



EUROPEAN UNION

DELEGATION OF THE EUROPEAN COMMISSION
TO THE REPUBLIC OF SERBIA

Belgrade, 16/04/2009

1012/09 SA/SND

CONTRACTING AUTHORITY'S CLARIFICATIONS No. 1

**Technical Assistance to improve the efficiency and transparency of the Judiciary
System, Serbia**

Publication ref.: EuropeAid/127704/C/SER/RS

Tender no.: 07SER01/04/21

No	Question	Answer
1	If some global Company has its own 100 % owned Company in Serbia, and if that local Company in Serbia wants to participate in this service procurement, and if that local Company wants to represent some qualification references of Mother Company (100 % owner) or some references of some other 100 % owned Company in some other country from the same owner like Company in Serbia, is it possible that local Company from Serbia apply alone for procurement and represent some qualification references from 100 % Owner Company and other 100 % owned Companies of the same owner, or it is necessary that local Company from Serbia makes Consortium with all Companies connected like this in order to represent the references?	<p>According to Point 21 (Selection criteria) of the Service procurement notice for the project in subject:</p> <p>“ An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator.”</p>
2	In description of selection criteria 3(a) is written that is needed that Candidate has worked successfully on at least 2 EC-	1. The technical capacity requirement published in the service Procurement Notice for the above-mentioned project under Section 21 Selection

	<p>and/or internationally-funded projects in the required fields of general expertise described in Article 7.</p> <ol style="list-style-type: none"> 1. Is it acceptable that Candidate has signed a contract for this kind of project and the project is in execution now, or it is necessary that project is finished? 2. Is the project that is financed from the Government of some EU member accepted like EC-and/or internationally-funded project? If it is not, what kind of organizations exactly can be financial authorities of this kind of projects? Are the projects that are financed from funds: World Bank, EBRD, EAR, IPA, PHARE acceptable? Is the project financed from some loan given from some credit authority and guarantied from the Government of some EU member accepted? 	<p>Criteria, Point 3(a), having used the term 'successfully' clearly indicated that only completed projects shall be considered as relevant.</p> <p>Consequently, ongoing projects shall not be considered as acceptable regarding technical capacity criterion 3(a).</p> <ol style="list-style-type: none"> 2. Only projects funded by the EC Budget and international financial organizations are eligible.
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