

QUESTION & ANSWERS
updated 15.03.2018

No.	Question	Answer
Project staff appointment		
1.	Which are the possible options for submission of the required documents for Project management staff (Declaration in free format signed by the legal representative of each project partner that the necessary and qualified project staff for the successful implementation of the project activities will be kept; Copy of an administrative order or a letter for nomination of the project team members by each project partner, with a short description of tasks)?	They could be scanned and upload in the Beneficiary portal or send to the Managing Authority by post/courier.
2.	What needs to be done when change in the project staff is needed?	If a Beneficiary requires a modification in the total number of staff per AF and the positions/responsibilities, it is to be considered a small content. The LP should notify JS (in the form of a letter) for the proposed amendment and justification, and should submit staff appointment letters/orders (no need of declarations to ensure proper project management), according to the proposed changes. The modification is to be considered approved with a short message by the JS, that the proposed changes are approved. These changes should be included afterwards in the next PPR – for audit trail.
Public Procurement		
3.	Should the amounts of the tender procedures stated in the Project's procurement plan be VAT included?	The amounts of the tender procedures in the Project's procurement plan should be stated both VAT excluded and VAT included, because the relevant thresholds as per the requirements of PRAG are according the VAT excluded amounts.

4.	What is meant by the 10 days term for submission of Project's procurement plan to the JS – calendar or working days?	Calendar days.
5.	If an organization implements 2 projects is it necessary to combine the similar expenditures into one tender procedure?	No, because these are two separate budgets.
6.	Under competitive negotiated procedure is it necessary to send invitation to tenderers or the publication on the Programme website and the beneficiary's website is enough?	Invitations to tenderers should be sent.
7.	Is it obligatory that all expenses for organization of events under the project to be combined and conducted as one tender procedure?	Yes, all expenditures related to organization of events should be planned as one tender procedure for service. Please, have in mind that members of the project staff are entitled to receive daily allowances for in-country and out-of-country business travels but in such cases they should be not included in catering costs of the events and vice versa – the participants in the events (other than the project management team members) are entitled catering but cannot receive daily allowances.
8.	Is it possible to implement one tender procedure for service with involvement of external experts in different professional fields (lecturers, consultants, trainers, interpreters, etc.)?	Depending on the particularities of the project, it is possible to implement one tender procedure for service with several key experts with different professional background. In such cases the profiles of the required experts should be very well described in the documents of the tender dossier.
9.	When expenditures for legal advice (tender preparation) are planned in the AF do we have to launch firstly that particular tender procedure?	Normally in this case the project partners are recommended to implement tender procedure for legal services at the beginning of the project implementation period in order a contract for preparation of the rest of the planned tender procedures to be awarded.
10.	When preparing a single tender procedure do we have to use only the three documents from the simplified tender dossiers annexed to the Project implementation manual?	In case of procurement of single tender procedures the adapted simplified dossiers annexed to the Project implementation manual are to be used by the project beneficiaries.
11.	Should the Public procurement plan contain information for the planned tender procedures for all project partners?	Yes, information about the public procurement procedures to be carried out during the implementation of the project should be included in the PPP for all

		project partners.
12.	Is it obligatory for the Beneficiary (Contracting authority) to use List of invited tenderers in case only one candidate is invited to submit an offer?	As per p. 4.3. .Procurement procedures of PIM, page 15, the tender dossier contains only: - Instructions to tenderers; - Service contract (draft); - Tender submission form. At the end of the page a specification is made that every candidate should also provide a Declaration of honour on exclusion and selection criteria (Annex A14 or PRAG) which is not a part of the above dossier but it is a required annex of PRAG.
13.	The simplified service/ supply / works contract obviously is bound with the Special Conditions. In this case is it necessary the General Conditions to be annexed to the contract?	It is not necessary the General Conditions to be annexed to the service/ supply / works simplified contract.
14.	Since the Contract Notice is not a compulsory document where should the Beneficiary (Contracting authority) determine the selection criteria? Is it possible to be included in Instructions to tenderers, in the list of required supporting documentation (where as an example "Copy of legal registration" is specified) although this is a list of supporting documents and not of selection criteria?	As per p. 2.4.11.1.1. General principles of PRAG, page 50, „For contracts with a value less than the international thresholds (services < EUR 300 000, supplies < EUR 300 000 and works < EUR 5 000 000), the contracting authority may limit the evidence requested to some of the selection criteria or, depending on its assessment of the risks, decide not to require any proof but in the latter case no pre-financing will be granted.“ Please take into consideration that the decision on if, how and what kind of selection criteria should be applied, is sole responsibility of the Beneficiary. In addition, in case the Beneficiary decides to apply selection criteria they should be specified in Instructions to tenderers.
15.	In case of tender procedure for supply the offered total price of the items to be supplied are to be indicated in the Tender Form? Does that mean that price breakdown per units is not necessary - as per Annex Cg4 of PRAG)	Using the simplified tender dossier annexed to PIM and in case that in the Technical specification annexed to the Subsidy contract the unit prices of the items to be supplied have not been indicated, budget breakdown is not necessary to be included. However, unit price regarding the supplied items should be included in the invoice/ payment documents.
16.	In the simplified tender dossier for services no Organization and methodology is included? Does that mean that such document is not to be required?	Please see the answer to question 1.
17.	Provided that establishment of Tender Evaluation Committee is not required, who will perform the assessment?	According to point 4.3. of PIM - "Procurement procedures", page 15, the establishment of Evaluation Committee is not obligatory (but it is also not

