

3.3.3. Subcontracting - contract implementation

Once the contract has entered into force, the successful tenderer shall retain full liability towards Europol for the performance of the contract as a whole. Europol will not have any direct legal commitment with the subcontractor(s). Accordingly:

- Europol does not acknowledge any contractual link between itself and subcontractor(s) and will treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor;
- under no circumstances can the main contractor avoid liability towards Europol on the grounds that the subcontractor is at fault.

During the execution of the contract, the contractor will need Europol's express authorisation to replace a subcontractor with another subcontractor and/or to subcontract tasks for which subcontracting was not envisaged in the original tender, in compliance with the provisions on subcontracting foreseen in the contract.

Europol recognises that arrangements in relation to sub-contracting may (within limits) be subject to future change. If the subcontracting arrangement has changed this must be notified to Europol in a signed letter.

4. Contacts between Europol and the candidates/tenderers

Contacts between Europol and candidates or tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

4.1. Questions and answers before the time limit for receipt of tenders

Upon request, the contracting authority may provide additional information solely for the purpose of clarifying the procurement documents.

Any request for additional information must be made in writing only. Further details about submitting questions are specified in the Invitation.

Any answer/additional information provided at the request of an economic operator will be provided simultaneously to all operators by the same means as for the procurement documents.

Tenderers shall note that Europol is not bound to reply to questions submitted less than six (6) working days¹¹ before the time limit for receipt of tenders.

Clarifications / additional information will be regarded as an integral part of the procurement documents.

4.2. Amendments to the procurement documents before the time limit for receipt of tenders

Europol may, on its own initiative, modify the procurement documents by amendment if it spots any error, inaccuracy, omission or other clerical error in the procurement documents.

¹¹ Working days at Europol's location in The Hague.