

## CONTRACTING AUTHORITY'S CLARIFICATIONS No. 1

### “Provision of Services of External Provider for Evaluation of PEP, Serbia.”

Publication ref: 1-06-404-79/2021

No.	Question	Answer
1	<p><b>Document – Terms of reference section 2.3. Results to be achieved by the contractor:</b>            It is written <i>The evaluation report shall include sections highlighting:</i>  <i>- Qualitative and quantitative evaluation of the Program during the period of its implementation from the year of 2013 to the year of 2019. Special emphasis shall be placed on the quantitative evaluation of defined program key performance indicators in the period 2016-2019. Do you already have the system of predefined indicators based on which the evaluation should be conducted or indicators should be developed by contractor?</i></p>	<p>In line with <b>Terms of Reference, Section 4.5. Specific Work, Activity 1: Development of the evaluation methodology for PEP</b>, contracting authority's requirements related to indicators, <i>inter alia</i>, are:</p> <p><i>“- Development of qualitative and quantitative PEP Key performance indicators, such as macro indicators regarding policy objectives, efficiency, impact, and sustainability of PEP as well as micro indicators regarding efficiency, productivity, competitiveness, export capacities.</i></p> <p><i>- Additionally, the developed methodology for the purpose of PEP evaluation should include and emphasize SMEs (targeted beneficiaries groups) micro key performance indicators based on the balance reports ratios and its change over period observed, such as[...].”</i></p> <p>In line with Terms of Reference, section 4.5 Contracting Authority has developed some of the indicators based on which the evaluation should be conducted, however it is expected from the Contractor to develop suitable indicators within the methodology development that shall be the basis for the evaluation.</p>

No.	Question	Answer
2	<p><b>Section 6. Requirements – 6.1 Staff:</b></p> <p>It is written that contractor will provide at least <b>1 key expert</b>. Also, it is written that <i>CVs for experts other than the <b>three key expert's</b> should not be submitted in the tender but the tenderer will have to demonstrate in their offer that they have access to experts with the required profiles</i>. How many key experts should be proposed?</p>	<p>Please refer to <b>Terms of Reference, Section 6. Requirements, 6. 1. Staff</b>, where it is stipulated <i>“The contractor shall provide at least <b>one key expert</b>”</i>.</p> <p>Under <b>Terms of Reference, Section Other Experts, Support Staff and Backstopping</b> the wording <i>“three key experts”</i> shall be treated as typo/omission. Instead of <i>“three key expert’s”</i> it should be read <i>“key experts”</i>. This correction shall be officially administered in the Corrigendum to Tender dossier by the Contracting Authority.</p>
3	<p><b>Section 6. Requirements – 6.1 Staff:</b></p> <p>Also, regarding the qualification of Key expert, it is written that Key expert should possess - <i>At least 5 years of relevant working experience within International Financial Institutions (IFI's) or Advisory or Audit company or similar, as senior manager, or engagement as key or senior expert in the relevant field within at least 2 long – term projects (more than 2 years duration, each), in the period of last 8 years.</i></p> <p><b>Do you accept the mixture of both types of engagement, as the senior manager with more than 2 years within Advisory company and senior expert engaged on the long project that lasted more than 2 years?</b></p>	<p>Please refer to <b>Tender dossier, Terms of Reference, Section 6. Requirements, 6.1.1 Staff</b>.</p> <p>Please note that in accordance with the provisions of section <b>3.4.5. Additional information during the procedure</b> of Practical Guide on contract procedures for European Union external actions (PRAG), when providing answers to Tenderer’s questions <i>“the contracting authority cannot give a prior opinion on the assessment of the tender”</i>.</p>
4	<p><b>Document Service Contract Notice – Selection and Award Criteria:</b></p> <p>If we want to include in our consortium entrepreneur who is not obliged to have financial statements, how we can prove that following criteria is met - <i>Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium this criterion must be fulfilled by</i></p>	<p>Please see <b>Tender dossier, document Service Tender Submission Form, Item No. 3. ECONOMIC AND FINANCIAL CAPACITY<sup>3</sup></b></p> <p>In the Service Tender Submission Form, Footnote No. 3 (further elaborated on page 11 of Service Tender Submission Form), it is stipulated that: <i>“Natural</i></p>



PAC

Republic of Serbia  
Development Agency of Serbia  
Belgrade, Serbia  
December 13<sup>th</sup>, 2021  
Number: 1-06-404-79/2021-3