		forbidden). In case of not establishment of Evaluation Committee, the evaluation process is performed by definite representatives of the Contracting Authority (minimum 2 persons). Description of their assessment should be given in Annex A10b of PRAG, signed by the relevant representatives. The Evaluation report is approved by the legal representative of the Contracting Authority. The evaluation steps should follow the requirements set out in point 2.4.8. of PRAG - Negotiation procedure/single tender procedure.
18.	How many should be the Tender Evolution Committee members? Could the assessment be performed by one single person, for example the Project manager?	Please, see the answer of question 6.
19.	Are the CV's of the evaluators required?	CV's of the evaluators are obligatory element only in case of establishment of Evaluation Committee.
20.	Should the evaluators fill in Declaration of Impartiality and Confidentiality?	Filling in the Declaration of Impartiality and Confidentiality is obligatory.
21.	Which are the other required during the evaluation process forms except annex a10b of PRAG-Negotiation Report? The use of Administrative Compliance Grid is logical, but is it necessary to fill in Opening Checklist, Opening Report and Evaluation Grid - for Supply contracts? Obviously, for Service contracts it is not required, since Organization and Methodology is not foreseen in Tender Form.	The general document is annex a10b of PRAG. The other cited documents are not applicable.
22.	In case of Competitive Negotiated procedure is the Negotiation Report (Annex A10a) required? Is it enough only to fill in an Evaluation Report? As per the requirements of PRAG: "For all procedures, a negotiation report (Annex A10a for negotiated procedures and Annex A10b for single tender procedures) must be produced, explaining how participant(s) in the negotiations were chosen, how the price was set and the grounds for the award decision", but in the instructions given in PIM regarding Competitive Negotiated procedure there is no requirement for Negotiation Report.	In case of Competitive negotiated procedures annex A10b of PRAG is not required. Please, see p. 2.8. The Evaluation Committee, p. 3.4. Procedures for the award of contracts under EUR 300 000, p. 4.5. Competitive negotiated procedure for contracts under EUR 100 000 and p. 5.6. Competitive negotiated procedure of PRAG.

23.	Can a person holding dual citizenship be hired for similar external services, once in the one country and paid from the Partner1's budget, and once in the other country and paid from the other partner's budget?	The requirements for the eligibility of the applicants are set out in point 11 "Eligibility" of Annex B.2.a of PRAG, as follows: "Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N°236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed (see also heading 29 below) . Participation is also open to international organisations.] “. In addition, please have in mind that in the Republic of Serbia in case the amount of the consultancy services is higher than 2 500 Euro, a natural person could be awarded a services contract after the completion of a procurement procedure. In such cases, the Contracting Authority should sign with the successful candidate a service contract according to PRAG.
24.	Can a natural person be hired through a civil contract for consultancy services at an amount higher than 2500 EUR without procurement? Is it true that, in such instances, PRAG obligates contracting legal persons through Single tender procedures but leaves the native person cases to be guided by the provisions of the Programs? (Under point 10 of SERVICE CONTRACT NOTICE it reads that "Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed").	If the amount of the consultancy services is higher than 2 500 Euro, a procurement procedure should be launched. In case the Contract has been awarded to a natural person, a civil contract according to the national legislation should be signed.
25.	Can a tender procedure be launched earlier than the date scheduled in the Procurement plan? Would that require a Procurement plan amendment or any prior approval by the JS?	Yes, it could be launched earlier and amendment of the Procurement plan is not required.
26.	Notification Letter for a service contract has a field to be filled in only "where evidence documents for exclusion criteria shall be submitted." It continues that "For contracts with a value of	According to the requirements of point 2.4.11.1.1. General principles of PRAG: "For contracts with a value less than the international thresholds (services < EUR 300 000, supplies < EUR 300 000 and works < EUR 5 000 000), the

