

CLARIFICATIONS NO: 1 to
CONTRACT NOTICE

Contract Title: Technical Assistance for Product Safety in E-Commerce
Location: Türkiye
Publication Reference: NEAR/ANK/2022/EA-RP/0213

Question 1:

Is it acceptable for candidates who perform activities listed in criteria of technical capacity as part of their operations, to submit their operations as references?

Question 2:

In the case that annual operations are provided under several references for different calendar years, would their consolidation be taken into consideration as a single reference?

Question 3:

Could you please clarify if the candidates who perform activities listed in criteria of technical capacity, as part of their operations can submit their operations as references?

Question 4:

According to the criteria, it states that *"The candidate has provided services under a single contract or similar assignment with a budget of at least 1,000,000 EUR (proportion carried out by the candidate) providing technical assistance services related to Product Safety, which was implemented at any moment during the reference period."* Could you please confirm if the activities performed by candidates "as part of their operations" are considered eligible as references within the reference period?

Question 5:

According to criteria 16.3.(1), the candidate should have provided technical assistance services related to Product Safety under a single contract or similar assignment. We assume that technical assistance services on Product Safety which are related to the same category of products but which have been provided to various Clients shall be considered as similar assignments. Please confirm.

Question 6:

According to criteria 16.3.(2), the candidate should have provided services related to establishment of software systems under a single contract or similar assignment. We assume that services related to establishment of software systems which are related to the same software system, but which have been provided to various clients shall be considered as similar assignments. Please confirm.

Answer 1, 2, 3, 4, 5 and 6:

Please note that the expression, "contract" is defined in the *Glossary of Terms* document of the PRAG as follows: ***"An agreement, between two or more persons or entities. It can take either the form of procurement contract — with specific terms and an undertaking to provide services, supplies and/or works in return for a financial consideration establishing specific terms and conditions to implement the action"***.

The term *"providing services under a single contract or similar assignment"* in the technical selection criterion refers to the services that have a certain duration (start and end date), scope and especially the budget.

In this context, daily operations of an institution/entity carried out within the requested scope can be submitted as a reference if the start-end dates, budget and scope can be documented with a contract-like document/act/agreement/assignment.

In the same way, if the daily operations are performed annually under the framework of an annual contracts/assignments, such kind of tasks can also be submitted in case they can be documented.

On the other hand, even if the daily operations are carried out within the scope of the same contract/assignment are performed on an annual basis, they should be presented as a single reference.

With regards to the acceptance of the reference/s, as per mentioned in Article 3.4.1.2 of the PRAG, “with a clarification, the contracting authority cannot give an opinion on the assessment of the request to participate” and the evaluation committee will decide on the admissibility of the references on a case by case basis adhering to the criteria.

Question 7:

We assume that product safety in this tender include food and non-food products. Please confirm.

Answer 7:

Please be informed that the field requested in the related criterion, *Product Safety*, refers to the products available on the market.

Question 8:

As a reference product, we specialize in the provision of cybersecurity software to private enterprises. Regrettably, these sales are not directly associated with e-commerce or product safety. Consequently, it becomes debatable whether these products can be considered reference products with regard to product safety. Can these products be considered as reference products?

Answer 8:

Please be informed that the fields that are specified in two technical selection criteria are mutually exclusive with each other; the first selection criterion requests technical assistance services related to product safety and the second one requires services related to establishment of software systems. Therefore, the reference/s submitted for the second criterion is not required to be related to product safety.

With regards to the acceptance of the reference/s, as per mentioned in Article 3.4.1.2 of the PRAG, “with a clarification, the contracting authority cannot give an opinion on the assessment of the request to participate” and the evaluation committee will decide on the admissibility of the references on a case by case basis adhering to the criteria.

Question 9:

Are there any further information available regarding the required services such as:

“provide various services such as strategy and action plan and software development, trainings, preparation of visibility materials, realization of seminars and workshops”.

Answer 9:

Please note that the purpose of the *Article II.1.4 Short description of the published contract notice* is to give an overview to the candidates regarding the project by means of sharing the objectives and results to be achieved and listing various activities to be carried out for achieving the goals. In this regard, some of the activities are listed as example under this article does not mean that the requested services are limited with those tasks. On the other hand, it is considered that the shared information is sufficient for this stage; the further details of the project will only be shared with the shortlisted candidates.