

Tender no: PS/SRV/PIU/010/2024

Framework Contract for supporting Georgia, the Republic of Moldova, and Ukraine in carrying out policy and regulatory reforms in line with the priorities established in the Transport Community Treaty

Clarification no. 2

No.	Clarification request	Contracting authority's answer
1.	Tender specification, in section 9.1 Key experts, prescribe qualifications and skills, professional experience and specific/project-related experience for the key experts. Additionally, Instruction for tenderers, in section IV.3.1.a) Project team, specifies that "For full time assignment: evidence proving the share of the relevant specific activities within the overall job-related responsibilities". Can you clarify what kind of proof will be deemed as	<p>For the purposes of this procedure, full-time assignments refer to full-time employment contracts.</p> <p>Evidence demonstrating the proportion of the relevant specific activities within the overall job-related responsibilities should basically include the employee's job description, complemented, if case, by a certificate from the employer outlining the overall share of these activities. If the employer's identity and/or mandate together with the employee's job description provides sufficient evidence with regard to the share of relevant responsibilities, no further evidence is required. For example, employment in a technical position within a road safety department/agency would qualify</p>

	<p>adequate for full-time employment to prove this share?</p>	<p>as full-time relevant experience “<i>in developing and/or implementing road safety policies</i>”, as provided under the Technical Specifications for KE no. 5 with the job description serving as adequate evidence. On the contrary, a full-time position within a technical department of a Ministry would only count as specific experience in “<i>assessing and/or drafting laws, regulations, or administrative procedures for alignment with the EU acquis</i>” (as required for KE no. 1) if additional and relevant evidence is provided in order to prove the share of such activities within the employee’s overall responsibilities.</p>
<p>2.</p>	<p>Also, considering the same sections, can full-time employment be considered as assignment as per Tender specification and Instruction for tenderers and is it then one full-time employment equal to one full-time assignment?</p>	<p>See above. Full-time employment shall be deemed equivalent to a full-time assignment.</p>
<p>3.</p>	<p>If the expert's tasks under full-time assignment/employment are all related to the relevant specific experience, do we count one full-time employment as one project? What if an expert was full-time employed in a Ministry or relevant public body over five years and had worked on</p>	<p>When the requirements for experts’ specific experience are expressed in terms of years, and the expert’s tasks under full-time assignments or employment are entirely related to the relevant experience, the entire period spent in that position shall be counted as relevant experience.</p>

	<p>several programmes/projects during these years - do we then count these projects or the employment?</p>	<p>If the requirements are expressed as a number of projects, one full-time employment shall count as one project – unless the expert can demonstrate direct and personal/nominal involvement as project manager or equivalent for one or more specific projects or assignments implemented by the Ministry or relevant public body during their employment. In such cases, the expert may also count such subsequent assignments as “projects” in addition to the full-time employment.</p> <p>General statements about experts having been “involved” in one or more projects carried out or supervised by a Ministry/other relevant public body during their employment will not be considered, if not supported by the evidence mentioned above.</p>
<p>4.</p>	<p>Can you clarify the expected ration between remote work and location-based work for key experts?</p>	<p>As provided under Section 8 of the Tender Specifications, <i>“much of the work to be carried out under the Subsequent Contracts for Technical Assistance can and should be conducted remotely”</i>. It is further stated that, <i>“the Key experts’ and Category I non-key experts’ presence in Georgia, Moldova and Ukraine for Technical Assistance related assignments is expected to remain limited. Whenever specific assignments necessitate active engagement with stakeholders through in-person meetings, on the-ground interviews, or similar activities, priority will be given to Category II non-key experts whose availability on site is</i></p>

		<p><i>presumed. On the other side, unless explicitly agreed otherwise, Capacity Building assignments will always require the physical presence of the Contractor’s staff responsible for Event delivery.</i></p> <p>Given that the specific type and number of assignments under the Framework Contract are not predetermined, it is impossible to provide more detailed estimations than those already quoted above. However, it is clear that the physical presence of key experts in Georgia, Moldova, and/or Ukraine for Technical Assistance Services is expected to remain exceptional. In contrast, if any of the nominated Key Experts deliver Capacity Building Events, their presence at the event location will be required. Unless otherwise agreed by the Parties under a specific Subsequent Contract, the delivery of Events will always require in-person attendance of the involved Expert(s).</p> <p>Additionally, in-person presence of experts in Ukraine for Events delivery or otherwise will be conditioned by the prevailing security conditions.</p>
5.	<p>For all of the key experts, the professional experience is prescribed as at least 15 years of general post graduate professional experience. This seems to be different from recent tender</p>	<p>The stated requirement has been established in line with the Contracting Authority’s expectations regarding the level of seniority and overall experience required for the positions. This practice is non-discriminatory and aligned with current standards, granting the Contracting Authority full</p>