	<p>less than the international thresholds (service &lt; EUR 300.000) there is no obligation to submit the above mentioned documents.” Does it mean that, for Competitive Negotiated procedures, the beneficiary may decide not to require proof of lack of tax and insurances obligations, or clean criminal record?</p>	<p>contracting authority may limit the evidence requested to some of the selection criteria or, depending on its assessment of the risks, decide not to require any proof but in the latter case no pre-financing will be granted.”</p>
27.	<p>Is the Declaration on Honor compulsory for Single tenders at all? You have removed it from the suggested in PIM simplified Tender-submission-form, where A14 has to be pasted. Besides, PRAG has it that “for procurement contracts with a value of EUR 20 000 or less, the contracting authority may refrain from requiring a Declaration on Honor, depending on its risk assessment.”</p>	<p>The suggested in PIM Tender-submission form and Tender dossiers are simplified version. Please, have in mind that all required additional annexes, which are not part of the tender dossier (including annexes A10b and A14) should also be used.</p>
28.	<p>One of the main changes, introduced with the new version of PRAG is adding of tender dossier for simplified tender procedure for works /D annexes - ds1_tender_dossier_simpl_en/. The simplified tender procedure contains the following templates: Instruction to tenderers with contract notice, Tenderform, Declaration of honour on exclusion and selection criteria /Form a.15/, Financial capacity /Form 4.4/, Technical and professional capacity /Form 4.6.5/ Overview of the tenderer’s staff /Form 4.6.1.2/, CVs of key staff /Form 4.6.1.3/, Plant /Form 4.6.2/ Work plan and programme /Form 4.6.3/, Power of attorney /Form 4.3/, Financial identification form /Form 4.5.a/Administrative compliance grid, Evaluation grid, Contract form, Special conditions, Technical specifications, Financial offer for lump sum contracts, Design documents, including drawings.</p> <p>In the description of the documents that the tender dossier for works shall contain under the competitive negotiated procedure, on page 17 of the Project implementation manual,</p>	<p>You may use the documents additionally provided in PIM: Data of joint ventures, Litigation history, Quality assurance system, Accommodation for the supervisor; Further information, if they are applicable for your case.</p>

	<p>apart from the above mentioned templates, there are additionally envisaged the following templates: Data of joint ventures, Litigation history, Quality assurance system, Accommodation for the supervisor; Further information, etc.</p> <p>In this regard, could you clarify if it is obligatory to add the additional templates, described above and listed on page 17 of the Project implementation manual, as they are not envisaged in the simplified tender procedure for works /D annexes - ds1_tender_dossier_simpl_en/.</p>	
29.	<p>On p. 16 of the Manual there is a text concerning documents to be requested as an evidence of declared circumstances: "All documents, proving the declared circumstances by the tenderer should be requested and attached to the Annex A10b, in order to support the final decision of the Beneficiary. The additional documents should be requested at latest at the evaluation stage and before signature of the contract"</p> <p>Would you specify what documents are meant here?</p>	<p>Due to the specificity of the documents they should be related to selection and exclusion criteria as per the provisions of PRAG. Candidates, tenderers and applicants must sign a declaration of honor together with their applications, certifying that they do not fall into any of the exclusion situations and, where applicable, that it has taken adequate measures to remedy the situation.</p>
30.	<p>Does the absence of ToR among the templates in the obligatory single tender dossier mean that in the case of single tender procedure for services like construction or author's supervision or communication and visibility measures the requirements concerning the implementation could be described in the Instructions only?</p>	<p>You are allowed to use annex 14.1.1 of the PIM and insert the necessary information in the table in the Instructions to tenderers.</p>
31.	<p>Should a tender dossier contain Annex II of Terms of Reference and Evaluation grid?</p>	<p>For Single tender procedures, Terms of Reference and Evaluation grid are not needed, but you should fill in specific and clear requirements in Instructions to tenderers.</p>
32.	<p>Regarding the Risk Assessment: In your presentation you noted that we can write free text, but in this case we have no right for advance payment and we need three references to have such a right? In general, such risk assessment, is it applicable for Single Tender Procedure and could you tell us what to do?</p>	<p>The risk assessment is applicable for Single Tender Procedure (p. 2.4.11.1.1. of PRAG). The decision here is yours depending on the size of the contract. For smaller value it may be appropriate to simplify the procedure and not to require evidence therefore not to plan advance payment. It is a question of management decisions.</p>

