



**EUROPEAN UNION**  
DELEGATION TO BOSNIA AND HERZEGOVINA

Finance, Contracts and Audit Section

Sarajevo,

### **CLARIFICATION No. 1 to the Service Contract Notice**

**Project Title:** **Strengthening the capacity of the labour market institutions by improving of labour market research methodology, Bosnia and Herzegovina**

**Publication reference:** **EuropeAid/140152/DH/SER/BA**

**Tender No:** **EC/BiH/TEN/18/001**

#### **QUESTION 1:**

In Contract Notice, under section 21.3.a technical capacity of candidate; it is requested that “the candidate has provided services under at least one completed contract with a budget of at least EUR 800 000 in the fields related to this contract (i.e. employment, labour market, and capacity building in employment sector)”. However, it is also stated that “if a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be at least 70%”.

Can you please confirm that services provided under one contract in the fields related to this contract, (i.e. employment, labour market, and capacity building in employment sector) with a proportion carried out by the candidate/tenderer equal or above EUR 560.000 (EUR 800 000 \* 70%) is to be considered eligible?

We believe that section 21.3.a technical capacity of candidate is included in the contract notice to select candidate with experience in the fields related to this contract, for this reason a candidate who has an experience of having implemented a 9 million EUR overall contract value and a 40% proportion carried out of the contract implemented on his own (equal to 3.600.000 proportion carried out by the candidate/tenderer) should be consider as a valid and eligible reference for this tender, well above the threshold mentioned by the contract notice (70% of 800.000 euro = 560.000 euro), no matter the specific percentage carried out by candidate/tenderer, in the example mentioned above is 40%.

If this is not the correct interpretation of the criteria many important experiences in the field will be considered non-eligible to participate in this tender and many experienced companies will be excluded to participate in this tender, which is not, normally the approach of the European Commission in public tenders implemented with the EU Budget.

Moreover, under the Practical Guide to Contract Procedures for EU External Actions (PRAG) under the section “2.5.1. Procurement”; it is stated that:

“EU public procurement is governed by rules intended to remove barriers and open up markets in a non-discriminatory and competitive way.”

Therefore, we kindly request the Contracting Authority to confirm our interpretation or revise the technical selection criteria in a way to foster competition.

#### **ANSWER 1:**

Service Contract Notice states under the 3) Technical capacity of candidate:

- a) The candidate has provided services under at least one completed contract with a budget of at least EUR 800 000 in the fields related to this contract, (i.e. employment, labour market, and capacity building in employment sector), which was implemented at any moment during

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the reference period stated above. Please note that the referenced project must have been completed at any time during the indicated period but it does not necessarily have to be started during that period. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be at least 70%, which should be evidently clear from the documentary evidence, together with a description of the nature of the services provided.

Hereby, we confirm that the percentage that the candidate/tenderer has successfully completed must be at least 70% of the minimum budget of the contract requested above (EUR 800 000) or EUR 560 000, regardless of the total budget of the referenced contract.

### **QUESTION no. 2:**

In case of a civil society organisation (social partner NGO) the reference labour market activities of the legal person are often financed by membership fees and grants instead of a market contract. Nevertheless these NGOs have great regionwide experiences as regards labour market needs and measures not only on country but European level. Is it allowed to calculate the average turnover as the total revenue that includes market contracts, grants and membership fees given the condition that they finance the reference labour market activity of the NGO?

### **ANSWER no. 2:**

The objective of the Economic and financial capacity criterion is to examine if the candidate has sufficient financial stability to manage the contract. Regardless of the type of activity generating annual turnover / revenue (donations, grants, contracts for service, sales of service, etc.), it is all considered as part of the annual turnover of the organization.

### **QUESTION no. 3:**

The technical capacity requirements say: „The candidate has provided services under at least one completed contract with a budget of at least EUR 800 000 in the fields related to this contract,..” Is it possible that the EUR 800 000 budget is a result of more than one contract of the candidate’s previous works? (for example two 400 000 EUR contracts)?

### **ANSWER no. 3:**

As stated in the technical capacity requirement, the candidate must have provided services under at least one completed contract with a budget of EUR 800 000, so each referenced contract must be with a budget of at least EUR 800 000 or in case a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be at least 70% of the minimum budget of the contract requested or EUR 560 000, regardless of the total budget of the referenced contract.