



EUROPEAN UNION

Delegation of the European Union to Bosnia and Herzegovina

Sarajevo,

2019

CLARIFICATION No. 1 to Service Contract Notice

**EU Support to Trade
Bosnia and Herzegovina**

Publication reference: EuropeAid/140331/DH/SER/BA; Tender No: EC/BiH/TEN/19/004

Question 1:

Regarding selection criteria, 21.3) Technical capacity of the candidate:

"The reference period which will be taken into account will be **the last three years** preceding the submission deadline", we are kindly asking you **to extend the reference period** which will be taken into account, from three years to five years.

Having in mind that the market has not been so active in the last three years "**in the area of trade policy**" exclusively, and that PRAG 2019 allows Contracting Authority to, where necessary and in order to ensure an adequate level of competition, "*indicate that evidence of relevant services delivered or performed more than three years before will be taken into account*" (Practical Guide – July 2019, 2.6.11.3. Technical and professional capacity), we strongly believe that **extension of the reference period which will be taken into account will ensure the adequate level of competition.**

Answer 1:

The reference period of three years from submission deadline, specified under point 21.3 of the Service Contract Notice, remains unchanged.

Question 2:

The Selection criteria 21.3 state the following:

"The candidate has provided services under at least one contract with a budget of at least EUR 1 000 000, in the area of trade policy and which was implemented at any moment during the reference period. In case a candidate has implemented the above contract in a consortium, the percentage that the candidate carried out must be at least 70% and only the portion carried out by the candidate will be taken into consideration."

If the contract is for EUR 5 000 000 in the area of trade policy, and the participation of the partner is 40 %, the implemented portion of the partner would be EUR 2 000 000. Would it be considered eligible under both criteria?

Answer 2:

It will be considered eligible, please see Corrigendum no. 2 to Service Contract Notice.

Question 3:

In Service Contract Notice, under section 21.3. 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 1.000.000 in the area of trade policy. 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 area of trade policy in the reference period, with a proportion carried out by the candidate/tenderer equal or above EUR 700.000 (EUR 1.000.000 * 70%) is to be considered eligible, no matter the specific percentage carried out by candidate /tenderer.

We consider that section 21.3 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 implemented a project with 4 million EUR overall contract value and a 40% proportion carried out of the contract implemented on his own (equal to 1.600.000 EUR proportion carried out by the candidate/tenderer) **should be considered** as eligible reference for this tender, well above the threshold mentioned by the contract notice (70% of 1.000.000 euro = 700.000 euro), **no matter the specific percentage** carried out by candidate/tenderer, in the example mentioned above is 40%.

Specifically, please confirm if a contract with a budget of 4 mio EUR (>1 mio EUR) and proportion carried out **40%** (< 70%) corresponding to **1.600.000 EUR**, implemented within the reference period, can be considered as eligible.

If this is not the correct interpretation of the technical capacity 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.

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

Answer 3:

Please see Corrigendum no. 2 to Service Contract Notice.

Question 4:

We have a question regarding the criterion for determining candidates' technical capacity (21.3.) in the Service Contract Notice for the EU Support to Trade project in Bosnia and Herzegovina. In order for references to be eligible, the criterion combines a € 1.000.000 budget threshold with the requirement for a 70% share in the project. Large-scale projects regularly require large consortia and the distribution of specific tasks or even components between selected specialist members in a consortium. For the successful implementation of large-scale projects, shares of 70 and more percent are quite rare and would in fact often be an obstacle to the delivery of a holistic package of technical assistance services. We assume that the aim of criterion 21.3. is to ensure the ability of the contractor to implement large scale projects.

Our question is therefore:

- a) Would references, in which the candidate is responsible for a budget of more than € 1.000.000 be eligible, even if the share of services implemented by the candidate is below 70%?
- b) Would references of ongoing projects, in which the candidate will implement more than 70% and € 1.000.000 or more be eligible, even if the value of services invoiced so far is below € 1.000.000?

Answer 4:

- a) The references will be considered eligible, please see Corrigendum no. 2 to Service Contract Notice.

b) No, the references will not be considered eligible as stipulated in the Service Contract Notice: *"In case of service contracts still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration"*.