



REPUBLIC OF BULGARIA

Ministry of Regional Development and Public Works

19th June 2012

Clarifications issued by the Contracting Authority relating to public procurement procedure “Ongoing evaluation of IPA Cross-Border Programmes managed by Republic of Bulgaria”

Question 1:

In conformity with PRAG rules, under competitive negotiated procedure the Contracting Authority draws up a list of at least three service providers of its choice.

Is there a list with companies invited by the Contracting Authority to the competitive negotiated procedure for ongoing evaluation of IPA Cross-Border Programmes managed by Republic of Bulgaria?

Answer: In order to ensure participation of sufficient number of tenderers, broad transparency and competitiveness, the Contracting Authority has decided to open the participation in tendering to all legal persons and international organization, described in details in Instruction to tenderers, instead drawing up a list with service providers of its choice. As a result of this decision, no information about invited companies under the procurement procedure is presented in Annex B8o”*List of entities invited to submit a tender*”, section C of the Tender Dossier (TD).

Question 2:

Does the Assignor require 3 different working teams composed of different key experts for each of the 3 lots of the tender?

Answer: The specific requirements are given in p. 4.1 a) of the Annex b8b_Instruction to tenderers, where it is explicitly stated that *“the key experts proposed in this tender must not be part of any other tender being submitted for this tender procedure”*. Having in mind that one tender procedure for on-going evaluation divided into 3 lots has been launched and for each separate position (lot) the tenderer should submit individual technical and financial offer, the key experts proposed in one tender offer (for one lot) must not be part of any other tender (for the same or other lot/s) being submitted for the tender procedure in subject. In that connection the tenderer (intended to apply for more than one lot) is supposed to organize the assignments of key experts in order to ensure timely and qualitative implementation of the service contracts.

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Question 3:

Is it possible a key expert to participate in more than one Lot and if yes, in how many?

Answer: Please refer to the answer for question 2.

Question 4:

If an expert has held 2 key positions in evaluation project funded by the EU and currently holds a key expert position in an evaluation project under implementation again funded by the EU, is this will be accepted as relevant experience for “at least 2 assignments as key expert in programme evaluation projects, funded by EU funds/instruments”?

Answer: The Contracting Authority considers as acceptable both, if an expert holds a key position in evaluation project, funded by the EU and/or he/she has been holding a key expert position in evaluation project, funded by the EU, which is on-going at the time of completion/submission of the offer. In case the expert does not complete his/her assignment under the on-going contract, the tenderer should present reference for the quality of the implementation of the performed activities by the expert issued by the relevant Contracting Authority of the project.

Question 5:

What exactly is understood under the requirement: ‘the cash and cash equivalents at the beginning and the end of each of the past three years (2009, 2010 and 2011) must be positive’? Do we need to prove profit for each of the 3 years or the balance sheet will be point of assessment? According to Bulgarian legislation the profit/loss is stated in the P&L statement at the end of the year and the balance can be issued to a given date either at the beginning or the end of the year. What documents are required to prove the required condition- P&L for each of the 3 years, Balance sheet as part of the annual report of the company +balance towards the beginning of each year, cash flow reports?

Answer: The requirements of “Economic and financial capacity of tenderer” is based on item 3 of the Tender submission form, when explicitly is stated that: *“Cash and cash equivalents comprise cash on hand and demand deposits, together with short-term, highly liquid investments that are readily convertible to a known amount of cash, and that are subject to an insignificant risk of changes in value. An investment normally meets the definition of a cash equivalent when it has a maturity of three months or less from the date of acquisition. Equity investments are normally excluded, unless they are in substance a cash equivalent (e.g. preferred shares acquired within three months of their specified redemption date). Bank overdrafts which are repayable on demand and which form an integral part of an enterprise's cash management are also included as a component of cash and cash equivalents.”*

Concerning required documents, please, refer to point 2.4.11 of the Practical Guide.

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Question 6:

In case of a consortium that's not legal person, do we need to present original or notary verified consortium agreement?

Answer: In this case the tenderer should present consortium agreement in original or notary verified copy of the document together with the other relevant documents of the tender submission form.

Question 7:

Is there a specific requirement of the field of services provided under the implemented contracts/projects? It is stated that 'the tenderer should prove that has worked successfully on at least two projects with a budget of at least 60 000 euro each in fields related to this contract which were implemented or completed at any moment during the following period: 1.01.2009 – 31.12.2011', but no specific requirements are stipulated on the main goals and areas of this projects. Is it acceptable to provide service contracts in the field of financial planning, strategic planning, and business development services?

Answer: The tenderer should prove that has worked successfully on at least two projects with a budget of at least 60 000 euro each in the field related to the contract description, specified in p. 7 of the Service Procurement Notice.

Question 8:

In case the bidder intends to present an offer for all 3 lots, we understand that 3 separate tenders shall be prepared and that for each of the 3 separate tenders a technical and financial offer will be prepared. Is the interpretation correct or are there alternative possibilities?

Answer: According to p. 8 "Submission of tenders" of the Instruction to tenderers, tenders must be submitted for each lot by using the double envelope system. The tenderers intended to apply for all three lots have to prepare three separate tenders. Each tender has to be in outer parcel or envelope containing two separate, sealed envelopes, one bearing the words "Envelope A - Technical offer" and the other "Envelope B - Financial offer".

Question 9:

The Terms of Reference of all the 3 LOTS include under Chapter 4. Scope of Work a key evaluation question entitled "iii. Relevance of the Programme" - whether under this question the consultant is required:

- to analyze the continued relevance of the Programme in respect of the changes occurred in the socio-economic context of the Programme area or
- to analyze the added value of the Programme for the area?

Answer: The relevance aspect of the evaluation exercise aims to analyze the added value of the

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Programme for the cross-border area and in particular the contribution of the programme for the cross-border region development and programme’s complementary to the other related policies and strategies.

Question 10:

The service procurement notice specifies under par. 9 Maximum budget that:

Total amount 170 000 EUR, consist of:

LOT 1: The contract value is maximum 60 000 EUR.

LOT 2: The contract value is maximum 50 000 EUR.

LOT 3: The contract value is maximum 60 000 EUR.

Please clarify if the VAT is included in these amounts or not.

Answer: The contracts values specified in the Tender Dossier include VAT.

Question 11:

The Terms of Reference of all the 3 LOTS require under par. 1.1.1. Key experts, that the Team Leader is in possession of "at least 3 years' experience in management of the EU territorial cooperation or in particular cross-border cooperation programmes".

Please specify whether experience in support to the management (e.g. support for controls, external evaluation, project appraisal, support to the execution of system audits and audits of operations) of EU territorial cooperation or in particular cross-border cooperation programmes fulfills the above requirement.

Answer: As it is clearly stated in the Terms of Reference, the position “Team leader” requires experience in management of EU territorial cooperation or cross-border cooperation programmes, which mean that he/she should have been involved in activities related to planning, organization, control, coordination etc. within the above mentioned type of programmes.