

LIST OF QUESTIONS AND ANSWERS

Publication reference: Interreg-IPA CBC-TA-2020-4

Subject:

Lot 1: “Elaboration of environmental assessment report for INTERREG - IPA CB cooperation programme 2021 – 2027 between the Republic of Bulgaria and the Republic of Serbia and for Cross-border Strategy for Integrated Territorial Development to be financed under the INTERREG - IPA CB cooperation programme 2021 – 2027 between the Republic of Bulgaria and the Republic of Serbia”

Lot 2: “Elaboration of environmental assessment report for INTERREG - IPA CB cooperation programme 2021 – 2027 between the Republic of Bulgaria and the Republic of Turkey and for Cross-border Strategy for Integrated Territorial Development to be financed under the INTERREG - IPA CB cooperation programme 2021 – 2027 between the Republic of Bulgaria and the Republic of Turkey”

Lot 3: “Elaboration of environmental assessment report for INTERREG - IPA CB cooperation programme 2021 – 2027 between the Republic of Bulgaria and the Republic of North Macedonia and for Cross-border Strategy for Integrated Territorial Development to be financed under the INTERREG - IPA CB cooperation programme 2021 – 2027 between the Republic of Bulgaria and the Republic of North Macedonia”

Location: Sofia, Republic of Bulgaria

	Question	Answer
1.	<p>The ToR (page 4) states that the INTERREG-IPA III CBC Programme, together with the Cross- border Strategy for Integrated Territorial Development at it, are subject to environmental assessment under the Environmental Protection Act, respectively the program and the strategy are subject to separate environmental assessment procedures.</p> <p>In this regard, we would like to receive information about the possibility to conduct a single environmental assessment procedure for the program and</p>	<p>The Contractor for each lot should elaborate two separate Environmental Assessment Reports (EAR) – one for INTERREG-IPA III CBC Programme and one for Cross-border Strategy for Integrated Territorial Development that are fully compliant with the relevant legal framework.</p>

	<p>its related territorial development strategy, given the fact that the strategy derives from the program and is directly related to it.</p> <p>Having two separate environmental assessment procedures might cause a real risk and lead to a situation in which one of the environmental assessment procedures will overtake the other. The two documents, however, are interrelated and any modification in one of it will result in a need of modification in the other as well, respectively in the two environmental assessments.</p> <p>Having two separate environmental assessments might also lead to a situation in which the environmental assessment procedure referring the Strategy is completed earlier than the approval of the related CBC Programme, provided that the CBC Programme is the leading document. A third possible contradictory situation is reaching a consent on one of the documents without a consents on the other.</p> <p>Also, given the fact that the Strategy derives from the Programme, conducting two separate procedures would only lead to additional administrative burden and real duplication of the procedure for identical / similar documents, without leading to a positive effect of the implementation of the legislation on environmental assessment - in fact the Strategy EA Report will almost overlap the content of the CBC Programme EA report.</p>	
2.	<p>The applicable EU and Bulgarian national legislation is listed on pages 5 and 6 in the ToR. No any applicable legislation regarding the partner countries (Republic of North Macedonia, Republic of Serbia, Republic of Turkey) is indicated, however. The ToR also states (page 6) that the Consultant should identify the corresponding national documents for the</p>	<p>The Contracting Authority will provide to the Contractor for each lot a contact person from the respective National Authority.</p>