33.	<p>In Instructions to Tenders point 4 Additional information it is written - the selection criterion is: Best value for money, weighting 80% technical quality, 20% price. How it is supposed to make such assessment, as written in that way, it implies that an evaluation sheet should be made by an evaluation committee, etc.</p> <p>In our case we have only one offer i.e. is the text necessary or it should be replaced with something else according to the situation and what?</p>	<p>The text in p. 4 of the Instructions to tenderers is obligatory.</p>
34.	<p>Is it satisfactory to use the uploaded documents in Annex 14 to PIM for Single tender procedure? The uploaded documents are modified compared to the forms in PRAG. The name of the document, as well as the date of the current PRAG version, which usually is inserted in the footer of PRAG forms (e.g. 15 January 2016, b8o4_invit_simp_en.doc) are not specified in the documents. Should we insert names of the documents in the footer? How is apparent that the used documents for Single tender as per annex 14 are applicable to PRAG version 15 January 2016, which is requirement of PIM? Letter of initiation to tender is not included in the documentation package of Annex 14, for example. Is it necessary to use the relevant Letter of initiation to tender, which is part of the PRAG forms?</p>	<p>According the requirements of PIM for Single tender procedures (up to 20 000.00 Euro) the simplified tender dossiers, which are applied to the manual, should be used. The required annexes to the invitation to the tenderers are, as follows: Instructions to tenderers, Tender submission form and Service contract (draft) including annex a14 of PRAG - Declaration of honour on exclusion and selection criteria. If you decide that it will look better stylistic, you could modify the invitation similar to annex b8o of PRAG. Regarding the Single tender procedures numeration could be used, but you should have in mind that each tender should be differentiated with unique number. For example – the project number could be used, with extension – the relevant consistent number of the tender, etc.</p>
35.	<p>Is it acceptable in order to simplify the requirements in case of Single tender procedure the applicants' capacity to be proved through submission of CV, without insistence of additional documents (diplomas, references, etc.)?</p>	<p>Yes, it is acceptable. The Contracting Authority could decide also to insist additional documents (diplomas, references, certificates, etc.).</p>
36.	<p>On page 15 of PIM is stated that in case of Single tender procedure tenderers are normally given 15 days for submission of offers. If only one tenderer was invited and its offer is submitted before this 15 days term, is it possible to open it at the moment and if meets the criteria, to award</p>	<p>In case only one offer is received, it is possible to open it before the 15 days deadline and if it meets the Contracting Authority requirements, a contract with the chosen beneficiary to be signed. The same applies to the situation where all of the invited tenderers in single tender procedure submit their offers before the expiration of the 15 days term or some of them sent explicit</p>

	<p>contract before expiration of the 15 days term? In case there are more than one invited tenderer for Single tender procedure and all of the offers are submitted before the 15 days deadline, is it possible to open the offers before the deadline, since all invited tenderers have submitted their offers?</p>	<p>refusal of submission of tender. The above cases are valid only if there is no publication online, but the applicants are invited personally.</p>
37.	<p>On page 15 of PIM is stated that in case of Single tender procedure the selection process is by definition not about comparison of different tenders, rather than assessment of the received tender is in line with the technical requirements as described in the Instructions to tenderers. In the same time in the Instructions to tenderers (for services) uploaded in annex 14.1.1 to PIM is written that the offer will be assessed based on the following methodology: “Best value for money, weighting 80% technical quality, 20% price”. In this case what is the sense of selection criteria definition, since there will be only one submitted offer, which will not be compared to other offers? What should be assessed if there is only one offer? In addition, in PIM is written that in case of Single tender procedure establishment of Evaluation Committee is not required and the selection process should be described in the Negotiation report. In case some selection criterion for this offer was defined, who should perform the assessment (the major of the municipality as a legal representative of the beneficiary or an Evaluation Committee should be established) and should the result of the assessment be described in Negotiation report or an Assessment report should be prepared? In this case is the Administrative compliance grid (b8o1_admingrid_simp_en.doc) applicable?</p>	<p>In case you intend to invite only one tenderer for Single tender procedure, you should not perform assessment with 80% score for technical quality, 20% score for price. In case of more invited tenderers the requirements for competitive negotiated procedure should be followed (see annex b8o or PRAG) and consequently evaluation methodology should be developed and an Evaluation Committee should be established, etc.</p>
38.	<p>In case of Single tender procedure for service if the beneficiary decides to invite more than one tenderer is it possible “lowest price” award criterion to be used?</p>	<p>In case of single tender procedure for service, the award criterion “lowest price” is not applicable. Please, see the answer of the previous question.</p>

39.	While checking the forms presented within the Project Implementation Manual for Single Tender dossier (Annex 14.1.1) for services, we found out that the draft documents (Instructions to tenders, Tender Submission Form and Contract) are different as per type as well as per content from the documents attached on the website of the EC (Contract Notice, Tender Form, Instructions to tenders, Letter of invitation to tender, Draft contract: Special conditions, General conditions, Terms of reference and Budget, List of entities invited to submit a tender, Administrative compliance grid). Which documents should we use to perform our procedures? If we use the attached to PIM draft documents, for invitation to possible Candidates should we use the document, presented on the website of the EC?	Due to the fact that the according to the Project Implementation Manual (PIM) for single tender procedures (up to € 20000.00) you should use simplified dossiers which are attached to the PIM. The annexes listed in the invitation to tenderers should include only the 3 available tender documents - instructions to tenderers, service contract (draft) and tender submission form, including annex a14 of PRAG - Declaration of honour on exclusion and selection criteria. If you consider that it is appropriate (style wise) you can customize the invitation following the model available in Annex B8o of the PRAG.
40.	There is no requirement to appoint an Evaluating Committee to assess the offers received for Single tender procedure. Could we appoint an Evaluating Committee to assess the offers and nominate a Contractor?	When the contract does not exceed the sum of EUR 20 000 appointing an evaluation committee is not mandatory. (see p. 2.4.8 of the PRAG) Establishment of Evaluation committee is not required in case of single tender procedures. The Beneficiary shall describe the selection process in Annex A10b of the PRAG for all type of contracts, explaining the manner in which the participant(s) in the negotiations were identified and the price was established, and the grounds for the award decision. The selection process for single tender contracts is by definition not about comparison of different tenders, rather than assessment whether the received tender is in line with basic technical requirements as described in the tender dossier.
41.	What should we use for Reference number of the procedures?	For single tender procedures you are free to use your own reference numeration. It is important that each tender should have a unique number as an example the beneficiaries often use the project number with an extension - specific serial number of the auction.
42.	Within the draft Contract what should we write down for responsible court or arbiter body, which will settle the disputes arising out of the Contract?	You could write down an arbitration clause (if needed) or to set out that all disputes arising out of the contract will be solved according the applicable civil legislation in Republic of Bulgaria.

