



 Agency for the Cooperation
of Energy Regulators

Ljubljana, 24.09.2012
ACER/2012/OB/mv/945

Invitation to tender no. ACER/OP/ADMIN/21/2012

Market monitoring system for the Agency's REMIT information system (ARIS)

Answers to questions from 3 to 4

Question no. 3:

Could a company from Finland participate to the tender mentioned above? Finland is a member of European Economic Area.

Answer no. 3:

Participation in the Agency's procurement procedure is open on equal terms to all natural and legal persons or groupings of such persons (consortia) falling within the scope of the Treaties. It includes all economic operators registered in the EU and all EU citizens.

Pursuant to Article 106 of the general Financial Regulation, the participation is also open to all natural and legal persons from non-EU countries that have a ratified agreement with the European Union in the field of public procurement, on the conditions laid down in that agreement. The Agency can therefore accept offers from and sign contracts with tenderers from 34 countries, namely: the 27 EU Member States, 3 European Economic Area (EEA) Countries (Lichtenstein, Norway, Iceland) and 4 Stabilisation and Associations Agreements (SAA) Countries (Croatia, FYROM, Albania and Montenegro). The Agency's procurement procedures are not open to tenderers from countries covered by the Agreement on Government Procurement (GPA).

Since Finland is an EU member state, a company from Finland is eligible to participate in the tender for the procurement procedure mentioned above.

Question no. 4:

Is there a conflict of interest (according to "exclusion criteria" in "tender specifications") if the tenderer will be awarded as one of the three operators in framework contract of the tender ACER/OP/ADMIN/12/2012?

Answer no. 4:

As stated under section 16 of tender specifications the tenderers have to specify whether, during the two years prior to this invitation to tender, their company, any of its directors, any of its staff (employees, trainees, etc.) or shareholders worked on, or were otherwise involved in, any project commissioned by the Agency and directly related to this call for tender. The Agency reserves the right to judge whether this represents a conflict of interest.

According to exclusion criteria in the tender specifications for the above mentioned invitation to tender the award of the contract under the procurement procedure no. ACER/OP/ADMIN/12/2012 does not constitute a conflict of interest.