

Tender No. PS/SRV/AFI/033/2025 – Developing National Policy Frameworks on Alternative Fuels Infrastructure in the Western Balkans

Clarification no. 2

No.	Clarification request	Contracting authority's answer
1.	<p>With regards the subject tender we kindly request clarification regarding the following:</p> <p>Eligibility criteria for the project-related experience of the Team Leader, specifically concerning the requirement of leading at least two completed projects in EU Member States with a team management of a minimum of three experts.</p> <p>Could you please confirm whether this experience can also be interpreted to include team leader/project management experience in pre-accession countries or regional partner countries that are preparing for EU integration?</p>	<p>As set out in Section 7.1 of the <i>Technical Specifications</i>, the Team Leader is required to have:</p> <p><i>“Experience in leading at least two completed projects in EU Member States with a team management of a minimum of three experts.”</i></p> <p>This requirement is to be interpreted strictly: the two projects demonstrating compliance with the minimum eligibility threshold must have been completed in EU Member States.</p>

2.	<p>With regards the subject tender we kindly request clarification regarding the following:</p> <p>Performance guarantee</p> <p>In the case of an award being granted to a consortium, could you please confirm whether the obligation to provide the performance guarantee, as stipulated, can be fulfilled by any of the consortium partners or if it is exclusively the responsibility of the designated consortium leader?</p> <p>Your clarification will greatly assist us in accurately assessing the suitability of candidates fitting the outlined experience criteria and will help us ensure appropriate arrangements are made for compliance with the guarantee provisions.</p>	<p>In the case of joint tenders, Article II.4 of the <i>Draft Contract</i> provides that:</p> <p><i>“The members of a group ... shall be jointly and severally liable to the Contracting Authority for the performance of the Contractor’s obligations under the Contract.”</i></p> <p>Power of Attorney (Annex 7):</p> <p><i>“All partners shall be jointly and severally liable towards the Permanent Secretariat of the Transport Community for the performance of the Contract.”</i></p> <p>The <i>Performance Guarantee Template (Annex 11)</i> is drafted to be issued at the request of “the Applicant,” i.e. the Contractor, without limitation to the consortium leader.</p> <p>On this basis, the Secretariat confirms that, in the case of an award to a consortium, the obligation to provide the performance guarantee may be fulfilled by any of the consortium partners, provided that the guarantee explicitly covers the obligations of the consortium as a whole (“the Contractor”). <u>The requirement is not limited solely to the designated consortium leader; however, the issuing partner must submit a signed statement confirming its full responsibility for any failure by any member of the joint venture, and the original Consortium Agreement clearly outlining issuing partner’s obligation to secure the performance guarantee on behalf of both partners.</u></p>
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