43.	Within the draft Contract for Interim payment there is a requirement for brief report, but we want to add also Approval certificate for the accomplished services. Is it a problem to include additional requirements within the draft Contract?	Within the draft form of the contract are set minimum requirements that the contract must contain. You could add additional ones.
44.	The selection criterion in p. 4 of Instructions to tenderers annexed to PIM is Best value for money, weighting 80% technical quality, 20% price. We want to use a criterion "Least cost" . Is it an option or we should make a Methodology and to assess the quality?	It is not applicable. You should have in mind whether the offer meets the predefined requirements of the contracting authority. You can specify all necessary minimum conditions as requirements in the instructions to the candidates, incl. experience / education / experience of key experts, the number of required references, etc. Most appropriate way is to use the rows in the table to describe the various activities you want to implement and for each activity to specify the requirements for quality and quantity, the necessary conditions and results. In addition, you should keep in mind that single tender procedures are not envisaged for score-based evaluation, but by assessment of two things: to what extent the offer satisfies the requirements and if the price offered is within the available budget of the procedure.
45.	What could we write in relation to the VAT, for Serbian beneficiaries, in single tender package?	It is suggested that the Serbian beneficiaries put the text in the Article 2 of the draft Contract of a single tender package, that the Contract shall be exempted from VAT. The same text could be applied in higher threshold procedures, as well.
46.	In case of single tender procedures, is it necessary that the potential bidders submit: 1. Declaration on honour on exclusion criteria and selection criteria (Annex A14 of PRAG)? 2. Documentary evidence on exclusion criteria?	1. According to PIM, Declaration of Honour should be included in the single tender dossiers. 2. Only when specifically requested by the Contracting Authority, the successful tenderers must submit documentary evidence that the subcontractor is not in one of the exclusion situations.
47.	Since Declaration of Honour should be included in the single tender dossier, as written on the page 15 of PIM, does it have to be included in the list of supporting documents to be provided by the potential bidder, as listed under article 1 of the Instruction to tenderers?	It is advisable that Declaration of Honour is included in the list of the supporting documents to be provided by a potential bidder, requested through Instructions to tenderers, in order for the bidders to be absolutely clear that they need to submit it with their offer.
48.	Should we receive offers in RSD or in EUR for competitive/ local open procedures?	You could receive offers in both EUR and RSD. The contracting authorities could use the InforEur exchange rate at the month of launching of the procedure,

		<p>which is publically available at: http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/index_en.cfm</p>
49.	How should we plan the payments in RSD or in EUR?	You should clearly define the method for payments, i.e. the payments to Serbian contractors could be in RSD, and to foreign in EUR. Anyhow, the possibility of paying both ways and the correlation between the two currencies should be made available through the tendering documentation – Please see answer to the question XXX.
50.	<p>Regarding NB on page 15 of PIM: " In order to ensure high level of competition, beneficiaries could invite more than one tenderer. In such case, the respective PRAG tender dossier for Competitive-negotiated procedure (simplified tender dossier) is to be used."</p> <p>If I understand correctly: If we invite more than one tenderer on single tender, we must use tender dossier for competitive negotiated procedure - defined in table, on page 17 in PIM - at least 3 candidates must be invited, published on websites and 30 days for dispatch....</p>	In accordance with PIM, page 15, in case a Beneficiary is planning to invite more than one tenderer for a single tender procedure, the respective PRAG tender dossier for Competitive-negotiated procedure (simplified tender dossier) is to be used, which includes only the use of a more detailed dossier, but not a change in the type of the procedure. For single tender procedures, the PIM says that the tenderers are given at least 15 days for submission of offers.
51.	As we have within the PIM annex 14, can we obtain such documentation for competitive negotiation procedure also?	The documentation for the competitive procedure has to be downloaded directly from PRAG website. In the PIM, on page 17, you can find explanations regarding the documents a tender dossier should contain.
52.	In our budget we planned to purchase three machines, the question is whether we can plan three separate procedures?	If the procurements are similar they should be merged into one procedure. Depending on the particularities of these procurements, they could be published in different lots.
53.	We are planning to buy three different machines but on our market there is no factory that can deliver us all three machines.	Unless otherwise provided in the contract, all goods purchased under the contract must originate in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme, as described in the Annex A2a of PRAG, i.e. the supplies do not have to be only from the territory of Serbia.
54.	Can the origin of products be of some other than what described in the Annex A2a of PRAG?	If a procedure is below EUR 100,000, and if you apply the rule for full untying, then all products can be of any origin. If the contract is divided into lots, this rule applies per lot.

