**CLARIFICATION NO:1 to Contract Notice**

**Publication Reference:** EuropeAid/139055/IH/SER/TR

**Subject:** Technical Assistance for Improving the Institutional Capacity of Directorate General of Foundations

**Question 1:**

We are a Malaysia-based private consultancy firm focused on public sector transformation, business turnaround and communications. We have experience in several countries which includes Oman, Nigeria, Russia, Botswana, Senegal and many others. Therefore, are we eligible to bid for this project?

**Answer 1:**

In general, participation in procurement procedures is open to all natural persons who are nationals of, and all legal persons which are effectively established in a Member State of the European Union or in a country eligible for the respective external financing instrument under which the specific project is financed. For each external financing instrument, specific rules on nationality and origin may apply.

As also stated Article 11 of the published Contract Notice, the tender is subjected to IPA II rules and countries eligible are as listed in Appendix 1, 2, 3 and 11 of the Annex A2a of the PRAG. The appendices could be followed from the below link:

<http://ec.europa.eu/europeaid/prag/annexes.do;JSESSIONID_PUBLIC=SZil1DYiteP2fenQ4tVIxuQKY1JFrUI1E-vU0wxu61Wi-nBO8y4j!1548957533?chapterTitleCode=A> (document A2a).

For this tender procedure, an international organisation can only be considered if it is a public sector organisation set by intergovernmental agreements or a similar entity specifically recognised by the regulations. Therefore, this definition is not applicable to the private entities even though they have wide global networks.

Please revisit the PRAG (Section 2.3) and its annexes for eligibility including the rule of nationality for programmes.

Please also note that the Contracting Authority cannot give an opinion on the assessment of the application with a clarification. The Evaluation Committee will decide on the admissibility of the applications on a case by case basis adhering to the provisions pertinent to the tender procedure.

**Question 2:**

We would like to know if it is possible to use as experts staff of a company affiliated to the tenderer (part of the same group) in case the affiliate is not eligible according to the nationality rule (namely US).

**Answer 2:**

Experts recruited or otherwise legally contracted by an eligible contractor/ subcontractor, may be of any nationality. Please also refer to answer 1.