	<p>procedures you have launched and awarded in which ten years of professional experience was required for key-experts. We for instance make reference to tender procedures PS/SRV/NAP/011/2024, PS/SUP/PIU/004/2024 (apart from the team leader) and PS/SRV/PIU/006/2024. It also differs generally from requirements set by for instance the European Commission and the European Investment Bank. What are your considerations for raising the requirements for experience from 15 to 10 years? And are you prepared to drop back to 10 years or, say, 12 years? This will make it easier for us to offer the appropriate key experts.</p>	<p>discretion over the imposed quality criteria. Comparisons with other procurement procedures whether conducted by the Contracting Authority or otherwise are not entirely relevant, as their object and underlying conditions differ.</p> <p>Modifying an established requirement at this stage to facilitate submission of compliant tenders by potential bidders is not possible, as it would breach key procurement principles such as non-discrimination and equal treatment.</p>
6.	<p>In the Instructions for Tenderers, page 18-40, section III.1.3. ECONOMIC AND FINANCIAL STANDING, regarding the criterion 1 & 2, is there any standard form to complete besides the supporting documents to be submitted?</p>	<p>No specific form/template should be completed, aside from the submission of the indicated supporting documents.</p> <p>However, we strongly encourage bidders to separately detail the calculation of the yearly turnover (Criterion 1) and the assets/liability ratio</p>

		(Criterion 2), referencing the supporting documents that substantiate these figures in order to facilitate the evaluation committee's work.
7.	In Annex 7 – “POWER OF ATTORNEY”, we read after the Procurement Procedure PS/SRV/PIU/010/2024: “ Invitation to tender no.: [insert contract notice number ...]” please let us know the number, if any or please advise.	Contract notice number is 37069-2025, as assigned by the Supplement to the Official Journal of the EU in which it was published.
8.	In Annex 8 – “IDENTIFICATION OF THE TENDERER” , we read after the Procurement Procedure PS/SRV/PIU/010/2024: “ Contract Notice no.: [insert ... and date of publication ...]” please confirm is this 17/01/2025? please advise.	Publication date is 20/01/2025, as outlined in the Supplement to the Official Journal of the EU.
	Please confirm that language of the trainings/seminars/workshops under Capacity Building component is English language	As a matter of principle, the language of the trainings/seminars/workshops under Capacity Building component shall be English. To the extent that the target audience will consist solely of nationals of one observing participant and the Event will be delivered by a local expert, participants may agree to use the local language to facilitate communication. However, no translation/interpretation services will be required for Events delivery.

<p>On page 14 of the Technical Specification it is stated that types of services delivered under the Technical Assistance component may <u>include drafting legal acts: Preparation of primary and secondary legislation meant to ensure compliance with the relevant EU acquis.</u> Please clarify what type of service is expected from the Contractor since drafting of the legal acts is task of working groups within Ministry in each country</p>	<p>Draft versions of legal acts aimed at ensuring compliance with/implementation of specific EU acquis may (and are expected to be) among the deliverables to be produced under the Framework Contract. While the Contracting Authority fully acknowledges that the right to legislative initiative rests with the relevant state bodies, there is no restriction preventing experts from preparing drafts of such legal acts. These drafts can subsequently be adopted and promoted by the relevant authorities, following a well-established practice in cases where the drafting of legal texts requires external expertise.</p> <p>The Contractor's responsibility for the proposed drafts legal texts will cease upon approval of deliverables under the relevant Subsequent Contract. The legislative process will be initiated and managed by the relevant authorities in Georgia, the Republic of Moldova or Ukraine and will not be impacting the approval of the deliverables under the Subsequent Contract. After the deliverables are approved, the Contractor will not bear any responsibility for implementing or addressing any modifications that may arise during the legislative process.</p>
<p>Regarding the services listed in the Technical Specification under the Technical Assistance component, please clarify in which way</p>	<p>The assignments under the Framework Contract shall be implemented on a case-by-case basis, following the submission of a Request for Services from the Contracting Authority, in accordance with the procedure outlined</p>

	<p><i>assignments are being split by single country. Is it allowed to Contractor to group assignments UPON RECEIVING REQUESTS FROM ALL BENEFICIARIES</i></p>	<p>in Section 4 of the Technical Specifications and the draft Framework Contract.</p> <p>The Contractor will receive Requests for Services exclusively from the Contracting Authority, which is responsible for consolidating the needs of end recipients/beneficiaries and translating them into specific Requests for Services addressed to the Contractor.</p> <p>At this stage, the distribution of individual assignments across countries remains undetermined. Bidders are advised to carefully review the provisions of Section 1 in the Technical Specifications, which explicitly state the following:</p> <p><i>“To date, the Republic of Moldova has been the sole beneficiary of the Technical Assistance services provided under the Transport Community's Grant Contract. While the Framework Contract includes all three observing participants, Moldova is expected to continue receiving the majority of support under the baseline scenario. However, there is also a possibility that future assistance may prioritise Ukraine and/or Georgia, balancing the prior support already extended to Moldova.”</i></p>
	<p>Please confirm that all inputs necessary for preparation of all deliverables by the Contractor</p>	<p>All deliverables shall be prepared in English, with some, such as draft legal acts, also being prepared or translated into the local language.</p>

	<p>under this framework contract will be in English language</p>	<p>There is no guarantee that all necessary inputs will be available in English, and in fact, it is more likely that they will not be. Challenges such as limited availability of English-language inputs, the need to prepare deliverables in local languages, and the high level of engagement required on the ground will be addressed by mobilising Category II non-key experts whenever case, as their availability and proficiency in the local languages are presumed. Notwithstanding the involvement of Category II non-key experts, translation of documents and reports shall not be reimbursed separately and is considered included in the applicable rates and prices.</p>
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