55.	In the case we have a work contract, how should we apply the rule of origin?	If the threshold is below of EUR 100 000, then all products (goods, materials, components) can be of any origin, if you apply the rule for full untying. But if the threshold is above of EUR 100 000, all the products (goods, materials, components) must originated from an eligible countries, listed in annex A2a of PRAG.
56.	We have works which contain asphaltting and concrete works, and should we anticipate the procedures divided into LOTs?	There is no need for division of the work contract in LOTs because on the market there are contractors which can provide you all works in one procedure.
57.	We have a works procedure, for particular types of works on a cultural monument, which is protected as a cultural heritage under national law. What approach should we apply in defining technical selection criteria related to previous experience of the bidder? For such works, Regulation from the Law of the Republic of Serbia requires that the Contractor meets certain requirements concerning technical and professional capacity We want to avoid defining our criteria as too resstrictive, and, on the other hand, obtain companies which could offer us quality work in line with all the specificities of the actual work, and the governing Regulation/decision from the project documentation as well?	The Contracting Authority should be very careful not to define too restrictive selection criteria. Anyhow, you could define the details of the activities needed to be completed, and in accrdooance with which principles / laws / regulation / decisions, and adequate profiles of the „experts“.
58.	In the course of preparation of the TD for works -competitive negotiated procedure, we found out an discrepancy in the templates of PRAG and need your instructions how to proceed. First of all, we consider PRAG and its annexes as a base for contracting, while the regulations of LSP (Law for spatial planning) and related to it sub-legislative documents define how the process of implementation and acceptance of works should be done. Thus the two documents use different definitions -PRAG discusses provisional and final acceptance, final statement of account and related to it retention money, while the LSP introduces the so called Act 15 and Act 16, as core phases (documents) for works acceptance. The	<p>(EN) Acts according to Bulgarian legislation to be considered equivalent to Certificate of provisional acceptance, Final acceptance certificate, Final statement of account:</p> <p>1. Certificate of provisional acceptance:</p> <ul style="list-style-type: none"> - Act 15 for the construction of I to V category; - Act for accepting work on the construction similar to applicable information by Act 15 corresponding to the type and specifics of the planned construction and repair activities, including bill of quantities for construction VI category. <p>2. Final acceptance certificate:</p> <ul style="list-style-type: none"> - Permission to use the building for the construction of I to III category; - Certificate of commissioning for the construction of IV and V category; - For construction VI category is not applicable, under SPA.

