cannot use the references and the capacity of the daughter companies without receiving an UNDERTAKING from the daughter companies (and viceversa). |
| Can a company that has changed its name relies on the capacity of the previous company? | Yes, it is possible. In this case it is necessary to provide an adequate documentation proving that the new entity is under a legal point of view the continuation of the previous one. |
| What is happening to a tenderer that applies without fulfilling the selection criteria? | It is excluded immediately. |
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