

**Questions and answers in relation to the tender
ref. no. ReSPA/EXT/SER/001-2026; ReSPA/EXT/SER/002-2026; ReSPA/EXT/SER/003-
2026; ReSPA/EXT/SER/004-2026**

Location - Montenegro

Question 1:

Based on our analysis of the documentation, we understand that there are no obstacles for a subcontractor/consortium member to be a related legal entity (i.e., a separate legal entity owned by the lead tenderer). We would appreciate your confirmation in this regard.

Answer to question 1:

Your understanding is correct. A lead tenderer can use a subsidiary as a subcontractor, but it must be transparently disclosed, and you must prove that the arrangement does not violate competition rules or create an unmanaged conflict of interest. It is highly recommended to declare this ownership structure in your tender submission form to avoid rejection later.

Question 2:

Furthermore, our understanding is that a subcontractor/legal providing entity is required to meet the eligibility criteria (i.e., legal status, not being in any of the exclusion situations such as bankruptcy, conflict of interest, professional misconduct, conviction for certain offences, etc., and compliance with the rules on nationality/sanctions). Could you please clarify which conditions subcontractor/capacity providing entity is required to meet only eligibility criteria, or economic, professional and technical selection criteria as well?

Answer 2:

Please note that subcontractor cannot cover the core tasks of the service, and in relation to conflict of interest, the subcontractor was not involved in the preparation of the procurement documents of this tender. Thus, the subcontractor must sign a declaration on honour confirming the absence of professional conflicting interests.

A candidate/tenderer may, where appropriate and for a particular contract, rely on the capacity of other entities (e.g.: subcontractors), regardless of the legal nature of the links that it has with them, to fulfil one or more selection criteria:

- For fulfilling the technical or financial capacity criteria: different candidates/tenderers can rely on the same capacity providing entity.

- For fulfilling professional and technical criteria: an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. \
- For fulfilling economic and financial capacity criteria, the entities upon whose capacity the economic operator relies become jointly and severally liable for the performance of the contract.

Please note that the contracting authority must verify whether the entities on whose capacity the economic operator intends to rely on and the envisaged subcontractors fulfil the relevant selection criteria. The data for these entities as concerns the relevant selection criterion must be included in the tender in a separate document. Proof of the capacity will also have to be provided when requested by the contracting authority.

The contracting authority may additionally request information from the tenderer on any part of the contract that the tenderer intends to subcontract and on the identity of any subcontractors.

Subcontractors must sign a commitment letter that should be part of the submitted tender.

Question 3:

In connection with the previous question, could you please advise whether there is a complete checklist or list of all required documents that must be submitted with the tender to demonstrate that both the tenderer and the subcontractor meet the eligibility criteria? We would appreciate if you could direct us to where such a list can be found or provide clarification on the full set of documentation required for a valid submission.

Answer 3:

Please be informed that there is not such a checklist or list of required documents as part of the tender dossier. The instructions to tenderers and the tender submission form should be clear enough in this respect.

Please also see the answer provided to the previous question.

Question 4:

In the case of bidding as a consortium, is every consortium member required to meet economic, professional and technical criteria?

Answer 4:

Under this service tender, it is not generally required that every single member of the consortium meets all economic, professional, and technical criteria individually. Instead, the selection criteria are usually assessed on the combined capacity of the consortium.

Accordingly:

- It is **not required** that each consortium member individually meets all three selection criteria.
- The consortium may meet the minimum requirements **collectively**, with different members contributing different elements of financial, technical, or professional capacity.
- The combined capacities of the consortium members will be considered for the purpose of verifying compliance with the minimum thresholds set out in the procurement documents.

However, the following conditions apply:

1. Each consortium member must contribute to the performance of the contract in line with the capacities it declares.
2. The division of tasks and responsibilities among consortium members must be clearly described in the Technical Offer.
3. The documentary evidence submitted must clearly demonstrate that the consortium meets each minimum selection requirement.
4. Where the tender dossier sets a requirement that must be fulfilled by a specific economic operator (if applicable), such requirement must be respected as stated.

Subcontractors are not subject to the selection criteria unless the tenderer relies on their capacity to meet those criteria.