	<p>partner country and ensure their adequate and comprehensive reflection in the results of the contract.</p> <p>In this regard, would you please kindly clarify whose responsibility is to identify and establish a contact person from the partner country under the relevant cross-border program and hence obtain information on the applicable legislation at national level in the partner country. Is it an obligation of the Consultant or of the Contracting Authority?</p>	
3.	<p>Whose responsibility is it to obtain the necessary information on the current state of the environment and the existing environmental problems on the territory of the partner country? Is it an obligation of the Consultant or of the Contracting Authority?</p>	<p>According to the p. 2.3 Results to be achieved by the Contractor and p. 4.2. Specific work of each Terms of reference, the contractor should prepare an environmental assessment report for the respective INTERREG-IPA III CBC Programme and for Cross-border Strategy for Integrated Territorial Development. Since both documents are covering territories from Bulgaria and the respective partner country it is responsibility of the contractor of each lot to collect the necessary information on the current state of the environment and the existing environmental problems on Bulgarian territory and the territory of the respective partner country.</p>
4.	<p>In the presence of regulations and requirements in the partner country for conducting identical / analogous / similar Environmental assessment procedure, is the Consultant also engaged in its implementation?</p> <p>Whose responsibility is to coordinate the parallel performance of the procedures and the simultaneous conduction of the public consultations per stages (on the terms of reference for the scope and content of the environmental assessment report and on the environmental assessment</p>	<p>The environmental assessment procedure in each partnering country is responsibility of the respective National Authority of the partner country. The responsibility of the Contracting Authority and the National Authority of the partner country is to coordinate the parallel performance of the procedures and the public consultations in the two countries while taking into consideration the provisions of chapter 7 of the</p>

	<p>report and the draft program / strategy)? Is it an obligation of the Consultant or of the Contracting Authority?</p>	<p>Ordinance for implementing environmental assessment of plans and programs. The Contracting Authority is supported by the contractor for the performance of the procedures and the public consultations in Bulgaria according to the non-exhaustive list of tasks under p. 4.2 Specific work of the Terms of Reference under each Lot.</p>
<p>5.</p>	<p>According to the document “Strategic environmental assessment in Interreg NEXT programs” - Guidance note and review of approaches, July 2020, the public consultations on the environmental assessment report are conducted as the environmental assessment documentation and the draft program is provided in the language of the respective country. Whose responsibility is the translation of the documentation, inch draft program and strategy, environmental assessment report, non-technical summary of the environmental assessment report, compatibility assessment report, and other accompanying annexes and documents, in the language of the partner country? Is it an obligation of the Consultant or of the Contracting Authority?</p>	<p>The documents the contractor should present under the ongoing public procurement procedure Interreg-IPA CBC-TA-2020-4 including the languages to be presented in are described under p. 7.1. Reporting requirements of the Terms of Reference under each Lot.</p> <p>The translation of the documentation related with the Environmental assessment reports and the CBC programme in the language of the partner country is a responsibility of the respective National Authority under each programme.</p> <p>The translation of each Cross-border Strategy for Integrated Territorial Development is a responsibility of the contractor engaged under the respective contract for Elaboration of a Territorial strategy for integrated measures to be financed under the INTERREG - IPA CB cooperation programme 2021 -2027 (Interreg-IPA CBC-TA-2020-2 and Interreg-IPA CBC-TA-2020-3).</p> <p>The translation of the Interreg IPA CBC Programmes in Bulgarian is a responsibility of the Contracting Authority.</p>

<p>6.</p>	<p>Section 4.2, p. 6 of the ToR states: “The Contractor shall organise according to Chapter 4 of the Ordinance for implementing environmental assessment of plans and programs, public consultations with stakeholders and third persons for whom there is probability to be affected by the INTERREG-IPA III Programme and the Cross-border Strategy for Integrated Territorial Development in the different stages of the programming, respectively of the EA.</p> <p>Whose responsibility is to organize and conduct public consultations, incl. coordination of their simultaneous implementation on the territory of the two countries - leading and partnering for the respective program, incl. possible holding of meetings for public discussion, considering that according to the provisions of the Ordinance for implementing environmental assessment of plans and programs this is an obligation of the Contracting Authority of the program / strategy?</p>	<p>According to the p. 4.2 Specific work of the Terms of reference under each Lot the Contractor should organize and conduct public consultations according to Chapter 4 of the Ordinance for implementing environmental assessment of plans and programs.</p> <p>Organization and conduction of public consultations on the territory of the partner country is a responsibility of the respective National Authority of the partner country.</p>
<p>7.</p>	<p>Section 4.2, p. 5 of the ToR states: “In case it is deemed necessary by the competent authority, the Contractor shall conduct compliance assessment of the INTERREG-IPA III CBC Programme and of the Cross-border Strategy for Integrated Territorial Development in accordance with the requirements of the Ordinance of the Ministry of Environment and Water on the conditions and procedures for assessment of the compliance of plans, programs, projects and investment proposals with the object and purposes of conservation of protected areas”.</p> <p>In case the competent environmental authority requires the preparation of a report / reports for assessment of compatibility with the subject and objectives of protection of protected areas, whose obligation (of the Consultant or of the Contracting Authority) is to obtain the information for</p>	<p>In case the competent environmental authority requires the preparation of a report/reports for assessment of compatibility with the subject and objectives of protection of protected areas, obligation of the respective contractor (for each lot) is to obtain the necessary information for the development of these reports.</p>

