

## CLARIFICATIONS NO:1 to TENDER DOSSIER

**Publication Reference:** NEAR/ANK/2021/EA-RP/0070

**Subject:** Technical Assistance for the Support for Children's Rights in Turkey

**Location – Turkey**

---

**Further to the request received from the tenderer, the following clarification is provided:**

**Question 1:**

Due to the effects of Covid-19, we have recently experienced various tender processes were carried out online. For this type of tenders, we have applied different preparations steps and work plan from the tenders that we submitted as a hard copy.

In addition to this, as we are informed by Directorate-General for International Partnerships (DG INTPA), 'Electronic submission in case of procurement will take place through the eSubmission platform' and 'Electronic submission will become the standard irrespective of the project or the country' along with PRAG 2021.

Owing to these reasons and in order us to organize ourselves and our work plan and also provide high quality of service, we kindly want to ask you for the whether the online submission will be allowed for the "NEAR/ANK/2021/EA-RP/0070 - Technical Assistance for the Support for Children's Rights in Turkey" project.

**Answer 1:**

For the "Electronic Submission through the eSubmission platform", please be informed that the PRAG 2020 version has been followed for this project. In this regard, please follow the instructions stipulated in the Instructions to Tenderers (ITT) document, Section 8. Submission of tenders for the submission procedures stating that;

"...They must include the requested documents in clause 4 above and be sent:

- **EITHER** by post or by courier service...,
- **OR** hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt..."

Therefore, electronic submission will not be allowed for this project.

---

**In addition, please take into account the following additional clarifications during the tender preparation:**

**Structure of the End Beneficiary**

Please note that with a presidential decree published in the official government gazette dated 21/04/2021 and numbered 73 end beneficiary of the subject project, the Ministry of Family, Labour and Social Services (MoFLSS), was reformed and its responsibilities and area of operations are divided up between two newly established ministries as "Ministry of Family and Social Services (MoFSS)" and "Ministry of Labour and Social Security (MoLSS)". Therefore, please consider this issue while reviewing the Terms of Reference (ToR).

As stated in the ToR, the activities to be implemented under the project are within the scope of Directorate General of Child Services - MoFSS, Directorate General on the Status of Women - MoFSS and Directorate General of Labour - MoLSS. The coordinating body will be DG Services for Children - MoFSS.

**Important points/notes regarding the documents that tenderers should submit with the offer**

We would like to underline the following issues in order to facilitate the evaluation of the submitted documents and to eliminate the clarifications to be requested from the tenderers on the submitted CVs, documentary evidence and the other documents during the evaluation since there is a very tight schedule for the evaluation of the tenders until the contracting deadline of the subject project.

As stated in the Article 4.1. (5) of the Instructions to Tenderers, **documentary proof or statements required under the law of the country in which the company (or each of the companies for consortia), the subcontractors and the capacity providing entities are effectively established, to show that it is not in any of the exclusion situations listed in Section 2.6.10.1 of the practical guide.** Please note that this evidence, documents or statements must be dated, no more than one year before the date of submission of the tender. In addition, a statement must be furnished stating that the situations described in these documents have not changed since then.

For the issues specified below, please submit admissible **proof documents** usual under the law of the country in which the consortium member is established to show that it is not in any of the exclusion situations listed in Section listed in Section 2.6.10.1 of the practical guide as required in Article 4.1 of the Instructions to Tenderers;

- Documentary proof issued by an authorized institution showing that the economic operator is not in any of the exclusion situations listed in points a), b), c), d), e) or f) of section 2.6.10.1.1 of the Practical Guide. More specifically;
- Documentary evidence showing that the company is not bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations.
- Registry Record issued by an authorized commercial register.
- Judicial/criminal records of the leader and each of the consortium members issued by a judicial or administrative authority in the country of establishment showing that the company has not convicted of an offence concerning their professional conduct by a judgment.
- For the Turkish companies, documentary proof taken from the authorized institutions showing that the company is not excluded from tenders according to 4734 Public Procurement Law (**Article 10, item (a), (b) and (g)**): *Certificate of Non-Bankruptcy (İflas Konkordato Belgesi) and Tender Status Certificate (İhale Durum Belgesi)*. In addition, *Document of Chamber Registration (Oda Kayıt Sicil Sureti)*, *Document of Activity (Faaliyet Belgesi)*, issued by the authorized institutions, should be provided.
- Judicial/criminal records of the authorized signatory and **all members of the board if exists** issued by an authorized institution.
- Documentary evidence issued by the tax administration (or any other authorised institution) indicating that the entity fulfilled its obligations relating to the **payment of taxes** in accordance with the legal provisions of the country in which they are established.
- Proof document issued by an authorized institution showing that the company fulfilled obligations relating to the payment of **social security contributions** in accordance with the legal provisions of the country in which they are established.
- Sworn statement stating that *“the situation of the company has not altered in the period elapsed since the evidence in question was drawn up”*.
- If the tenderer is a consortium, “Power of Attorney” given by the authorised representatives of consortium members for the signatory of the documents to be submitted on behalf of the consortium.

- Duly completed “Financial Identification Form” and “Legal Entity Form” for the leader of the Consortium.
- “Duly authorized signature” document (such as Circular of Signature) proving that the person who signs on behalf of the company/joint venture/consortium is duly authorized to do so, as per ITT 4.1.1(e).

