

Changes in the EU External Actions Procurement: PRAG 2021 & 2021.1

Question	Answer
1. In service contracts, short-lists are not published anymore with the Tender Dossier (supposedly on behalf of transparency), and they are supposed to be published together with the Award Notice. In many occasion that's not the case. Is this something followed up?	PRAG 2.6.3: The contracting authority prepares the shortlist notice and publishes it together with the award notice on TED (Section VI.3 of the award notice). If the shortlist is not published with the award notice you could contact the relevant contracting authority.
2. What can be understood as third party ?	This is defined by reference to the parties to a contract. It is another party than those that signed the contract at hand. Third party is also used to refer to an applicant or tenderer before conclusion of the contract.
3. What can be understood as a third party so that we have a case of Subcontracting? Is it for legal persons only, or also for partnerships?	A candidate/tenderer may, where appropriate and for a particular contract, rely on the capacity of other <u>entities</u> , regardless of the legal nature of the links that it has with them, to fulfil one or more selection criteria. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality as the economic operator relying on them. Third parties can be natural or legal persons. Partnership is not a notion used in external action procurement.

<p>4. I understand that with the new PRAG not all candidates will need to be notified about the results at the same time and the awarded candidate can be notified in advance. Is this so?</p>	<p>Please refer to PRAG section 2.10.1: Regardless of the type of procedure for works and supplies contracts, the contracting authority must notify the award to the successful tenderer (Annexes C8A and D8A) and, at the same time, inform in writing the unsuccessful tenderers using the appropriate template (Annexes C8B or D8B).</p> <p>The contract with the successful tenderer can only be signed after the expiry of the standstill period.</p> <p>The duration of the standstill period is 10 calendar days when using electronic means or 15 days when using other means, starting from the day following the date on which the notification to tenderers was sent.</p> <p>For service contracts, Section 3.4.12.1.: <i>'Before the period of validity of tenders expires, and on the basis of the accepted evaluation report, the contracting authority notifies the successful tenderer in writing that its tender has been retained (see format of letter in Annex B13a) and draws attention to any obvious arithmetical errors which were corrected during the evaluation process. At the latest before taking the award decision, the contracting authority has ensured that the relevant third party (i.e. tenderer including partners) is not registered at exclusion level in the early detection and exclusion system nor included in the list of European Union restrictive measures (see Section 2.4). At the same time the result is notified to the second best tenderer (Annex B13b) and the other unsuccessful tenderers (Annex B13c). All notification letters may be sent by e-mail or fax.'</i></p> <p>PIC validation: Please note that it is up to the contracting authority to request the legal and financial validation of the PIC data of any organisation applying via eSubmission. The request for supporting documents on PIC in no way implies that the organisation has been successful in a procurement procedure.</p>
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<p>5. In case of extension of the validity of a tender (service contract) are all candidates to be requested to confirm that extension at the same time or can that request be only sent to the preferred candidates?</p>	<p>Please refer to PRAG Section 2.9.5.: Tenderers are bound by their tenders for the period specified in the letter of invitation to tender or in the tender dossier. [...]</p> <p>The period of validity of tenders is fixed at 90 days from the deadline for the submission of tenders.</p> <p>In exceptional cases with prior approval by the competent authority of the European Commission, before this period of validity expires, the contracting authority may ask the tenderers for a one-off, specific extension, which may not exceed 40 days.</p> <p>The successful tenderer is bound by the tender for a further 60 days, irrespective of the date of notification (i.e. 90 (+ 40) + 60 days) of the award of the contract. This period can only be further extended when the contracting authority has referred a potential case of exclusion to the EDES panel mentioned in Section 2.6.11. and for the duration of the procedure before the EDES panel. The contracting authority may also request a one-off extension of the validity of the offers submitted in response to request for services of framework contracts, before the original validity period has expired. For request for services below EUR 300 000, the period of validity can be extended for maximum 14 days. For request for services equal or above EUR 300 000 EUR, the period of validity can be extended for maximum 30 days. Extensions of tender validity are always requested from all tenderers.</p>
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<p>6. General information on PIC (see matrix of changes PRAG 2021)</p>	<p>The PIC will be requested for each tender procedure, when economic operators are in eSubmission. The participants reuse their PIC each time they submit a tender in a different procedure. No need of re-entering organisation's data again. The supporting documents and data are stored in one data base. The overall system also works as a central repository. The PIC reference may be used in all transactions with the European Commission services (submission of tenders, legal validation, and financial capacity assessment). It allows the participants to reuse their organisation's data and documents in different procedures with different DGs/programmes. PIC validation is needed for direct management, mainly the following type of procedures published as of 22 March:</p> <ul style="list-style-type: none"> • Open procedures, • Restricted, • exceptional negotiated procedures. <p>The 9 digit PIC registration and validation is mandatory to apply for funding via eSubmission (direct management procedures). However in the near future the PIC will be a requirement to manage your contract with DG INTPA/NEAR/FPI, see annex PRAG A9 <i>'The European Commission external action DGs (DG INTPA, DG NEAR, FPI) are migrating the management of their contracts to an online portal. (...)In the future, this portal will be used as a communication platform for the management of your contract(s). Since you are in the process of signing a contract financed by DG INTPA, DG NEAR or FPI, it is strongly recommended to register now in the Commission's Participant register. This Participant Register will act as an entry point to the new contract management portal. By registering you will obtain a Participant Identification Code (PIC, 9-digit number) which will act as your unique identifier. Registration is free of charge. Not registering your organisation might create technical difficulties with the migration of your contract. Not registering might negatively impact on the future management of your contract which you are about to sign.'</i></p>
<p>7. How long will take to validate the PIC?</p>	<p>It depends on how quickly the economic operator will provide the requested documents. The process is quick upon receipt of all the documents.</p>

