

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. 3

No.	Clarification request	Contracting authority's answer
1.	<p>In the Instructions for Tenderers, section IV.3.3. TENDERER IDENTIFICATION, page 33-40, we read : <i>“The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form (Annexe 9) <u>with its supporting documents</u>”</i>. Could you kindly please let us know what the supporting documents are?</p>	<p>Annexe 9 – Financial Identification Form includes several instructions for completion at the bottom of the page that bidders are kindly requested to consider. Among these, point 5 literally states the following: <i>“It is preferable to attach a copy of RECENT bank statement. Please note that the bank statement has to confirm all the information listed above under 'ACCOUNT NAME', 'ACCOUNT NUMBER/IBAN' and 'BANK NAME'. With an attached statement, the stamp of the bank and the signature of the bank's representative are not required. The signature of the account-holder and the date are ALWAYS mandatory.”</i></p>

		No other supporting documents for Annexe 9 are required.
2.	<p>Please confirm our understanding of the type of service under Technical Assistance component (Technical Specifications 3.3.1. Technical Assistance) related to ²<i>Drafting legal acts: Preparation of primary and secondary legislation meant to ensure compliance with the relevant EU acquis</i>²: The service provider will prepare Table of compliance of a Law or by-law with respective EU Directives, which will be used during the preparation of a amendment of Law or sub-legal act, but will not independently draft an amendment to law and submit it to the respective Ministry. The service provider will advise the respective Ministry during the process of legislative change in regards to technical standards of EU Acquis with benchmarks from EU member states and provide examples of how specific technical matter has been regulated in EU member state.</p>	<p>Bidders' attention is drawn to the fact that the services to be provided under the Framework Contract are not predetermined, and the list in Section 3.3.1 of the Technical Specifications is provided for illustrative purposes only. (<i>"The types of services to be delivered under the Technical Assistance category may include" "The topics above are indicative and serve only to provide an overview of the key priority areas and types of services to be possibly implemented under the Framework Contract. The list might be further supplemented and modified, based on the concrete circumstances and needs of the key stakeholders. The Contracting Authority reserves the right to refine or expand the scope of services under individual requests, provided that the topics concerned:</i></p> <ul style="list-style-type: none"> - <i>Align with the priority areas established in the Transport Community Treaty and/or the Grant Contract,</i> - <i>Fall within the scope of expertise the Contractor is required to provide under the Framework Contract")</i> <p>Regarding the specific question raised, we do NOT confirm your interpretation. If the need arises, the Consultant may be required to prepare draft laws, bylaws, or amendments to existing legislation – along</p>

		<p>with any necessary supporting documentation under the applicable law (such as explanatory notes or an ex-ante impact assessment) – to ensure compliance with certain pieces of EU acquis. Please also refer to response no. 10 under Clarification no. 2 which states that “<i>while the Contracting Authority fully acknowledges that the right to legislative initiative rests with the relevant state bodies, <u>there is no restriction preventing experts from preparing drafts of such legal acts.</u> 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.</i>”</p> <p>However, it should be noted that the Contractor will only bear contractual responsibility for the deliverables it prepares (including, if applicable, draft versions of legal acts). This means that the deliverables will be submitted to the Contracting Authority (not directly to the relevant ministry) and approved in accordance with the procedure outlined in Section 7 of the Technical Specifications. The Contractor's responsibility will cease upon the approval of the deliverable within the contractual framework and will not extend to any actions related to the legislative process itself (such as promotion or adoption).</p>
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