Question 5:

We understand that there are four separate tenders published (including Reference Nos. ReSPA/EXT/SER/001-2026, 002-2026, 003-2026, and 004-2026). Could you please confirm whether these are to be treated as completely separate procedures? If so, we assume that the same tenderer and subcontractor are permitted to participate in all four separate invitations and, if successful, be awarded contracts for implementation. We would appreciate your confirmation in this regard.

Answer 5:

Yes, indeed, every tender is treated separately. A specific tenderer and its subcontractor can submit a bid under each tender and if successful in the four procedures, be awarded the four contracts at stake.

Question 6:

Regarding capacity providing entities/subcontractors, we noticed this note: Note that capacity providing entity/subcontractors are not considered to be a consortium member for the purposes of this tender form. Subsequently, data on capacity providing entities/

subcontractors must not appear in the data related to the economic, financial and professional capacity but on a separate document.

Could you please clarify what separate document is required for this purpose? Should capacity providing entity/subcontractor provide separate tender submission form or declaration document?

Answer 6:

Please see above the answer to question no. 2.

The separate document can have the same format as the tables in the tender submission form related to the presentation of the financial technical and professional capacity of the tenderers.

Question 7:

Can the lead tenderer rely on technical and/or professional capacities of a capacity providing entity (including completing tender submission form), if that entity will perform the tasks for which these capacities are required?

Answer 7:

Please see the response provided under question 2 above.

Question 8:

Could you please clarify if one legal entity can be a capacity providing entity and subcontractor at the same time? If so, how can we specify that in the bid submitting documentation?

Answer 8:

Yes, indeed, a capacity providing entity and a subcontractor could be the same organisation or institution. The tenderer should name them in the tender submission form under the corresponding section.

Question 9:

We do not meet the three main selection criteria (financial, technical, and professional). To mitigate this, we are considering relying on the capacity of a UK-based entity to cover these requirements. As the UK is no longer part of the EU, our understanding is that our partner may not meet the eligibility requirements regarding the origin of the company. Could you

please confirm whether this assumption is correct, or advise if there are any possible mechanisms or exceptions that would allow a UK partner to participate in this way?

Answer 9:

Participation in this procedure is open only to legal entities effectively established in a Member State of the European Union or in an eligible country as defined under Article 11 of Regulation (EU) No 2021/1529 (IPA III), as stated in the procurement documents.

As the United Kingdom is not a Member State of the European Union and is not listed as an eligible country under IPA III, entities established in the United Kingdom do not meet the eligibility requirements (nationality rule) applicable to tenderers, consortium members, entities whose capacity is relied upon or subcontractors for the purpose of fulfilling the selection criteria.

Consequently, a UK-based entity cannot be relied upon as a capacity entity to cover financial, technical, or professional selection criteria under this procedure.

There are no mechanisms or exceptions under the applicable rules that would allow a non-eligible entity to be used for the purpose of meeting selection criteria or to become a subcontractor.

The Contracting Authority reminds tenderers that the responsibility for submitting a compliant tender rest solely with the tenderer.

Question 10:

If we were to establish a consortium to meet the requirements, could you please clarify the structure and the type of legal agreement that would need to be in place? In addition, do all participating entities need to meet the eligibility requirements related to the origin of the company?

- **The tender instructions state: “a) Participation is open to all legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in a Member State of the European Union or in an eligible country or territory as defined under Article 11 of Regulation (EU) No 2021/1529 establishing the Instrument for Pre-accession Assistance (IPA III).”**
- **Could you confirm whether this criterion applies to all members of the consortium, or only to the lead entity?**

Answer 10:

In relation to the structure of the bidding consortium (grouping of economic operators), the members should know that at the stage of tender submission:

- A formal consortium agreement is not required unless explicitly requested in the tender dossier.
- The consortium must clearly identify a lead member in the tender submission form.
- All consortium members must submit the required declarations and supporting documentation.
- The technical offer (i.e.: the organisation and methodology) must clearly describe the roles, tasks, and distribution of responsibilities among the members.

If awarded the contract, the Contracting Authority reserves the right to require the consortium members to formalise their cooperation through a legally binding agreement prior to contract signature.

Consortium members shall be jointly and severally liable for the performance of the contract.

Regarding the nationality rule as eligibility criterion, it applies to all members of the consortium, as well as to potential capacity providing entities or subcontractors.

Please see the answer to the preceding question above.

The Contracting Authority does not provide prior validation of consortium structures. The assessment of eligibility will be carried out exclusively during the evaluation of tenders based on the submitted documentation.