Kneza Miloša 12, 11000 Belgrade  
Phone : 011 3398 900, Fax: 011 3398 774  
[office@ras.gov.rs](mailto:office@ras.gov.rs); [www.ras.gov.rs](http://www.ras.gov.rs)

No.	Question	Answer
	<p><i>each member</i>. In the described case, can we assume that this requirement could be omitted for member of consortium that is not obliged to have financial statements?</p>	<p><i>persons must prove their capacity in accordance with the selection criteria and by the appropriate means”;</i></p> <p>Furthermore, in <b>PRAG, section 2.6.11.2. Economic and financial capacity</b>, when considering evidence to be provided by an economic operator to demonstrate its economic and financial capacity, it is stipulated that:</p> <p><i>“The contracting authority [...] may request in particular one or more of the following documents:</i></p> <ol style="list-style-type: none"><li><i>1. appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;</i></li><li><i>2. financial statements or their extracts <u>for a period equal to or less than the last 3 years for which accounts have been closed;</u></i></li><li><i>3. a statement of the economic operator’s overall turnover and, where appropriate, turnover in the area covered by the contract <u>for a maximum of the last 3 financial years available.</u></i></li></ol> <p><i>If, for any valid reason, the economic operator is unable to provide the references requested by the contracting authority, it may prove its economic and financial capacity by any other document that the contracting authority considers appropriate.”</i></p> <p>Please note that the Contracting Authority may accept the following (but not limited to) documents as evidence of financial and economic capacity of natural person: signed statement on the financial and</p>

No.	Question	Answer
		<p>economic capacity, bank statement dated at the beginning and end of the relevant year, bank's or relevant financial institution's credit rating report, relevant legal binding financial statement representing the turnover of natural person, and similar.</p>
5	<p><b>Document Service Contract Notice – Selection and Award Criteria</b></p> <p>We assume that <i>The average annual turnover of the candidate over the last three years (2018, 2019, 2020)</i> is the sum of turnover of all consortium partners, and it is not applicable for each member of consortium.</p> <p>a) Regarding professional capacity, it is written - <i>The reference period which will be taken into account will be the last three years preceding the submission deadline.</i>  <i>At least 3 permanent staff are currently working for the candidate in the field of consultancy related to methodology development, evaluation and analysis of programmes and/or projects related to public and private entities.</i> Also, in the document Service tender submission form, page 4 and page 9, there is calculation of average of permanent staff.</p>	<p>Please see <b>Tender dossier, document Service Tender Submission Form, Item No. 3. ECONOMIC AND FINANCIAL CAPACITY<sup>1</sup></b></p> <p>Where it is stipulated “<i>Please complete the following table of financial data<sup>4</sup> based on your annual closed accounts and your latest projections</i> “.In the Service Tender Submission Form, Footnote No. 4 (further elaborated on page 11 of Service Tender Submission Form), it is stipulated that: “<i>If this application is submitted by a consortium, the data in the table must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this application form. Consolidated data are not requested for financial ratios.</i>”</p> <p>a) Please see <b>Contract Notice, Item. 16. 2) Professional capacity of the tenderer:</b>  “ <i>At least 3 permanent staff <u>are currently</u> working for the candidate in the field of consultancy related to methodology development, evaluation and analysis of programmes and/or projects related to public and private entities</i>”.</p>

No.	Question	Answer
	<p>Which of these requirements are applicable, 3 permanent staff <b>during</b> the last 3 years, or 3 permanent staff that are <b>currently</b> working, or 3 permanent staff on average are working?</p> <p>b) In case of consortium, do you cumulate the permanent staff, or each partner has to have 3 permanent staff?</p> <p>c) These permanent staff should work in the field of consultancy related to methodology development in evaluation and analysis of programmes <b>or</b> in projects related to public and private entities. We believe that you will accept <b>one of these areas</b> and that you will not require both areas - methodology development in evaluation and analysis of programmes <b>and</b> in projects related to public and private entities?</p>	<p>The tenderer should meet both of the criteria, the threshold given (at least three staff members), for reference period as well as for current staff number.</p> <p>The correction regarding the section 16. Selection Criteria of the document Service Contract Notice shall be officially administered in the Corrigendum to Tender dossier by the Contracting Authority.</p> <p>b) Please see <b>Service Tender Submission Form, page 4, Item 4. STAFF</b>, where it is stipulated:  <i>“Please provide the following statistics on staff for the current year and the two previous years<sup>10</sup>”. Under footnote No. 10, page 11 of Tender Submission Form, it is stipulated “If this application is submitted by a consortium, the data in the table above must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this application form”.</i></p> <p>c) The correction regarding the section 16. Selection Criteria of the document Service Contract Notice shall be officially administered in the Corrigendum to Tender dossier by the Contracting Authority.</p>
6	<p><b>Document Service Contract Notice – Selection and Award Criteria:</b></p> <p>Regarding Technical capacity, it is written - <i>The candidate has provided services under at least two contracts (with portion of the services carried out,</i></p>	<p>Please refer to <b>Section 16. 2) of Contract Notice</b>, where it is stipulated that the required field of consultancy is <i>“[.../ methodology development, evaluation, and analysis of programmes and/or</i></p>

