



## CONTRACTING AUTHORITY'S CLARIFICATIONS No. 5

**Project title:**  
**Study on modalities to include electricity from RES into the distribution network and smart grids**

**Publication reference: EuropeAid/139116/DH/SER/RS**

No.	Question	Answer
1.	<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. If they do, they must prove to the contracting authority that they have the resources needed to perform the contract, for example by producing a commitment from those entities to place resources at their disposal”</p> <p>Could you please precise if the data for this entity(ies) for the relevant selection criterion (technical and professional or economic and financial data) should be included in the tender in a separate application form ?</p> <p>Also, is there a standard form for the letter of intent (commitment from the entity to place resources at their disposal) ?</p>	<p>Regarding the economic operator in the context of that provision data needs to be submitted regarding the technical and professional or economic and financial data).</p> <p>Please note that there is no standard letter form applicable for the letter of intent to be submitted by an economic operator.</p>
2.	<p>According to selection criteria 21.3.b. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment).</p> <p>Could you please clarify what are the documents that may be considered as a proof of final payment?</p>	<p>An evidence of the performance of a completed contract could be in the form of a statement or a certificate from the entity which awarded the contract (Contracting Authority, Beneficiary, Employer) as well</p>

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	<p>Namely, being part of a big corporation for us means that in some cases we do business through our local affiliates, whereas they act as a main contractor with the customer and we are engaged as a subcontractor, executing our portion of the work. Accordingly, we are invoicing our affiliates for our portion of the work, and the affiliate, as the main contractor, issue the final invoice to the customer.</p> <p>Thus, would it be acceptable as a proof of final payment to deliver our invoices issued to our local affiliate for particular project, accompanied with a bank statement confirming the payment, cover letter of the contract (excluding confidential data), and e.g. a declaration signed by our legal representative, confirming the above described situation?</p> <p>Finally, is it obligatory for us to register in the PADOR online database, and submit application in the PROSPECT online platform as stated on your site <a href="http://europa.rs/open-tenders/?lang=en">http://europa.rs/open-tenders/?lang=en</a>, having in mind that Service Contract Notice defines submitting of applications either by recorded delivery or hand delivery?</p>	<p>as proof of final payment. In case of an on-going project proof of partial payment could be documentary evidence. The percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if a candidate/tenderer has implemented the project in a consortium.</p> <p>Registration in the PADOR online database, and submission of application in the PROSPECT online platform is applicable for grant submissions.</p> <p>Please note that the applications are to be done either postal delivery with the acknowledgement of receipt or hand delivery.</p>