



## Promote and Affect Tourism through History (PATH)

### CLARIFICATIONS No 1 for tender procedure

“Rehabilitation and Construction Works in Hamdibey Village” within project CB005.2.21.006  
“Promote and Affect Tourism through History (PATH)”, financed by Interreg-IPA CBC  
Bulgaria-Turkey Programme

Reference number: CB005.2.21.006.PP2.Works.C2.01.01  
Contracting authority: Kırklareli Special Provincial Administration/ Turkey  
Date of launching: 16.06.2020

On the basis of art. 18 from the Instructions to tenderers for the above-mentioned tender procedure, the Contracting authority issues the following clarifications in relation to a question received by a potential tenderer:

**QUESTION:** After review of the tender dossier our company found out of that in Contract Notice, Terms of Participation section, **point 10 Eligibility and rules of origin** is written that:

*“Participation in this tender procedure is open to all eligible tenderers at national and international levels, and it is a requirement that the owner and/or associates of the company must be the member(s) of Union of Chambers of Engineers and Architects either local or international and tenderers must provide evidence as part of technical offer of the tender.”*

This eligibility rule for participating in the tender procedure is highly restrictive and are not in line with the rules of PRAG for **Equal treatment and on- discrimination** and **Competition**.

In Turkey and in many countries the companies are registered as members of the Chamber of Commerce and Industries, non as a members of the Union of Chambers of Engineers and Architects and there is no any legal obligation the construction companies or their owners and / or associates to be members of any Union of Chambers of Engineers and Architects.

The above mentioned presented text in the Contract Notice requesting and obligating the potential tenderers’ members for this registration in the Union of Chambers of Engineers and Architects is not line with any national or/ and international legislative regulation and is **highly restrictive obligation, which is putting under the question the procurement principles of this tender.**

**Due to this our company is requesting changing or deleting of this text from the Contract Notice document.**

**ANSWER:** Your reason for requesting clarification is that the conditions listed under article 10 (eligibility and rules of origin) of the Contract Notice are restrictive. These conditions are a concurring decision of the tender committee and set for successful completion of the works that will be completed under the scope of the contract. The specified condition does not exclude any tenderers to apply and is perfectly aligned with rules of PRAG, Equal Treatment and non-discrimination and Competition principles. Specifications listed under Article 2.6.11.1 General Principles Procurement and Grants for European Union external actions - A Practical Guide was referenced in the required condition.



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The Company also noted that in Turkey and in many other countries, companies are registered as members of the Chamber of Commerce and Industries. The condition was misinterpreted at this point because the condition is not for the registration of the “company”, but the “owner or associates” who can be member of professional organizations of engineers or architects either at national or international levels. The company also noted that “...obligating the potential tenderers’ members for this registration in the Union of Chambers of Engineers and Architects is not in line with any national or/and international legislative regulation and is highly restrictive obligation...”. Once again, this registration requirement is not for registration of company, but the registration of the company owners or associates.

The tender committee is authorized to set conditions for successful completion of the contracts based on national and international legislative regulations and by considering PRAG procedures. The company also specified that “**Due to this our company is requesting changing or deleting of this text from the contract notice document**”. As a potential tenderer, you do not have authorization to request changes or modifications in tender procedures to make the tender procedure fit eligibility criteria of your company. You may request clarifications, but requesting change or modification is against the national and international legislative regulations.

In conclusion, the condition that you specified under Article 10 or General Conditions is not restrictive nor discriminatory. It cannot be changed or modified upon request of a potential tenderer. More importantly, if your company satisfies all other financial and technical conditions, you can apply for the tender procedure as part of a consortium if one of the members of the consortium satisfies the required condition. Thus, even if your company does not satisfy the abovementioned condition, you can still apply for tender procedure, so your company is not discriminated nor excluded.