

RESPONSE TO REQUESTS FOR CLARIFICATIONS NO. 1



Mogadishu, the 2nd of June 2026

Our ref.: PROC_ECS_2025_028 FWC Security Services Somalia

Requests for clarification sent by the tenderers	Contracting authority’s response
<p>Question 1: Please confirm whether a consortium led by a legal entity established in an EU Member State may include, as consortium member, a non-EU legal entity that operates in Somalia and/or Puntland through a locally registered branch or operating name holding the required operating, commercial and firearms licences.</p>	<p>Answer 1: Yes, the procedure is not limited to entities based in EU member states. Please refer to section 4, 5 and 16 of the “Additional information about the contract Notice”.</p>
<p>Question 2: Where a candidate belongs to a corporate group composed of several affiliated companies directly connected through shareholding or control relationships, please clarify how operating, commercial and firearms licences should be presented for the purpose of Professional Capacity Criteria 3 and 4 of the Additional Information to the Contract Notice. In particular, please clarify in whose name such licences must be issued or presented in order to ensure the admissibility of the request to participate, and whether licences issued in Somalia and/or Puntland to the local branch of a non-EU company may be accepted where that non-EU company is not incorporated as a separate legal person in Somalia.</p>	<p>Answer 2: Please refer to section 16 of the “Additional information about the contract Notice”. “An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to place those resources at its disposal.”</p>
<p>Question 3: For the purpose of Professional Capacity Criteria 3 and 4 of the Additional Information about the Contract Notice, please confirm whether operating, commercial and firearms licences issued in the name of a local branch, registered local presence, trade name or other operating designation of a consortium member may be accepted.</p>	<p>Answer 3: Please refer to section 16 of the “Additional information about the contract Notice”. “An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If the economic operator relies on other entities, it must in that case prove to the</p>

	<p>contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to place those resources at its disposal.”</p>
<p>Question 4: What documentary evidence may be accepted to demonstrate that the local licence-holder is legally attributable to the consortium member? Would a formal declaration or undertaking by the consortium member confirming that the licence-holder is its registered branch, local establishment or authorised operating presence be accepted?</p>	<p>Answer 4: A formal declaration or undertaking by a consortium member may be submitted to clarify the nature of the relationship, however this document alone will not be accepted as proof of selection criteria.</p>
<p>Question 5: May operating, commercial and firearms licenses issued in the name of a registered local branch or operating presence of a consortium member be accepted where such local presence does not have separate legal personality?</p>	<p>Answer 5: Please refer to section 16 of the “Additional information about the contract Notice”. “An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to place those resources at its disposal.”</p>
<p>Question 6 : In the event of minor differences in the spelling or wording of the licence-holder’s name across local documents, due to translation, transliteration or local registration practice, please confirm whether such differences may be addressed through supporting documentary evidence demonstrating that the documents refer to the same legal entity, branch, registered local presence or operating establishment. If so, please indicate what type of evidence may be accepted for this purpose.</p>	<p>Answer 6: The Contracting Authority confirms that minor differences in the spelling or wording of a license-holder’s name resulting from translation, transliteration, or local registration practices do not automatically invalidate the document. Such differences may be addressed by the tenderer through supporting documentary evidence that conclusively demonstrates that the documents refer to the identical legal entity or branch. Acceptable evidence includes, but is not limited to, official commercial registry extracts showing matching unique registration numbers, matching local tax identifiers, or formal attestations issued by competent local administrative authorities</p>

Yours sincerely,

EUCAP Somalia Procurement