

CLARIFICATION

TO SERVICE CONTRACT NO CPF III 2017-07

Establishment of the Regulatory Database in Services Sectors

Clarification request I received on 25 October 2017:

Dear sir / madam,

Hereby, in line to the "Instruction to tenderers", we are addressing to the Contracting Authority with this request for the following additional information.

Namely, as described in the "Service contract notice" in the paragraph "Contract description", *"The Consultant is expected to create Database based on the individual Party's regulation which would be verified by the Parties and liaise with CEFTA Secretariat, WTO and World Bank for consultation on revision or completion of answers if necessary."*

Could you please clarify is selected contractor/bidder (Consultant) expected to complete questionnaires (from Annex II) for jurisdictions of each Party (Party meaning member state of CEFTA agreement being: [Albania](#), [Bosnia and Herzegovina](#), [Macedonia](#), [Moldova](#), [Montenegro](#), [Serbia](#) and [Kosovo](#) - as UMNİK) or a single contractor will be appointed for each such jurisdiction?

Answer to request for clarification I:

The selected Consultant is expected to complete questionnaires (from Annex II) for every and each CEFTA Party, as per Section 4.1.2. of the Terms of Reference (ToR) which regulates the geographical area to be covered.

Clarification request II received on 31 October 2017:

Dear sirs,

By referring to the open tender CPF III 2017-07 Establishment of the regulatory database in services sectors, we wanted to request the following clarification:

We understand from Section 2.3. of the Terms of Reference CPF III 2017-07 ("ToR") that the result to be achieved by the Contractor is the detailed information on legislation and policy measures in selected services sectors based on questionnaires provided by the CEFTA Secretariat (the template questionnaire being attached to the ToR and included in Annex II to the draft contract, which forms Part B of the tender dossier). Could you please confirm whether the scope of work of the Contractor will be limited to answering to the questionnaire provided only according to the legislation of the Republic of Serbia (and not according to the legislation of all the Parties to the CEFTA Agreement – as one may infer from Section 4.1.2. of the ToR which regulates the geographical area to be covered)?

Answer to request for clarification II:

The selected Consultant is expected to complete questionnaires (from Annex II) for every and each CEFTA Party, as per Section 4.1.2. of the Terms of Reference (ToR) which regulates the geographical area to be covered.

Clarification request III received on 1 November 2017:

Dear Sir/Madam,

In reference to “CPF III 2017-07 Establishment of the Regulatory Database in Services Sectors” and in line with the Instructions to Tenderers, we hereby submit the following Request for clarifications:

1. In the Point 3.2. Risks of the ToR, the following is stated: “The potential risk is that all legislation related to selected services is not available online or in English language. To mitigate this risk, the Consultant is expected to consult other sources of information than websites and to secure the translation from original to English language.” Regarding the translation of the legislation and considering the direct impact on the final costs, pricing and budgeting, it would be of great value if you **can inform us on the estimated amount of text (pages) to be translated from local language to English?**

2. In the Point 2.2. Purpose of the ToR it is stated:

“The purpose of this contract is as follows:

- To establish a comprehensive regulatory database in selected services sectors”

Is the translation of Laws/ Bylaws and other regulations expected to be delivered as part of the abovementioned database? What does “comprehensive regulatory database” stand for?

3. In the Point 4.2. of the ToR, it is stated: “The consultation of CEFTA Contact Points or relevant ministries through CEFTA channels for this assignment is not envisaged.“ However, taking into account the previous challenging experience in communication with large public administrations, the availability and responsiveness of the officials and relevant documentation, **can we expect support by the CEFTA Secretariat (or CEFTA Contact Points) in providing the direct contact info (list of contacts) for the relevant Ministries and other institutions (regulatory bodies) of the selected sectors in the CEFTA Parties,** to be used by the Consultant in order to ensure receiving valid and correct legislation / information to be compiled in the questionnaire? (Random contacting of institutions may result with obtaining not correct information).

Answer to request for clarification III:

1. The Secretariat does not possess information on the estimated amount of text (pages) to be translated from local language to English. It can vary from one CEFTA Party to another.
2. The compiled information by the Consultant through the questionnaire will constitute a comprehensive database.

In case the legal acts are available only in local language it might be necessary to have a translation in order to provide answers to the questions in the Questionnaire. Legal acts, translated or not, do not need to be provided, but only the answers to the Questionnaire. The answers should be documented, by providing for references to relevant laws, regulations and policies.

3. As mentioned in the Section 4.2. Specific work: “The compilation of data is the solely responsibility of the Consultant. The consultation of CEFTA Contact Points or relevant ministries through CEFTA channels for this assignment is not envisaged.” The Consultant is expected to consult the laws, bylaws, and any other legal acts available that can provide answers to the questions in the Questionnaire. These can be found in Official Gazettes.