<p>discrepancy we found is the following:</p> <ul style="list-style-type: none"> •The General Conditions –article 47.3 states that retention money will be released (paid) within 60 days of the issuing of the signed final statement As per Special conditions -article 47.1 the amount of retention money is fixed to 10% (confirmed in the contract form for works contracts, where it is included as a must), and cannot be substitute by retention guarantee (47.2); • Article 51.1 states that Unless otherwise agreed in the Special Conditions, the Contractor shall submit to the Supervisor a draft final statement of account no later than 90 days after the issue of the final acceptance certificate referred to in Article 62. The template of Special condition does not give the right to change this article; • According to article 62.1 final acceptance certificate is issued Upon the expiry of the defects liability period; • So if we follow all the rules, we have to finish the works, to retain 10% of the money, to wait for 12 months to expire defect liability period, then to issue a final acceptance certificate, based on which to issue the final statement of account, and then to pay to the contractor the retained money. However, the duration of the subsidy contract is 24 months which cover only the implementation of the actual works, but not the defect liability period. <p>Following the above mentioned, we see necessity the definitions of PRAG (provisional and final acceptance, final statement of account) to be bound with the ones which LSP introduces -Act 15 and Act 16, in order to be able to use them in correct way. Additionally, the defect liability period introduced by PRAG is less than the warranty periods which are imposed by LSP and particularly Ordinance No 2 of the 2003 -Commissioning of buildings in the Republic of Bulgaria</p>	<p>3. Final statement of account: - Administrative Act on the basis of which the accounting entries about the assets and / or increase of their value are made and excerpt from the relevant accounts, under national law.</p> <p>(BG) Актове, съгласно българското законодателство, които следва да се считат за еквивалентни на Certificate of provisional acceptance, Final acceptance certificate and Final statement of account: Certificate of provisional acceptance: –Акт образец 15 за строежи от I-ва до V-та категория; –Акт за приемане работата на Строителя, аналогичен на приложимата информация от Акт образец 15, съответстващ на вида и спецификата на предвидените строително-ремонтни дейности, включващ количествено-стойностна сметка за строежи VI-та категория.</p> <p>2. Final acceptance certificate: –Разрешение за ползване на строежа за строежи от I-ва до III-та категория; –Удостоверение за въвеждане в експлоатация за строежи от IV-та и V-та категория; -За строежи VI-та категория е неприложимо.</p> <p>3. Final statement of account: -Административен акт, въз основа на който се извършва счетоводно заприходяване на активите и/или повишаване на стойността им и извлечение от съответните счетоводни сметки, съгласно националното законодателство.</p>
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	<p>and the minimum warranty periods for completed construction works, facilities and construction sites – article 20. We are confident that applicable are the periods laid down in the Law, but not the one (365days) in the guide for contracting, however this discrepancy may cause problems because it becomes contractually agreed, if the templates of general and special conditions are used.</p> <p>We kindly ask for your competent instruction how to proceed with the preparation of the clauses in the contract, related to the acceptance of the works, retention money and defect liability period.</p>	
59.	<p>How should we proceed with tenders with multiple lots, in case some of the lots were cancelled?</p>	<p>According to p. 2.4.13. “Cancellation of procurement procedures” of the PRAG if the procedure is divided into lots, single lots may be cancelled. After cancelling a tender procedure, the Contracting Authority (CA) may decide:</p> <ol style="list-style-type: none"> 1. to launch a new tender procedure for the remaining lots, - following the general requirements set in p. 2.4.1. “Which procurement procedure to apply?”. If the procedure is subdivided in lots, the value of each lot is taken into account when calculating the overall threshold. In this case, the LP should submit to the JS a revised version of the Project procurement plan, reflecting the above changes. In case Project partners implement simultaneously more than one project under the Instrument for Pre-accession Assistance, they are obliged to plan the respective tender procedures so that the applicable procurement rules and thresholds to be respected; 2. to re-launch the tender procedure using the same reference as the original call. In this case, the tender should be re-launched following the requirements applicable to the initially launched procedure. No revision of the Project procurement plan is required; 3. to open negotiations with one or more tenderers who participated in the tender procedure and who meet the selection criteria, provided that the original terms of the contract have not been substantially altered. In this case, the negotiations should be carried out following the requirements for negotiated procedure. No revision of the Project procurement plan is required;

		4. not to award the contract. Whatever the case, the final decision is taken by the Contracting Authority.
Financial management and reporting		
60.	Which are the required documents to be submitted with the Request for advance payment?	Fulfilled Annex 6 of PIM - Request for payment, signed and stamped by the legal representative and the Financial Identification Form as per the Subsidy Contract (original or a copy stamped "true copy").
61.	Which are the possible options for submission of Request for advance payment?	Annex 6 of PIM - Request for payment should be fulfilled, stamped and signed by the legal representative, then scanned together with the Financial Identification Form of the LP and upload in the Beneficiary portal.
62.	Can Partner1 pay daily allowances (in cash or else) to a Partner2's external expert during a work visit in Partner1's country? If YES, how can the expense be proved and accounted for?	Each Project partner has its own separate budget concluded of all foreseen expenditures needed for achieving of project objectives. In this connection the expenditures for daily allowances of external experts of PP2 should be foreseen and paid from the budget of PP2.
63.	For investment projects is the required 45 days term for submission of the Request for advance payment valid for the second instalment?	No. The second instalment of the advance payment should be requested after one of the project partners awarded a sub-contract for investment activity.
64.	Which is the last possible date for execution of the expenditures for project preparation?	The expenditures for project preparation must be carried out before or on the date of submission of the project proposal at the latest.
65.	Should the expenditures for project preparation be requested for reimbursement only in the first reporting period of the respective project partner?	The expenditures for project preparation must be requested for reimbursement and verified only in the first reporting period of the respective project partner.
66.	Is it necessary to indicate the number of the project on each invoice?	Every invoice or similar accounting document subject to verification must contain obligatory text, identifying the specific project: the number and name of the project (for the expenditures related to the project preparation – the project name and/or the number of the call for proposals).
67.	Is it necessary to use only the project bank account for payments to Contractors?	No, it is not required the Lead partners to perform all payments from the project's account in Euro (they can perform payments from a different account, denominated in BGN for example). The Programme requires that there is traceability of the performed operations and that analytical accounting is organized for the purposes of the project.
68.	For Serbian beneficiaries, should the 15% participation of	All expenses incurred through the approved project, 100% of them, need to be