<p>8. Submissions can only be done by the LEAR?</p>	<p>For call for tenders, the user submitting the request to participate/tender (if different from the Contact Person) receives the role Coordinator Contact,(CoCo). If economic operators choose a different contact person, this person will be given the role of Primary Coordinator Contact (PCoCo) for this call. If the user submitting the request to participate/tender is the same as the contact person they will be the Primary Coordinator Contact (PCoCo) for this call. Therefore, the LEAR is not involved. For an overview of roles and responsibilities external partners can go to https://ec.europa.eu/research/participants/docs/h2020-funding-guide/user-account-and-roles/roles-and-access-rights_en.htm. They can also consult the guidelines for eSubmissions here quickguidepp_en.pdf (europa.eu).</p>
<p>9. We sometimes employ subcontractors in specific contracts of a master framework contract; specific requests of master contracts however do not state specific requirements for subcontractors; what documents do we need to submit for subcontractors that we propose in offers that respond to specific requests of framework contracts?</p>	<p>Please consult the requirements of your specific call. Subcontractors must satisfy the <u>eligibility criteria</u> applicable to the award of the contract. They must not fall under the <u>exclusion criteria</u> described in the tender dossier and the contractor must ensure that they are not subject to EU restrictive measures. PRAG 2.6.11.1: The contracting authority must verify whether the entities on whose capacity the economic operator intends to rely 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.</p> <p>Proof of the capacity will also have to be furnished when requested by the contracting authority. The contracting authority must require that the economic operator replace an entity or subcontractor who does not meet a relevant selection criterion.</p> <p>The contracting authority may request information from the tenderer on any part of the contract that the tenderer intends to subcontract and on the identity of any subcontractors.</p>
<p>10. Regarding the declaration on honour (DoH) no longer signed in blue ink - some companies in a consortium may not have the QES, is there an exception in these cases.</p>	<p>QES is only an option, you could still sign in hand-written blue ink signature the DoH before uploading it in eSubmission. Please consult PRAG 2.10.3 - general guidance on QES. For contract signature, the contracting authority should inquire the contractor to define the signature workflow.</p>

