



**Delegation of the European Union to Bosnia and Herzegovina**

Sarajevo,

2020

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

**EU Support to Intellectual Property Rights**

**in Bosnia and Herzegovina**

**Publication reference: 2020/S 188-453020**

**Reference number: NEAR/SJJ/2020/EA-RP/0014; Tender No: EC/BiH/TEN/20/018**

**Question 1:**

1. What is the invoicing arrangements for this contract – is it:
  - a. Timesheet based – if so, what are the EC’s standard daily rates and normal hours per day (7 or 8)? Is a management fee baked-in to this daily rate?
  - b. Objectives / KPI based – if so how will these be measured/qualified?
2. Will there be clearly defined KPIs?
3. Is there a legal component to the project – i.e. will legal advice be necessary from qualified European lawyers or a local B&H specialist, or is this primarily an IP consultancy project? This will inform our consortium plans.
4. Who are the expected recipients / end-clients of the project work – is it SMEs exclusively or also government bodies, please detail?
5. What is the expected requirement for time spent in-region, vs. remote research and analysis work from another European country (also what COVID-19 provisions are there in respect of this)?

**Answer 1:**

At this stage of the restricted service tender procedure only questions related to information presented in the published Contract Notice can be answered. The above questions relate to tender dossier, which will be provided to shortlisted candidates during the next stage of the procedure.

**Question 2:**

Given that the deadline for submission of application has been extended to 06/11/2020, does the reference period under section 14.3.a “Selection Criteria - Technical Capacity of Candidate” of the document “Additional information about the Contract Notice” also reflect this change i.e. instead of 26.10.2017-26.10.2020 should it read 06.11.2017 – 06.11.2020?

**Answer 2:**

Yes, extension of the submission deadline must be automatically reflected in the reference period under section 14.3.a) (Selection criteria Technical Capacity of Candidate) of the Additional information about the Contract Notice. Therefore the reference period for the Technical capacity of the Candidate now reads: 06.11.2017 – 06.11.2020.

**Question 3:**

- a) Can a candidate who performs the services detailed under section 14.3.a “Selection Criteria - Technical Capacity of Candidate” of the document “Additional information about the Contract Notice” as part of their routine business, submit their operations as references?
- b) If yes, would the references provided have to be of the last closed 3 financial years (i.e. 2017-2019) or the three years preceding the deadline of the submission of expression of interest (i.e. 06/11/2017 – 06/11/2020)?
- c) And would a reference covering the three years be assessed as a whole or can a reference be provided for

each year?

**Answer 3:**

a) - c) Services provided as part of the routine business may only be considered if carried out under a contract and fulfilling all the requested conditions in point 14.3.a (Selection Criteria – Technical Capacity of Candidate) of the Additional information about the Contract Notice.

**Question 4:**

XY is a company based in Z. We are interested in participating in the tender mentioned above hence want to get more information about the same.

Considering the geographical constraint of personally reviewing the document, I request you to provide us the following details before we buy the document:

- 1) List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.
- 2) Soft Copy of the Tender Document through email.
- 3) Names of countries that will be eligible to participate in this tender.
- 4) Information about the Tendering Procedure and Guidelines
- 5) Estimated Budget for this Purchase
- 6) Any Extension of Bidding Deadline?
- 7) Any Addendum or Pre Bid meeting Minutes?

We will submit our offer for the same if the goods or services required fall within our purview.

**Answer 4:**

At this stage of the restricted service tender procedure only questions related to information presented in the published Contract Notice can be answered. These are questions 3-6 and the answers are below. The above questions 1, 2 and 7 relate to tender dossier, which will be provided to shortlisted candidates during the next stage of the procedure.

Answer to the above question no 3: With reference to Point 4 (Eligibility and rules of Origin) of the Additional information about the Contract Notice:

*“Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in a Member State of the European Union [...]”:*

Austria, Belgium, Bulgaria, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom<sup>1</sup>.

*“[...] or in a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed [...]”:*

Albania, Bosnia and Herzegovina, Kosovo<sup>2</sup>, Montenegro, Serbia, Turkey, Republic of North Macedonia, Iceland, Lichtenstein, Norway, Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, occupied Palestinian territory (oPt), Syria, Tunisia, Ukraine.

Answer to the above question no 4: Please refer to Legal basis stated in the Contract notice:

*“Regulation (EU, Euratom) No 2018/1046  
Procurement award procedure applying to European Union external actions financed from the general*

<sup>1</sup> The United Kingdom ceased to be an EU Member State on the 31 of January 2020. Pursuant to the Withdrawal Agreement concluded between the EU and the UK, references to the eligibility of ‘Member States’ for participation in programmes under the current 2014-2020 MFF and the EDFs also cover the United Kingdom (Article 127(6), Article 137 and Article 152(1) Withdrawal Agreement).

<sup>2</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. Participation is also open to international organisations.

*budget of the European Union and the European Development Fund (EDF)”*

Answer to the above question no 5: With reference to point II.1.5 of the Contract notice estimated total value of the tender is 2 000 000 EUR excluding VAT.

Answer to the above question no 6: Deadline for receipt of requests to participate was extended till 06/11/2020, 12:00 by Corrigendum to the Contract notice, which was published 02/10/2020.

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