



Republic of Serbia

MINISTRY OF FINANCE

Department for Contracting and Financing of EU Funded Programmes (CFCU)

Belgrade, 31 October 2022

CONTRACTING AUTHORITY'S CLARIFICATIONS No.1

Implementation of Automated Import System (AIS), Automated Export System (AES) and Customs Decision System (CDS)

Publication ref: NEAR/BEG/2022/EA-RP/0116

No.	Question	Answer
1	<p>Subject: Clarifications regarding the country eligibility Description: Dear Sir/Madam, We would like to know the possibility for a company registered in Uruguay to participate in this Tender as a member of Consortium (the leader of Consortium would be a company registered in the UE). If there is a restriction for the companies from Uruguay to be a part of the Consortium, than please let us know if those companies can provide a company from the EU a letter of undertaking regarding their references and if those companies could be later subcontracted for the tender. Thank you very much in advance.</p>	<p>No, economic operators established in Uruguay may not participate, nor extend their capacities to the candidates pursuant to award of procurement contracts financed under IPA II. Please refer to section 4 of the Additional information about the contract notice, stating, among the others, that the participation is open to all natural persons who are nationals of and legal persons which are effectively established in a Member State of the European Union or in an eligible country or territory as defined under Article 8 of Regulation (EU) No 236/2014.</p> <p>More details are provided in section 2.3.1 The rule of nationality of the Practical Guide (PRAG), available at the following link: https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG</p> <p>Furthermore, please see Annex A2a Eligibility programmes 2014-2020 of the PRAG practical guide, version 2021.1, applicable as of 24 June 2022 for the rules on participation in procurement procedures and grants, available at the following link: https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes</p>

Contracting Authority's clarifications no.1

No.	Question	Answer
2	<p>Subject: Additional information about the Contract Notice: - 4. Legal basis, eligibility and rules of origin: Q1, Q2 - 16. Selection criteria: Q3, Q4, Q5, Q6.</p> <p>Description: We are kindly ask you to confirm the following:</p> <p>Q1: Is the Republic of Moldova eligible to submit a request to participate to this restricted procedure?</p> <p>Q2: Is the UK eligible to submit a request to participate to this restricted procedure?</p> <p>Q3: If an economic operator (i.e. candidate or tenderer) doesn't rely on the capacities of its parent company to fulfill the selection criteria, the parent company must be part of the consortium?</p> <p>Q4: If an economic operator (i.e. candidate or tenderer) doesn't rely on the capacities of its parent company to fulfill the selection criteria, the parent company must submit the Declaration on Honour on exclusion criteria and selection criteria?</p> <p>Q5: If an economic operator (i.e. candidate or tenderer) doesn't rely on the capacities of its parent company to fulfill the selection criteria, the parent company must submit the financial data and manpower required in the FORMAT FOR THE DECLARATION REFERRED TO IN POINT 7 OF THE REQUEST TO PARTICIPATE FORM?</p> <p>Q6: What documents/forms/information must present the parent company of the economic operator which submit a request to participate to this restricted procedure? Thank you in advance for your answers and clarifications!</p>	<p>Answer to Q1: Yes, participation in the award of procurement contracts is open to all natural persons who are nationals of, and legal persons who are effectively established in Republic of Moldova. Please also refer to the answer to the question no.1.</p> <p>Answer to Q2: Yes, for UK candidates or tenderers, those persons and goods are eligible under this call. For more details, please refer to the answer to the question no.1.</p> <p>Answer to Q3 – Q5: No, in case an economic operator does not rely on the capacities of the parent company or capacity providing entities/subcontractor, information provided in the Request to Participate should strictly depict capacities of said economic operator(s). The parent company does not have to be a member of consortium nor it should submit Declaration on Honour, and the financial data and manpower required in Declaration referred to in Point 7 of the Request to Participate.</p> <p>Answer to Q6: According to the section 18. of the Additional information about the Contract Notice requests to participate must be submitted using the request to participate form, the format and instructions of which must be strictly observed. The request to participate form is available from the following Internet address: https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes</p> <p>The request to participate must be accompanied by a declaration on honour on exclusion and selection criteria using the template available from the following Internet address: https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General</p>

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3	<p>Subject: Regarding point “16. Selection Criteria” subsection “3) Technical Capacity”</p> <p>Description: Kindly confirm our understanding, that the minimum budget of at least EUR 2.500.000 should be covered cumulatively by the candidate through at least two (2) contracts implemented in the reference period.</p>	<p>Please note that your understanding is not correct.</p> <p>Additional Information about the Contract Notice, Section 16. Selection Criteria, subsection 3) Technical Capacity has been modified through the Corrigendum no. 1.</p> <p>Therefore, please refer to the Corrigendum no. 1.</p>
4	<p>Subject: Regarding point “16. Selection Criteria” subsection “3) Technical Capacity”</p> <p>Description: Kindly confirm that multiple orders which are part of the same framework contract can be submitted with a cumulative value and will be accepted by the contracting authority as being part of the same reference contract.</p>	<p>Contracting Authority cannot give an opinion on the assessment of the request to participate, as indicated in the section 3.4.1.2 Publication of Contract Notice of the Contract Procedures for European Union external action – A practical guide, version 2021.1 – 24 June 2022 (available on the following link: https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG).</p>
5	<p>Subject: Regarding point “16. Selection Criteria” subsection “3) Technical Capacity”</p> <p>Description: Kindly confirm that multiple specific contracts which are part of the same framework contract can be submitted with a cumulative value and will be accepted by the contracting authority as being part of the same reference contract.</p>	<p>Contracting Authority cannot give an opinion on the assessment of the request to participate, as indicated in the section 3.4.1.2 Publication of Contract Notice of the Contract Procedures for European Union external action – A practical guide, version 2021.1 – 24 June 2022 (available on the following link: https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG).</p>
6	<p>Subject: Request for clarifications from 06/10/2022</p> <p>Description: Dear Sir/Madam, Please be so kind to inform when would we receive the clarifications for the question we submitted on 06/10/2022. Kind regards.</p>	<p>Please see Additional information about the Contracting Notice, Article 21. Clarifications on the contract notice in which is stated that the clarifications will be published on TED eTendering website at the latest 8 days before the deadline for the submission of requests to participate.</p>
7	<p>Subject: Corrigendum of 28/10/2022</p> <p>Description: The Corrigendum of today lowers substantially the minimum value of project references, so it introduces an important change in the selection criteria. Please extend the deadline for submission by at least two weeks in order to allow us to accommodate this change.</p>	<p>Please note that with the Corrigendum to Contract Notice and Additional information about the tender procedure the deadline for submission of applications has been extended accordingly.</p> <p>Therefore, please refer to the Corrigendum no. 1.</p>