



EUROPEAN UNION

Delegation of the European Union to Bosnia and Herzegovina

Sarajevo,

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CLARIFICATION No.2 to the Service Contract Notice

**Capacity building of Governments to include CSOs into the decision-making
Bosnia and Herzegovina**

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QUESTION no. 1

Organisation X is currently undergoing a transition. In 2018 the X (registered in country A) decided to move its headquarters to country B in order to more effectively implement the mission and strategy of the organisation. In order to legally execute the transfer of headquarters, X set up a new organization and became the founder of the organisation Y, registered in country B on November 28, 2018.

There is a clear relationship between X and Y:

- Y carries forward all projects and commitments of X as soon as the transition between the two organisations is completed. Y accepts full management of transferred grants and will steer the remaining activities of projects as outlined in original grant agreements and complies with reporting requirements of donors.
- Key Xs' staff will continue employment under Y and in that way critical Xs' staff capacity and expertise will be transferred to the new entity and remain part of X.
- Key governing bodies of Y have members that are current or previous members of Xs' Supervisory Board.
- Proxy directors of Y carry over their executive roles from managing X.

Our question is: Is the Economic and financial capacity, Professional capacity and Technical capacity of the newly established entity as a successor of the existing entity accepted as the credentials of the new entity?

ANSWER no. 1

To ensure equal treatment of applicants the contracting authority cannot give a prior opinion on the above accepting the transfer of the economic, financial, professional and technical capacity between organisations X and Y. Deliberation of the evaluation committee concerning the above will be based on documentation and supporting documents which will be submitted by the applicant as part of its application.