<p>11. Following the point regarding Selection Criteria – Economic and Financial capacity of the Additional Information about the Contract Notice document, if a company bids with the endorsement of the parent company, in the Expression of Interest should the financial data for both companies be included in the financial data tables?</p>	<p>On the very first page of form B3 (Request to Participate) under the last paragraph on Capacity providing entities, it is indicated: "For the purpose of the present request to participate, the data for this third entity for the relevant selection criterion has to be included in a separate document. Proof of the capacity will also have to be provided when requested by the contracting authority". See also footnote 2 of PRAG annex B3. Please refer also to PRAG Section 2.6.11.1.: [...] <i>Where an economic operator relies on the capacities of other entities with regard to criteria relating to economic and financial capacity, the economic operator and those entities are jointly liable for the performance of the contract. If the candidate/tenderer relies on other entities it must prove to the contracting authority that it will have the necessary resources available to implement the contract, by producing a commitment by those entities to place such resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility, and notably that of nationality, that apply to the economic operator relying on them. The contracting authority must verify whether the entities on whose capacity the economic operator intends to rely 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 furnished when requested by the contracting authority. The contracting authority must require that the economic operator replace an entity or subcontractor who does not meet a relevant selection criterion. [...]</i></p>
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<p>12. In some case the entity launching the project limits the possibility to rely on the capacity of other entities in one or more selection criterion. Is this in line with PRAG?</p>	<p>With regard to technical and professional 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. Where an economic operator relies on the capacities of other entities with regard to criteria relating to economic and financial capacity, the economic operator and those entities are jointly liable for the performance of the contract. Please refer to PRAG Section 2.6.11.1.: [...] When deciding on the appropriate criteria, contracting authorities must consider whether compliance can be proved and should, for instance, consider what type of documentary evidence the tenderer may submit as proof. The selection criteria must be specified in the contract notice/additional information about the contract notice/instructions to tenderers and applied by the contracting authority without modification unless a corrigendum has been published.</p> <p>The contract notice must clarify how each selection criterion will be assessed in the case of application submitted by a consortium. For instance, some criteria aiming at assessing the financial and economic capacity might not be checked on the basis of aggregate values but are rather to be met by each member of a consortium.[...]</p> <p>With regard to technical and professional 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. Where an economic operator relies on the capacities of other entities with regard to criteria relating to economic and financial capacity, the economic operator and those entities are jointly liable for the performance of the contract. If the candidate/tenderer relies on other entities it must prove to the contracting authority that it will have the necessary resources available to implement the contract, by producing a commitment by those entities to place such resources at its disposal.</p> <p>The above provisions must also be read in light of Point 18(8) of Annex I to the Financial Regulation (FR) which foresees the possibility for the contracting authority to require ‘critical tasks’ to be performed by the tenderer itself and not subcontractors, in the case of some contracts (works contracts, service contracts and siting and installation operations in the context of a supply contract).</p>
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<p>13. The standard of sending invoices, requests for payment and reports as pdf by e-mail, does it apply to ongoing contracts as a change to save paper? Will EU Delegations acting as contracting authorities accept this change after June 24th for contracts signed under older procedures?</p>	<p>With the release of PRAG 2021.1 the acceptance of invoices/payment requests and reports sent via email in pdf becomes a standard feature for HQ and EU Delegations. This new feature is applicable to contracts signed before 24 June 2022 (entry into force of PRAG 2021.1).</p>
<p>14. Could please clarify what do you mean with a weighted score evaluation for key experts? As a new way to evaluate proposed experts?</p>	<p>This refers to a change introduced in PRAG section 3.4.10.3 in December 2021 regarding the terminology used to apply a weighting to the technical score. The notion of 'weighed technical score' is introduced in order to avoid errors in the calculation and align with eProcurement notification letters.</p>
<p>15. You mentioned that the ratio criteria of at least 1 needed to be filled by all consortium members individually. Will this now filled by the consortium as a whole?</p>	<p>The question is not well formulated but we understand you refer to one of the financial criteria (current ratio assets/liabilities). As a general rule the consortium as a whole must meet the selection criteria, with the exception of the financial criteria related to the ratio assets/liabilities that has to be fulfilled by each individual member of the consortium.</p>