### **Documentary Evidence for Selection Criteria**

As stated in the Article 4.1.(6) of the Instructions to Tenderers, **documentary evidence of the financial and economic capacity** as well as **the technical and professional capacity** according to the selection criteria specified in the additional information about the contract notice (see further Section 2.6.11 of the practical guide) should be provided. Please provide documentary evidence for the selection criteria by taking into consideration the following issues.

- Regarding the documentary evidence proving the professional capacity of each of the companies for consortia, **proof documents** demonstrating the professional capacity of the leader and the consortium members (such as social security forms, registration forms, documents furnished by auditing companies etc.), **issued by an authorized institution** under the law of the country in which the company is established, **in line with the information provided in the Application Form** should be provided. Please note that information on at least 5 staff **currently** (please consider the application stage/deadline of applications) work for the candidate **in fields related to this contract**, should be identified within the provided documents. Please also note that if the tenderer submits a self-declaration/statement as documentary proof, the contracting authority reserves the right to ask for further documentary evidence.
- Documentary evidence, demonstrating the financial and economic capacity for the last 3 accounting years before deadline for which the entity's accounts have been closed stated in the Application Form, issued by **an authorized institution** and signed and sealed by **authorized person(s)** under the law of the country in which the economic operator is established **in line with the information provided in the Application Form** should be provided. The currency used in the financial statements should also be clear.
- For the technical selection criteria, in the invitation letter which references qualified for the candidates to be shortlisted was explicitly stated and candidates are only requested to submit documentary evidence for these references. As indicated in the additional information about the contract notice of the subject project, under article 18: *“Candidates are allowed to refer either to contracts/assignments completed within the reference period (although started earlier) or to contracts/assignments not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. **This portion will have to be supported by documentary evidence** ...”*

In this regard, for all references satisfying the technical capacity criteria of the additional information about the contract notice;

- In the documentary evidence (statement or certificate from the entity which awarded the contract/proof of final payment/official work completion certificate issued by the client/contracting authority, contract, consortium agreement etc.):

- **“the start and end date of the project”**,
- **“the proportion carried out by the legal entity”**,
- **“the exact overall budget”**
- **“the satisfactorily completed portion of the overall budget during the reference period indicated in the Contract Notice (i.e. 17/05/2018 - 17/05/2021)”** and
- **“the type and scope of services provided”** should be clearly identified.

4

- If the contract/assignment was implemented in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence (such as consortium agreement (mutually signed by all consortium members) and/or sworn statements of the consortium members etc.) in which *“the proportion carried out by the legal entity”* is explicitly stated, together with a description of the nature of the services provided.

**For the references stated in the CVs of the proposed experts:**

- If proposed experts have ongoing reference, a separate explanation/clarification/justification for the ongoing references of the proposed experts should be provided by taking into consideration the Statement of Exclusivity and Availability documents, where the expert(s) should declare that s/he does not have **a confirmed engagement as key expert in another project, or any other professional activity, incompatible in terms of capacity and timing with the subject project.**
- Within the CVs, actual number of working days for each reference/experience of the proposed experts should be submitted with **the exact start and end dates as day/month/year** and **with the clear description of the responsibilities of the proposed expert** within the assignment.
- As stated in the Article 4.1.(3) of the Instructions to Tenderers, *“Only diplomas and documented experience (i.e. not self-statement from the experts) will be taken into account.”* The evidence documents ((Employer/work certificate, letter of reference from company/legal entity etc.) proving the information provided in the CVs of the proposed experts should be signed & sealed and received from the authorized entity/client/beneficiary (**not self-statement**) and should explicitly indicate the details provided in the CV, such as;
  - **the title of assignment which expert is included.**
  - **actual number of working days.**
  - **exact start/end dates as day/month/year.**
  - **position of the expert and**
  - **the tasks carried out by the expert** in the reference.

**NB: For consortia where capacity provider(s) is/are included:**

Tenderers shall include further information in their Organisation & Methodology document regarding the contribution and involvement of the capacity providers, whose technical capacity (i.e. reference(s) have been accepted for the technical capacity criteria during the shortlisting period) and/or professional capacity have been relied on, in line with the following provisions:

With regard to the capacity providers, it is stated in the additional information about the contract notice that:

*An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract by producing a commitment by those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document. Proof of the capacity will also have to be provided when requested by the contracting authority.*

*With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.*

*With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.*

The provision in the contract notice and hence the tender procedure requires that the capacity of other entities can only be relied upon where the latter will perform the works or services for which these capacities are required. Therefore, if there is reference(s) of the capacity provider(s) accepted for the technical criterion or if the tenderer relies on the capacity of the capacity providing entity for the professional criterion, *the tenderers shall precisely indicate the tasks to be provided by all eligible capacity providing entities in their Organisation & Methodology together with the written commitment of those entities*. Accordingly, it is also important that the description of the services should particularly correspond to the capacity providers' references accepted for the selection criteria while the tasks to be performed by each and every capacity providing entity should be clearly indicated.

For the submitted documents, please provide a translation into the language of the procedure, in order to facilitate the evaluation of the documents where the documentary evidence submitted is in a language other than the one of the procedure.

\*\*\*

