

**ADDITIONAL INFORMATION - 2**

**“For the provision of the consultancy services to design the legal status of the Local Branch Offices (LBOs) document, and support RYCO in the negotiation for the registration process, as well as, support to employment and labour issues”**

Having regard to Section 5 of the “Instructions to tenderer”, part of the published tender dossier **“For the provision of the consultancy services to design the legal status of the Local Branch Offices (LBOs) document, and support RYCO in the negotiation for the registration process, as well as, support to employment and labour issues” call,** in response to several request for clarification submitted kindly find below the consolidated additional information provided:

1. **Question: *It is possible to apply only for one country?***

- Kindly refer to point 8 of the contract notice, Part A of the tender dossier in which it is clearly stated that this contract is a sole lot, as well as to the “Objectives and scope of the assignment “, section in part D of the tender dossier specifying that:

-  The objective of this contract is twofold:

The design of the legal status of the Local Branch Offices (LBOs) document and support RYCO in the negotiation for the registration process;

Support in relation to the employment and labor issues specifically regarding the types of contrast to be offered to staff and project staff members both in the Head Office and LBOs.

Potential applications for the design of legal status only for one Local Branch Office would not be in compliance with the requirements indicated above therefore would not be considered.

1. ***Question: How would single application reflect on the total budget?***

- Please refer to answer No.1.

1. **Question: *What is considered under one consortia? Can local Law firms from all 6 WB regions or 3 regions (for example: BiH, Serbia and Montenegro) form a consortia or it means only two Law firms for the whole WB region?***

- In point 10 of the contract notice, Part A of the tender dossier: it is stated that: “Participation in tendering is open on equal terms to all International/Regional Law firms, participating either on their own or as a consortium.

For your information Consortia is the terms used to describe the situation where two or more eligible Operators come together through an agreement to submit a sole tender (apply as a sole candidate) for a contract.

The number of consortium members is not defined in the respective tender dossier as it is not a qualification criterion. (it might be two or more).

1. ***Question: In case that consortia is formed, how does that reflect on the statements from the attachment that is who signs those statements (one or all members of consortia)?***

- In case the consortia is formed, the agreement of entering in a consortium should define the leader/representative of the consortia as indicated in the Tender submission form (Annex I of the tender dossier). The information required in the Tender submission form should be completed as per the indicators provided and must be signed and stamped by the leader of the consortium entitled to represent the consortia in the consortia agreement.

The same modality goes for the “Statement” and the “Financial Identification form”.

As clearly defined in the “Declaration on honour on exclusion criteria” the latter must be submitted by each member in case of consortia.

1. **Question: *What qualifies under 10 years of experience in working in international legal affairs? For example: our Law firm was registered 5 years ago but attorneys who would be involved in this tender have as individuals 10 or more years of experience (5 years as attorney at law and more than 5 years as lawyer in multinational company). Furthermore, what exactly do You recognize as international legal affairs?***

- Please refer to point 10. of the Contract Notice part, A of the tender dossier, stating that*: „Participation in tendering is open on equal terms to all International / Regional Law firms, participating either on their own or as a consortium* “Consequently the requirements of experience in working in international legal affairs refer to the Law firm which should have 10 years of experience and therefore 10 years of duly registered existence.

Regarding the second part of the question kindly be informed that:

- International legal affairs is the legal assistance that a given company provides to its international clients, or to local clients in other foreign countries or jurisdictions. This means that the tenderer should be able to handle legal matters in other foreign countries.

1. **Question: *What is considered under setup of international organizations, both in the sense of international and in the sense of type of organization?***

- An international organization is any organization, public or private entity (such as Non-for profit, not governmental organizations, or intergovernmental government organizations, company or for profit organizations) that is present or has branches in at least two different countries. The setup of an International organization implies the registration or incorporation of such an entity in different countries with different legal systems.

1. **Question: *One of the conditions for the tenderers is financial stability reflected in minimum yearly turnover not exceeding 2 time the estimated value of the contract. Is bolded part a technical mistake? In particular case our yearly turnover exceeds this limit.***

- The requirement as explained in the Additional information already published in our Website was meant to state that the yearly turnover of the tenderer cannot be less than twice the amount of the available budget for this contract (not less than 60 000 EUR).

1. **Question*: Can a local Law firm that has neither branches nor it is a member of an International Network take part in this tender?***

- The Wording International/ Regional Law firm refers to fact that the Law firm that is participating in this Tender procedure, could have its official registered address and Head office either in one of the Contracting parties of the Regional Youth Cooperation office, therefore in the Western Balkans 6 region, in which case it is considered as a “*Regional Law firm*” or in another country outside of the Western Balkans 6 region, in which case it is considered as an International law firm.

Additionally, the fact that a given law firm/ law office does neither possess branches in other foreign countries outside of its Head office nor it is a member of an International law network, as it appears to be the case for your Law Office, does not exclude it from applying to this tender Procedure.

1. **Question: *According to the tender dossier, one of the requirements is "at least three reference letters for similar contracts". Could you please confirm whether this means that (i) consortium (all law firms from the region together) has to have at least three reference letters, or (ii) each law firm from the consortium has to have three reference letters?***

- At least one of the consortium members should have minimum three reference letters.

1. **Question: *Are there any restrictions in participating in other consortiums (more than one).***

- Having regard to point 10, “Eligibility” of the Contract Notice” stipulating that: “Participation in tendering is open on equal terms to all International/Regional Law firms, participating either on their own or as a consortium”, and point 11,” Number of tenders” of the “Contract Notice” stipulating that: “No more than one tender can be submitted by a tenderer. In the event that a tenderer submits more than one tender, all tenders in which the eligible entity has participated will be excluded”, the interested eligible Operators must submit a sole (one) tender either on their own or as part of a consortium. As above stated, participating in more than one consortium and consequently in more than one tender would make all the tenders in which the entity has participated invalid.

1. ***If the possible bidder is a Consortium of 6 law firms from 6 jurisdictions, does each law firm has to fulfill the following qualifications individually, or consortium members may fulfill the qualifications as a team*:**

**● Have proven evidence of providing at least two such similar expertise of organizing/conducting the setup of international organizations or their branches at its member’s level;**

**● Have at least 10 years’ experience in working in international legal affairs**

**● Be economically and financially stable and have a minimum yearly turnover not exceeding 2 times the estimated value of the contract;**

- In the case of applications submitted by a consortium, the selection criteria will be applied to the consortium as a whole taking into consideration as well that it is obligatory that the following criteria should be met by at least one consortium member:

o Have proven evidence of providing at least two such similar expertise of organizing/conducting the setup of international organizations or their branches at its member’s level;

o Have at least 10 years’ experience in working in international legal affairs

o Be economically and financially stable and have a minimum yearly turnover not exceeding 2 times the estimated value of the contract;

1. **In addition to the above given information, please note that with regard to a discrepancy noted between article 7, point 3 of the draft contract, part C of the tender dossier and the Terms of Reference, part D of the tender dossier, “Budget and payment modality” section, the applicable payment modality to be taken in consideration for this contract is the one defined in the Terms of Reference, part D of the Tender dossier, “Budget and payment modality” section, specifically:**

***“The payment under this contract will be executed in one installment upon the final certification of the assignment completion from RYCO’s responsible person/structure and the submission of the invoice*”.**

Thank you!