



EUROPEAN UNION

Delegation of the European Union to Bosnia and Herzegovina

Sarajevo,

2019

CLARIFICATION No. 1 to the Service Contract Notice

EU for human rights and anti-discrimination Bosnia and Herzegovina

Publication reference EuropeAid/140416/DH/SER/BA; EC/BiH/TEN/18/027

QUESTION no. 1

Regarding Selection criteria, 21.3) Technical capacity of 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 human rights, anti- discrimination policies and gender policies”** exclusively, and that the 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 no. 1

Contracting Authority maintains its position concerning Technical capacity. The reference period for technical capacities may not go beyond the past 3 years from the submission deadline.

QUESTION no. 2

The Selection criteria 21.3 state the following: “The candidate has provided services under at least two contracts with a budget of at least EUR 500 000, in the fields related to human rights, anti-discrimination policies, gender policies, which were implemented at any moment during the reference period (28/11/2016-28/11/2019). If 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 budget of the contract is EUR 2 000 000 (in the fields related to human rights, anti-discrimination policies, gender policies), and the proportion carried out by the candidate is 30%, then the implemented portion of the candidate would be above EUR 500 000. Would it be considered eligible?

ANSWER no. 2

We draw your attention that the exact wording of the selection criteria which has been published under point 21.3 of the Contract Notice is as follows:

*"The candidate has provided services under at least two contracts, **each with a budget of at least EUR 500 000** in fields related to human rights, anti-discrimination policies, gender policies, which were implemented at any moment during the reference period (28/11/2016-28/11/2019). If 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 account."*

Reference(s) will be considered eligible (in case a candidate has implemented the contract in a consortium) only if the proportion of the candidate is at least 70%. This proportion of 70% must be maintained even if the numerical value of the reference contract is such as the numerical share of the candidate is over EUR 350 000 (in case of consortium).

QUESTION no. 3:

According to the tender procedure for the project: "EU for Human Rights and Anti-discrimination Bosnia and Herzegovina", 2019/S 207-503475; EC/BiH/TEN/18/027; EuropeAid/140416/DH/SER/BA, please find below our request for clarification:

"The Selection criteria 21.3 state the following: "The candidate has provided services under at least 2 contracts, each with a budget of at least 500 000 EUR in fields related to human rights, anti-discrimination policies, gender policies, which were implemented at any moment during the reference period (28.11.2016-28.11.2019). If 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 take into account".

Would references, in which the candidate is responsible for a budget of more than 350 000 EUR (70% x 500 000 EUR) be eligible, even if the share of services implemented by the candidate is below 70%? For example, if the contract is for EUR 5 000 000, 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?"

ANSWER no. 3:

Please see answer no. 2
