



EUROPEAN UNION
DELEGATION TO THE REPUBLIC OF SERBIA

CONTRACTING AUTHORITY'S CLARIFICATIONS No. 1

Project title: Development of system for management of Cohesion Policy

Publication reference: EuropeAid/139025/DH/SER/RS

No.	Question	Answer
1.	<p>The technical capacity criterion 21.3 is defined as – the candidate has provided services under at least two projects (with a value of the activities in each project carried out by the candidate being at least 700,000 EUR) in the field of institutional capacity building for preparation and/or management of Cohesion Policy programmes. While part 7. Contract description of the Service Contract Notice, defines the purpose of the contract as enhancing capacities for timely and efficient preparation, implementation, monitoring and evaluation of programmes and projects supported by Structural Funds and Cohesion Fund.</p> <p>According to information published on EU official website¹, the European Structural and Investment Funds include the five main funds that work together to support economic development across all EU countries:</p> <ul style="list-style-type: none"> • European Regional Development Fund (ERDF); • European Social Fund (ESF); • Cohesion Fund (CF); • European Agricultural Fund for Rural Development (EAFRD); • European Maritime and Fisheries Fund (EMFF). <p>Every EU region may benefit from the ERDF and ESF, however, only the less developed regions may receive support from the Cohesion Fund.</p> <p>Taking into account the above, the fact that Cohesion Fund is specifically related to a Member States whose Gross National Income (GNI) per inhabitant is less than 90% of the EU average and the fact that only 16 Member States out of 27/28 in the period 2007-2013 and 15</p>	<p>In the Contract Notice, Section 21.3 – Technical capacity of candidate, the following is stated:</p> <p>The candidate has provided services under at least two projects (with a value of the activities in each project carried out by the candidate being at least 700,000 EUR) in the field of institutional capacity building for preparation and/or management of Cohesion Policy programmes.</p> <p>In accordance with Regulation (EU) No 1303/2013, the Funds providing support under Cohesion Policy are:</p> <ul style="list-style-type: none"> • European Regional Development Fund (ERDF); • European Social Fund (ESF); and • Cohesion Fund (CF). <p>The projects in the field of institutional capacity building for preparation and/or management of Cohesion Policy programmes financed by ERDF, ESF and CF will be considered eligible.</p>

¹ http://ec.europa.eu/regional_policy/en/funding

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	<p>Member States out of 28 in the period of 2014-2020 participated in implementation of cohesion policy programmes, which could be regarded as discriminatory and which effectively restricts the number of eligible candidates for participation² in this particular contract, could you please clarify whether projects related to institutional capacity building for preparation and/or management of other European Structural funds (among which ERDF and ESF that are subject to the same rules of programming, managing and monitoring through the Common Provisions Regulation³) would be considered as eligible?</p>	

² In accordance with Procurement and Grants for European Union external actions – A Practical Guide (PRAG) and its article 2.4.11.1 Selection criteria, each Contracting Authority must draw up clear and non-discriminatory selection criteria for the purposes of assessing that the candidate / tenderer has sufficient financial, economic, technical and professional capacity to implement the tasks of the contract. The PRAG examples of criteria not to be used are:

- Requesting technical experience relating to EU projects only, as this may in general be regarded as discriminatory;
- Requesting technical experience in an overly prescriptive manner which effectively restricts the number of eligible candidate to one or a few firms.

³ http://ec.europa.eu/regional_policy/en/funding/cohesion-fund