	the development of these reports, incl. on Bulgarian territory and on the territory of the partner country?	
8.	<p>Considering the fact that the CBC Programs and their Environmental Assessments do not actually have the status of consent for development and/or implementation of particular projects, a separate procedure (EIA and/or EA and Compliance assessment) will be conducted for each individual investment project, funded under the CBC Programmes.</p> <p>In this case, shall we consider that the procedure for conducting a compliance assessment with the object and purposes of conservation of protected areas is actually not applicable under the scope of the current tender?</p>	<p>The need for conducting a compliance assessment of the programme and the integrated territorial strategy is determined by the competent authority the Minister of Environment and Water of Bulgaria, and if so, the selected consultant should proceed with it in line with the legal provisions for that, as specified under section 2.3, 4.2, 5.2 of the Terms of Reference under each Lot.</p>
9.	<p>According to the requirements of Ordinance for implementing environmental assessment of plans and programs, and particularly Article 19, paragraph 3 of it - public consultations during the various stages of the EA procedure are conducted on the base of a scheme developed by the Contracting Authority.</p> <p>In addition, the public consultations under Article 20 of the same ordinance are organized by the Contracting Authority and if necessary - the public discussion as well.</p> <p>Considering the aforementioned would please kindly clarify</p> <p>1. Whose responsibility is it to identify the stakeholders, third persons and the public concerned - of the Consultant or of the Contracting Authority?</p>	<p>According to p. 4.2 Specific work of each Term of reference the Contractor shall organise according to Chapter 4 of the Ordinance for implementing environmental assessment of plans and programs, public consultations with stakeholders and third persons for whom there is probability to be affected by the INTERREG-IPA III Programme and the Cross-border Strategy for Integrated Territorial Development in the different stages of the programming, respectively of the EA. The stakeholders, third persons and the public concerned shall be defined in accordance with the guidelines of the competent authority the Minister of Environment and Waters of Bulgaria, while the Contractor could consider/justify extension of the list of stakeholders, third persons and public concerned.</p>

	<p>2. Whose responsibility is to organize and conduct the public consultations including public discussion (if applicable) - of the Consultant or of the Contracting Authority?</p>	<p>Responsibility of the contractor for each lot is to organize and conduct the public consultations in Bulgaria including public discussion (if applicable).</p>
<p>10.</p>	<p>There is no requirement for providing key experts.</p> <p>Section 6.1 at ToR - Staff, states that the tenderer have to demonstrate in their offer that they have access to experts with the required profiles. Shall be consider admissible to demonstrate one and the same team of experts in our technical proposals, in the case that we are to submit proposals for all the 3 Lots in parallel.</p>	<p>According to p. 6.1.2 Other experts, support staff and backstopping of the Terms of Reference CVs for experts other than the key experts should not be submitted in the tender but the tenderer will have to demonstrate in their offer that they have access to experts with the required profiles. The Contractor shall select and hire other experts as required according to the needs.</p> <p>According to the Terms of Reference there is no restriction to the tenderer to participate with one and the same team of experts in the technical proposals, in case the tenderer applies for all the 3 Lots in parallel.</p>