No.	Question	Answer
	<p><i>under each contract, by the legal entity being at least EUR 20,000) in the field of consultancy related to methodology development, evaluation and analysis of programmes <b>and/or</b> projects related to public and private entities.</i></p> <p>These two contracts above EUR 20,000 should be in the field of consultancy related to methodology development in evaluation and analysis of programmes <b>or</b> in projects related to public and private entities? We believe that you will accept <b>one of these areas</b> and that you will not require both areas?</p>	<p><b>projects[...]</b>”.</p> <p>Additionally, please note that in accordance with the provisions of section <b>3.4.5. Additional information during the procedure</b> of Practical Guide on contract procedures for European Union external actions, when providing answers to Tenderers questions “<i>the contracting authority cannot give a prior opinion on the assessment of the tender</i>”.</p>
7	<p><b>Document Service Contract Notice – Selection and Award Criteria:</b></p> <p>In order to confirm Technical capacity, it is written - <i>This portion will have to be supported by documentary evidence (-statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value.</i> Is the contract in relevant area and paid invoice sufficient evidence for this?</p>	<p>Please see <b>PRAG Section, 2.6.11.3. Technical and professional capacity</b>, where it is stipulated that technical capacity can be proved by a document which is “<i>(... proof of final payment) also detailing its value</i>”. Signed Contracts and paid invoices may be sufficient evidence for proving technical capacity.</p>
8	<p><b>Document – Statement of exclusivity and availability</b></p> <p>In this document, two options are offered for availability of Key expert – full time and part time. Given the fact that the project is envisaged to last 10 months, that the project team will consist of Key Expert and several non-key experts, supported by backstopping team member, and given the fact that the budget for this assignment is limited, do you accept that we engage Key expert on the part time basis, since the full time basis for EU project is 220 days per year, or 183 days for 10 months?</p>	<p>Please see <b>Contract Notice, Item 6. Nature of contract</b>, where it is stipulated that this is a “<i>global price contract</i>”.</p> <p>In line with provisions of <b>PRAG, section 3.2.1. Global price</b>, “<i>the service will be paid on the basis of the delivery of the specified output(s)... i.e. the contractor must provide given output(s).</i>”</p> <p>Please note that it is the responsibility of the Tenderer to provide an estimation of the budget on the basis of category of staff and number of working days needed, including where necessary travel costs and per diem.</p> <p>However, in line with <b>PRAG, section 3.2.1. Global price</b> “<i>Timesheets for</i></p>



No.	Question	Answer
		<p><i>experts or supporting documents for incidental expenditure will not be requested to process payments. [...] During and after the implementation, the technical and operational means by which the contractor achieves the specified output(s) are not relevant for the satisfactory implementation of the contract.”</i></p> <p>Contracting Authority requires from the Contractor to deliver the outputs to the required level of quality and within the deadlines specified in the Tender/contract dossier, as well as to provide available Key Expert in such a proportion as to enable smooth implementation of contract during the whole period of implementation. However, the exact number of days spent by experts shall not be the subject of control and analysis of the Contracting Authority in the implementation phase of the contract.</p>
9	<p><b>Document – Draft Contract – Financial Guarantee</b></p> <p>It is written that <i>Contractor is obliged to submit to the Contracting Authority as a mean of financial collateral for the advance payment Blank bank bond (hereinafter: bond) signed according to the legal practice of the country where it is issued and it must be approved by the Contracting Authority. The bond number shall be stated in the Bond Authorization Document. The Bond and the Bond Authorization Document shall be stamped and signed by the legal-representative of the Contractor. To avoid any misunderstanding, this is in Serbian language “Menica I Menicno ovlascenje”?</i></p>	<p>In the Document <b>Draft Contract and Special Conditions, Article 30. Financial Guarantee</b> the wording “Bond” and “Bond Authorization Document” shall be interpreted and understood in Serbian language as “Menica and Menično ovlašćenje”.</p>

<sup>1</sup> Natural persons must prove their capacity in accordance with the selection criteria and by the appropriate means.