Barcelona, 27 May 2020

**ANSWERS TO QUESTIONS**


With reference to the above-mentioned negotiated procedure without publication, please find below the answers to the questions posed by the interested companies:

**REQUEST FOR CLARIFICATIONS Nr. 1 (dated Tue 26/05/2020 16:47)**

**Question 1: Candidature and invited tenderers alliances prohibited**

We would like to be sure to have understood correctly the rule on consortia.

Reading point 2.6.3. Restricted procedure of Practical Guide for Procurement and Grants for European Union external actions, and points 12 and 14 of the service contact notice, it seems to us that consortia are not allowed unless already formed and included as such in the list of invited tenderers, is that correct?

As a matter of example, in the list of invited tenderers there are organisations A and B, and C, which is an already existing consortium:

- Can A and B for a consortium between them? (We guess the answer is no)
- Can A form a consortium with D, which is an organisation which has not been invited to the tender? (We guess the answer is no)
- A and B cannot form consortia at all and must reply to the call for tender alone (We think this is the case)
- The only consortium allowed is C, which was already formed and included in the list of tenderers (We think this is the case, even if in the list of tenderers for this call there are no consortia, so this is not relevant)

**Answer:** Invited service providers or consortia are not allowed to form alliances with any other firms or to subcontract to each other for the purposes of this contract, in accordance with section 3.e) of the instructions to tenders and point 14 of the contract notice.

We confirm that A and B can not form any alliances for the purposes of this contract.

We confirm that A may form alliances with D (not invited) for the purposes of this contract.

We confirm that A and B may change their identity or composition if the contracting authority has given its prior written approval, in accordance with section 3.d) of the tender instructions.
Question 2: Experts

The tender preview the use of experts for the accomplishment of the service. There are few points which are not 100% clear to us.

If we understood correctly, according to the Practical Guide for Procurement and Grants for European Union external actions, experts are exempted for the nationality rule, so they can be of any nationality, isn't it?

Key experts have to be identified and provide CVs.

Can the same expert X be listed in two different proposals for tenders (submitted respectively by A and B), or should she or he commit exclusively for one tenderer (A for instance)?

Is there any requirement or limitation regarding contracting experts who are not employees of the tenderer (other than the experience requirements listed in point 6 of the terms of reference). From what we read it doesn't seem so to us, but we want to be sure.

Answer: The assessment of expert's profiles is part of the strategy.

The nationality of experts and other natural persons employed or legally contracted do not have to follow the nationality rules. Therefore, experts recruited or otherwise legally contracted by an eligible contractor/subcontractor, may be of any nationality.

Your understanding is correct, experts have to be identified and theirs CVs have to be provided as requested in 4.1. (3) of the instructions to tenderers

Exclusivity is not required for experts. Experts are free to be included in more than one offer for the same call for tender.

Proposed experts can be either employees of the tenderer or not. Therefore, it is possible to include CVs of experts other than those of the own staff.

Question 3: Technical capacity: contracts carried out over the past 3 years

Are these only contracts awarded by a public body such as a government or the European Commission through a competitive procedure or any contract (relevant to the topic of this tender) concluded between the tenderer and any legal entity? (e.g. an advisory service on internationalisation supplied by the tenderer A to university Y)

Answer: The experience required under the selection criteria required in section 19.3 of the contract notice can be from public or private sector (or both).