

CLARIFICATION NO. 2 TO THE CONTRACT NOTICE

Ref. DEVCO/2020/EA-RP/0009

EuropeAid/140676/DH/SER/UA

“INSC - Establishment of an Appropriate Programme Management Infrastructure inside the State Agency of Ukraine for the Management of the Exclusion Zone”

N°	Question from applicant	Answer from the Contracting Authority
1	<p>Could you kindly advise whether the proportion of the contract which the proposed contractor intends to subcontract to third parties should be indicated and whether there are any restrictions with regards to the said proportion?</p>	<p>Subcontracting is indeed allowed. Although implementation of certain services may be subcontracted, the contractor remains fully responsible for the execution of the contract in accordance with the terms of the contract. The Financial Regulation, Annex I, point 18.8., foresees that “the contracting authority may require that certain critical tasks be performed directly by the tenderer itself or, where the tender is submitted by a group of economic operators, a participant in the group.”</p> <p>Given that this is a restricted tender procedure (PRAG 2.6.3.), you are currently not required to provide details on sub-contracting arrangements. Please also be aware that in the application form for EU/EDF-funded service contracts a subcontractor is not considered to be a consortium member. Subsequently, data on subcontractors must not appear in the data related to the economic, financial and professional capacity.</p> <p>However, economic operators will need to state their intention to subcontract in Annex III Organisation & Methodology, providing a description of any subcontracting arrangements with a clear indication of the tasks that will be entrusted to subcontractors and a statement by the tenderer guaranteeing the eligibility of subcontractors.</p> <p>The tender dossier, including Annex III, will be shared with shortlisted candidates only after the shortlisting. Please note that in restricted tenders only those economic operators who satisfy the selection criteria may be invited to submit a tender.</p>