Clarification request IV received on 1 November 2017:

Dear sir / madam,

As per instructions contained in the “Instruction to tenderers”, please find below our request for additional clarifications:

1. Could you please clarify if the budget is applicable separately to each CEFTA member country, considering:
 - a. The length of the questionnaire (466 pages this version that will be updated before contract signature)
 - b. Time and costs for translation of legislation into English (partial or entire as the case may be).
 - c. Time and costs for participating at CEFTA meetings
 - d. Time needed for questions, clarifications, extra correspondence
 - e. Time needed for drafting the inception report.
2. In lieu with the first question, please clarify whether travel and other subsidiary expenses for the Contractor are included in the total budget, or shall they be charged separately depending on the frequency of meetings taking place outside of Contractor’s country?
3. Can we participate in this bid for special countries as well?
4. In case of consortium bidding are Annex VI (Financial Identification Form) and Annex VII (Legal Entity Private/Public Law Body With Legal Form) only delivered for the Leader of consortium? In case this is not correct and each member of consortium must deliver the stated annexes, how many copies of each annex must be delivered?
5. In case of consortium bidding how many copies of the Tenderer’s Declarations (referred to in point 7 of the Tender Submission Form) must be delivered by each member of consortium?
6. In case of consortium bidding how many copies of the Statements of exclusivity and availability for key experts must be delivered by each key expert?
7. In case of consortium bidding how many copies of the Declaration of honour (Annex VIII) must be delivered by each member of consortium?
8. In case of consortium bidding do company-issued (consortium member) statements count as sufficient documentary evidence as stated in Article 4.1. Technical offer Paragraph (5) of the Instructions to tenderers and in how many copies? Otherwise is some official public-issued document required with its related English translation?

9. What is the correct way to fill out item (1)(e) of the Declaration of honour (Annex VIII) since there are no available check boxes included in the relevant annex form?
10. What is the correct way to fill out items (5) and (7) of the Declaration of honour (Annex VIII) since there are no available check boxes included in the relevant annex form?
11. In case of consortium bidding is each member of consortium required to deliver duly authorized signature (an official document proving that the person signing on behalf of consortium member is authorized to do so i.e. court registration act)? If yes, is this document delivered in original or in copy? Also, is the English translation of this document required by official interpreter?
12. In case of consortium bidding Annex III (Organisation and methodology) is drawn up and signed by the Leader of consortium?
13. In case of consortium bidding the Leader of consortium compiles the Annex IV (Key Experts) and related CV's?
14. What is the form used for non-key experts?
15. In case of consortium bidding is each member of consortium required to deliver documentary evidence of financial and economic capacity and/or the technical and professional capacity as stated in Article 4.1. Technical offer Paragraph (6) of the Instructions to tenderers and in how many copies? If yes, what documentation is considered as relevant evidence? Is English translation of such documentation required?

Answer to request for clarification IV:

1. All expenses are deemed to be included in the global price contract.
2. All expenses are deemed to be included in the global price contract.
3. No. One tenderer will be selected to implement the assignment. In accordance with Section 4.1.2. of the ToR which regulates the geographical area to be covered, the assignment will cover all CEFTA Parties.
4. For applications submitted by a consortium, Annexes VI Financial Identification form and VII Legal Entity file are to be completed only by the Leader (see p.1 in part D – Tender Submission form of the tender dossier).
5. For applications submitted by a consortium, two copies of the Tenderer's declaration must be submitted by each consortium member (see Section 8, pp.4-5 in part D – Tender Submission form of the tender dossier).
6. The tender must be submitted in one original and three copies (see p.1 in part D – Tender Submission form of the tender dossier).

A signed Statement of Exclusivity and Availability is to be submitted by each Key Expert proposed in the tender (please refer to footnote 16 in part D – Tender Submission form of the tender dossier).

7. For number of copies see reply to question 6.
8. Documentary proof or statements showing that the company is not in any of the exclusion situations listed in Annex VIII are to be issued by the country in which the company (or each of the companies for consortia) is effectively established.

For number of copies see reply to question 6.

In accordance with Section 4 of Instructions to Tenderers, p.2:

Offers, all correspondence and documents related to the tender exchanged by the tenderer and the Contracting Authority must be written in English.

Supporting documents and printed literature furnished by the tenderer may be in another language, provided they are accompanied by a translation into the language of the procedure. For the purposes of interpreting the tender, the language of the procedure has precedence.

Official documents which are not in the language of the procedure must be translated by certified translators.

9. Please refer to Corrigendum No 2, revised B - Annex VIII Declaration on honour CPF III 2017-07.
10. Please refer to Corrigendum No 2, revised B - Annex VIII Declaration on honour CPF III 2017-07.
11. The leader and each member of the consortium are required to submit duly authorised signature with the tender offer.

For number of copies see reply to question 6.

For the language of the procedure see reply to question 8.

12. Annex III Organisation and methodology does not require a signature.

There should be one Annex III for the consortium.

13. There should be one Annex IV List & CVs of Key Experts for the consortium.

14. CVs and Statements of Exclusivity and Availability are not required for non-key experts. Please refer to section 4.1 (1), (3) and (4) of the Instructions to Tenderers, pp.2-3.

15. The economic and financial capacity and the professional capacity of each consortium member are part of the Tenderer's declaration submitted by each consortium member.

Please see the replies to questions 5, 6 and 8, and the Tenderer's declaration on pp. 7-8 in part D – Tender Submission form of the tender dossier.