Question 11:

Could you confirm whether, in the context of a consortium, it is required that each member individually meets all three selection criteria (financial, professional, and technical), or whether the consortium as a whole can meet these requirements collectively, with different members covering different criteria (and so, perform the related tasks)?

Our understanding is that the latter approach applies; however, we would appreciate your confirmation and any additional guidance on specific conditions or limitations that may apply.

For reference, the tender states: “The following selection criteria will be applied to the tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are subcontractors.”

Answer 11:

Please see the answer to question 4 above.

Question 12:

Can we submit multiple options of instructors that do meet the criteria, and make the final selection from the approved lists?

Answer 12:

Tenderers are free to propose in their ‘organisation and methodology’ multiple options for instructors or trainers meeting the required criteria. If the contract is awarded to a tender involving such options, the contractor will indeed make its final selection of instructors based on the options provided in their bid.

Question 13:

The instructions for the tender submission list the documents to be included in the Offer. However, the Key Expert spreadsheet is not referenced, in contrast to the Admin Compliance grid, which suggests that it should be. Could you please confirm whether the Technical Offer must include the Key Expert List (4_6_annex 4_Key experts_eaa)?

Answer 13:

Along with the ‘organisation and methodology’, the tender must contain a duly completed version of the key expert list using the template provided as 4_6_annex 4_Key experts_eaa.

The contracting authority apologises for this omission in the instructions to tenderers.

Question 14:

In addition, the tender file includes several templates and annexes related to the Draft Contract (some of which appear to require completion, such as “4_1_main conditions_eaa.docx”). However, these documents are not listed in the instructions as items to be included in the Technical Offer. Could you please confirm that the various annexes related to the Draft Contract (main conditions, ToR, etc.) do not need to be submitted at this stage, as part of the Technical Offer?

Answer 14:

Documents related to the Draft Contract (e.g.: ‘main conditions’, ‘special conditions’, ToR, etc.) do **not** need to be completed or submitted as part of the Technical Offer. They are provided for information purposes only.

Question 15:

Could you please confirm that the Technical Offer should include only the following:

- **The tender submission form (including the tender declaration, declaration of Honour, authorised signature, and identification form)**
- **The Organisation and Methodology document**
- **Documentary proof or statement regarding the exclusion situation**
- **Documentary evidence of the financial, technical, and professional capacity: as the document type is not specified, could you please advise whether there are any specific requirements for identifying and collecting this information?**

Answer 15:

Yes, indeed, your tender must include:

- The tender submission form, including the tender declaration, the declaration of honour, the duly authorized signature and the corresponding legal identification form
- The organisation and methodology, along with the tables named 'key experts' list'
- The budget or financial offer

In relation to the documentary evidence that the contracting authority may require from the presumed successful tenderer, this may include:

- Financial statements or balance sheets
- Bank statements
- Reference certificates for similar contracts
- CV of proposed experts
- Lists of services performed
- Signed client confirmations

Question 16:

Could you confirm whether the Identification Form mentioned is required only for the Tenderer, or also for any capacity providing entities or subcontractors (if applicable)?

Answer 16:

All members of the consortium must submit a legal identification form. Capacity providing entities or subcontractors do not need to fill out a legal identification form.

Question 17:

The contract notice states that when an economic operator relies on a Capacity Entity to meet the selection criteria, “*the data for this third entity for the relevant selection criterion should not be included in the tender form but in a separate document.*” We would appreciate clarification on what is meant by “separate document.” Does this refer to a separate attachment within the final submission (technical and financial envelope), or to another process?

Answer 17:

The separate document should be part of the tender submission form and be within the technical offer and not part of the financial bid. Please see the answer 6 above.

Question 18:

On page 5 of the contract notice, there is a reference to “Part D” of the Tender. Based on the naming conventions of the files and the structure of the Tender Submission Form, we have not been able to identify any section labelled “Part D.” Could you please clarify what this refers to?

Answer 18:

The reference to “Part D” corresponds to the section of the Tender Submission Form, including supporting documentation and declarations.

Question 19:

In the instructions to tenderers, section 4, one can read that the electronic version of the financial/technical offer must be included with the printed version in the separate envelope in which the financial/technical offer is submitted. Could you please clarify the requirement regarding the “electronic version” of the offers to be included with the printed envelopes? Specifically, how should the electronic version be submitted in practice (for example, on a USB drive, CD, or other format). Unless there is a misunderstanding on this requirement.

