



EUROPEAN UNION

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

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

**Project Title:** Establishment of the State Aid System

**Publication reference:** EuropeAid/134240/DH/SER/BA

**Tender No:** EC/BIH/TEN/13/011

**Question 1:** Technical capacity (point 21):

Notably, the Notice states that in order to prove such requirement, the applicant has to prove that it has over the last 36 months prior to the submission deadline, worked successfully on at least 1 project related to the establishment of and/or implementing State aid system and that the project value was of a minimum of 1 000 000 EUR and the proportion carried out by the candidate(s) must be at least 70 %.

Can an applicant fulfill the above requirement if it can provide evidence that it has carried out more projects in the field of state aids in the previous 36 months, whose total combined value amounted to 1 million euros?

Or should we intend the above requirement as meaning that an applicant will be considered eligible only if it has carried out successfully at least one project whose individual value is at least 1million euros.

In other words, can the value of more assignments in the area of state aids be cumulated in order to prove that the applicant meets the above threshold, or will you consider only applications by applicants who can prove that that they have carried out at least a project whose individual value was one million euros?

**Answer 1:** The values of multiple assignments cannot be cumulated. The value of an individual project must be at least 1 million Euro.

Please be reminded that the maximum budget for the project in subject is EUR 1,750,000.00. The selection criteria are set to enable selection of a candidate experienced in both the area of expertise, as well as financial management of a similar size budget.

**Question 2:** In reference to project value, our company is a law firm, so we can consider the value of the project as the fee that we ask to the clients or as the value of case, meaning for example the amount of the State aid that was granted by the Member State and that the Commission was investigating.

In the light of the above, we were wondering whether we could fulfill the above requirement by providing evidence that we have assisted clients (e.g. a State) in a State aid proceeding concerning the award of a State aid whose value was more than 1 million euros?

Conversely, should we conclude that you will consider only the amounts that an applicant has invoiced to the clients?

**Answer 2:** Further to Answer No.1 and in accordance with the Contract Notice, the technical capacity criterion 3(a) requires a successfully completed project with a value of at least EUR 1,000,000.00. Therefore, only the contracted/invoiced amounts per individual project are to be taken into consideration.

**Question 3:** I have a question concerning evidence of technical capacity of applicants.  
Do I understand correctly that at this stage you just need a list of projects carried out and do not need further evidence such as proof of payments or certificates of satisfaction of the clients.

**Answer 3:** Documentary evidence concerning the technical capacity criteria is not required at this stage of the contracting procedure. Short-listed applicants invited to submit a tender will be required to submit documentary evidence as part of their tender for those project references taken into consideration for the short-list.

However, please note that the Evaluation Committee appointed by the Contracting Authority (Delegation of the EU to BiH) reserves the right to request further information/documentary evidence from candidates during any stage of the contracting procedure, including the short-list stage.

**Question 4:** I also note that the application form does not include tables where to indicate who are the members of the team proposed by the applicant.  
Do I understand correctly that at this stage you do not require the applicants to provide the CVs of the members of the team proposed?

**Answer 4:** Your understanding is correct. The CVs of proposed project staff are not required at this stage of the contracting procedure. For more information on the specific procedure, please see sections 2.4.3. Restricted procedure and 3.3 Restricted tenders (for contracts of €300 000 or more) of the Practical Guide to contract procedures for European Union external actions, which can be downloaded from the following link:

<http://ec.europa.eu/europeaid/prag/document.do>