	municipalities also be verified by the FLC?	verified by FLC.
69.	What if the partners or one of the partners does not spend 15% in the first three months but have costs for project preparation?	The expenditures for project preparation must be requested for reimbursement and verified only in the first reporting period of the respective project partner. However, it is recommended that the expenditures for project preparation should be requested for reimbursement and verified in the first reporting period if one of the partners decides to request FLC (meaning that the 15% requirement is fulfilled).
70.	For investment projects, how should we mark the vehicles purchased through the project?	Any vehicle used in a Programme-funded action should be clearly identified, and should visibly carry the EU flag, the Programme logo and the co-financing statement: "The project is co-funded by EU through the Interreg-IPA CBC Bulgaria–Serbia Programme" in English and/or the local language.
71.	Is VAT due expense in case of deliveries of goods between VAT registered traders from different member states (intracommunity supplies)?	The supplier in an intracommunity transaction has the right of zero rating, as VAT is due and charged in the member state where the goods are delivered. The receiver of the goods, which have become subject of intracommunity acquisition, levies VAT on the acquisition in the member state of the acceptance of the delivery.
Modifications		
72.	Is it necessary to sign an addendum to the Subsidy Contract upon a change in the Bill of Quantities?	It depends on the type of the change. All requirements are detailed described in PRAG.
73.	Is it possible to reallocate amounts only between budget lines or the allocation is possible between sub lines?	It is possible to reallocate the amounts between budget sub lines. You can find instructions in PIM section 8.3. Budget changes. From the BL6, no reallocation of amounts is possible because it is considered that the related funds have been already spent for project preparation.
74.	Can we allocate amount from one budget line on two different budget lines for example 10% to one and 10% to other one?	The 20% limits shall not be considered separately for each single budget change of the respective budget line. That means that the amount of each new reallocation between budget lines is cumulated to the total amounts of previous reallocations until the cumulated amounts of such reallocations reaches 20% of the original amount of the respective budget line.
75.	Do all modifications have to be planned with agreement of local office?	The section 8 of PIM explains all the relevant steps for different types of modifications. Some modifications will be approved by JS, some by MA or

		others by JMC. Nevertheless, it is advisable that you contact JS office for assistance.
76.	Which are the necessary steps for submission of Request for modification of the BoQ?	<p>In case the proposed changes require submission of a new Works design (approved by chief architect) the proposed modification is to be considered as a serious one and should be done as an addendum to the Subsidy Contract. This question should be clarified, in order to initiate the correct modification procedure.</p> <p>Regardless of the type of the modification, the following documents should be provided:</p> <ol style="list-style-type: none"> 1. Opinion/prescription of an investment expert/construction engineer/supervision/architect or similar technical expert regarding the need of the proposed changes and their compliance with the investment and the applicable legislation. The document should be signed by an official. This opinion should include information of the suitability of the proposed positions and their quantities. Please add technical drawings and explanatory notes, if necessary. 2. Market research regarding the proposed new positions, supporting the prizes included in the request. 3. Updated complete BoQ, containing all positions from the original one, with justification of any changes of prizes and quantities, as well as all new positions proposed. The complete BoQ should follow the model of the original one. <p>In case the proposed changes do not require approval of Detailed Works Design the request should be submitted as a notification to JS via the Beneficiary portal. If there is need for a new approval of Detailed works Design, the request should be sent as a Request for contract modification to MA.</p>
Beneficiary portal		
77.	When you upload a tender dossier on the Beneficiary portal, is it locked?	Tender dossier locks on the Notice day – the day planned for tender announcement.
78.	How we can attach files in message via beneficiary portal?	You should go in the section File system, after that in Public folder you drag and drop the file which should be attached in the message.
79.	Should we upload all expenditures, for example daily	All expenditures incurred through the project should be reported through the

	allowances? Is it necessary that expenditures for BL 1 and BL 2 also be uploaded in the system?	system, with the exception of the expenditures for BL 1 and BL2, which will be automatically recalculated.
80.	In the Beneficiary portal, section Procurements, there is a button "Upload file" for each stated procedure. When should be the tender dossier for Single tender uploaded – in the day when the invitation to tender was sent together with the tender dossier or on the later stage, but before submission of Progress report?	The tender dossier should be uploaded on the day of sending the invitation to tenderer. The tender of the invited candidate and the evaluation report/Negotiation report should be uploaded after their finalization.
81.	After conducted tender procedure by fulfilling of section "Contractors" there is a possibility for uploading of information for signed contract only with one Contractor, which is not applicable in cases of procedures divided into lots, where for each lot could be signed contract with different Contractor. Please, provide us with instructions what should be done in such cases?	<ol style="list-style-type: none"> 1. New procedures containing the same name and attributes as of the original tender procedure should be generated in section "Procurements". The sum of the individual contracts for each of the lots provided in the field "Amount" should be 0.00; 2. New procedure for each Contractor should be created; 3. The contract details are to be provided as for a common procedure. 4. The above operations should be done without unlocking the approved Project procurement plan.
Project implementation		
82.	Is it admissible to transfer assets/goods supplied under the project to third parties, part of the target groups?	According to Article 10, paragraph 13 of the Subsidy contract, project partners cannot sell or otherwise transfer in any form the goods, purchased from the financing, throughout the period as mentioned in Article 2, paragraph 5 or throughout their life period if this period is shorter than the implementation period of the operation. In case the project envisages direct use of supplied assets/goods by representatives of target groups, the respective project partner should ensure this use without transferring of the assets to third parties.