Answer 19:

The electronic version of the technical and financial offer:

- Must be included in the same sealed envelope as the corresponding printed version.
- May be submitted on a USB drive.
- Files should be provided in searchable PDF format unless otherwise specified.
- The electronic version must be identical to the printed version.

In case of discrepancy, the printed version prevails.

Question 20:

As an OECD member, is the United Kingdom (UK) eligible to participate either as a supporting entity to meet selection criteria or as part of a consortium?

Answer 20:

Please see above the answer 9.

Question 21:

At the time of publishing this tender procedure, calls for three additional tenders have been also published – Design and Delivery of an Intensive Software Engineering Training Programme for Montenegrin Civil Servants (RESPA/EXT/SER/003-2026); Design and Delivery of an Intensive Data Science Training Programme for Montenegrin Civil Servants (RESPA/EXT/SER/002-2026); and Design and Delivery of an Intensive User Experience Design Training Programme for Montenegrin Civil Servants (RESPA/EXT/SER/004-2026).

Taking this into account, as well as the fact that all four tenders are planned to run in parallel (as indicated in the Instructions to Tenderers), and that each ToR foresees approximately 25 participants, could you please kindly confirm the following:

Will each programme have a distinct group of participants, or should we expect some overlap (i.e., the same individuals attending multiple training programmes)?

Answer 21:

Each of the four training programmes will have its own distinct cohort of participants, with approximately 25 civil servants assigned specifically to each programme. The programmes are designed to run in parallel, but with separate participant groups. Participants are not expected to attend multiple training programmes.

Question 22:

According to the ToR - specifically Section 4.1 (General), which states that the contractor must provide “laptops/workstations for all 25 participants”, and Section 6.4 (Equipment), which reiterates that the contractor is required to provide laptops/workstations for all 25 participants – could you please kindly clarify whether this requirement applies exclusively to the participants, or whether the contractor is also expected to provide laptops/workstations for the trainers/experts delivering the programme?

Answer 22:

In accordance with Section 4.1 (General) and Section 6.4 (Equipment) of the ToR, the contractor is explicitly required to provide laptops/workstations for all 25 participants.

In addition, the contractor is responsible for ensuring that the team of trainers and experts engaged for the implementation of the programme have access to appropriate equipment, including laptops/workstations, as necessary for the preparation and effective delivery of the training. This falls under the contractor's overall responsibility for the organisation and implementation of the programme, as well as for providing all required technical and operational resources to ensure high-quality delivery.

Question 23:

According to the ToR (Section 4.2. Specific Work), Activity 5 refers to the full-time delivery of the intensive programme (Monday – Friday, 08:00 – 16:00), while Activity 6 covers continuous mentoring, lab support, office hours, and timely feedback on assignments. Could you please kindly confirm whether Activity 6 is intended to run in parallel with Activity 5 (i.e., during the same three-month delivery period), or if these activities are expected to be organised separately outside the core full-time training schedule?

Answer 23:

Activity 6 is intended to be implemented in parallel with Activity 5. More specifically, the continuous mentoring, lab support, and timely feedback on assignments foreseen under Activity 6 should run alongside the full-time delivery of the intensive programme (Monday–Friday, 08:00–16:00) during the same three-month implementation period. These activities are therefore not expected to be organised separately outside the core training schedule, but rather to complement and support the learning process throughout the duration of the programme.

Question 24:

According to the ToR - specifically Section 4.2 (Specific Work), which states that the contractor is responsible for configuring the learning environment(s), tools, shared workspaces, notebooks, databases/datasets and version-control repositories, as well as Section 4.1 (General), which requires the contractor to ensure access to all necessary software/tools for training delivery - could you please kindly clarify which specific software tools, learning platform, and digital environments the contractor is expected to provide under this assignment?

Answer 24:

All tools, platforms, configurations, environments, repositories, datasets, and other digital resources envisaged by the proposed methodology and further elaborated in the approved Inception Package must be provided and configured by the contractor.

The contracting authority does not prescribe specific software solutions or platforms. It is the responsibility of the contractor to propose, justify, and ensure access to all required tools and environments necessary for the effective delivery of the training programme, in accordance with the approved methodology and to ensure high-quality implementation of the tasks.