<p>16. Will there be any restrictions on subcontracting outside of EU?</p>	<p>The principle is that economic operators on the market are free to organise themselves as they so wish. As a rule, groups of economic operators are authorised to submit a tender or request to participate to a joint tender and subcontracting is allowed (*). A joint tender may also involve subcontracting. The number of entities in a joint tender or the number of subcontractors or the share of subcontracting may be not limited. Please note however that subcontractors in external actions have to respect the same eligibility criteria that are applicable to the contractor.</p> <p>(*) See in particular the Judgements of the ECJ C-314/01 of 18/03/2004, (Siemens AG Österreich und ARGE Telekom & Partner vs. Hauptverband der Österreichischen Sozialversicherungsträger) and C-176/98 of 02/12/1999 (Holst Italia SpA vs. Comune di Cagliari).</p> <p>Please note that Point 18(8) of Annex I to the Financial Regulation (FR) foresees the possibility for the contracting authority to require ‘critical tasks’ to be performed by the tenderer itself and not subcontractors, in the case of some contracts (works contracts, service contracts and siting and installation operations in the context of a supply contract).</p>
<p>17. Can beneficiary countries implementing EU programmes under indirect management modality apply the new rules and the e-submission?</p>	<p>As from PRAG 2021 eSubmission supports the following procurement procedures in direct management only:</p> <ul style="list-style-type: none"> · Open procedures · Restricted procedures · Negotiated procedures. <p>However the publication of eNotices in Funding & tender portal and TED also applies to indirect management procedures as from PRAG 2020.</p>
<p>18. When are tenderers informed that they are not shortlisted? This used to be at the same time as those who are shortlisted.</p>	<p>Shortlisted and not shortlisted applicants are informed at the same time.</p>

<p>19. On selection criteria/Technical capacity: Could you please clarify how candidates are supposed to calculate the relevant budget of the service contracts during the reference period? Considering that the timing of implementation, invoicing, payment are different, there is a time lag between the completion of a portion and the proof of the satisfactory completion. Are candidates supposed to consider the activities, which have been implemented, invoiced or paid during the reference period?</p>	<p>Please refer to PRAG 2.6.11.3. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period (although started earlier) will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity that awarded the contract or proof of final payment) also detailing its value. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has completed must be clear from the documentary evidence, together with a description of the nature of the services, supplies or works provided if the selection criteria relating to the pertinence of the experience have been used.</p>
<p>20. You mentioned that the original Decl on Honour(DoH) no longer needs to be sent as an original with e-submission. But in annex b3, PRAG 2021.1, the instructions still stipulate "if shortlisted for the second stage of the procedure and invited to tender, the evaluation committee might request the submission of the original declarations on honour, including the declarations on honour of every consortium member, and capacity-providing entities (if any)" So we should still collect originals from all members and CPEs?</p>	<p>Indeed, in annex B3 we still refer to the possibility to request the original DoH for eSubmission procedures. In eSubmission tenderers must keep the originals of the Declaration on Honour for control purposes and must provide them to the contracting authority upon request. The contracting authority always has the right to request the original DoH but this is not the standard rule, as the DoH is uploaded already in eSubmission. PRAG 2.10.1 (footnote 114 - wiki online version) states that 'The requirement to submit an original Declaration on honour on exclusion criteria and selection criteria is only applicable in case of paper submission'. For paper submission procedures the submission of original DoH is still applicable. Please consult the matrix of changes - PRAG 2021.1 - version.</p>
<p>21. Regarding the evaluation of Key Experts in a tender, if a KE meets the minimum criteria in terms of professional experience, will (s)he score less than another candidate exceeding the same criteria in terms of years of experience?</p>	<p>Please refer to the Evaluation grid https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes</p>

<p>22. Last two large Technical Assistance tenders with INTPA we have found that incidental expenditure account to 40% of the total budget. Consultant cannot charge any margin to that 40% of the contract. This situation generates an increase of risk and decrease of margin in the contract. Will PRAG take into account this situation in the future to avoid technical consultants to act as an “unpaid accountant”?</p>	<p>We take note of your comment but we would need to better understand the implication of the experts (on the field) with regard to the management of the provision for incidental expenditure. Currently we consider the management of the provision for incidental expenditure, which is done at the headquarters of the contractor, to be included in the expert fees as part of the backstopping.</p>
<p>23. I know PRAG states that the short-list should be published with the Award Notice. However, if you check the award notices for: NEAR/ANK/2021/EA-RP/0092, NEAR/TBS/2021/EA-RP/0086, INTPA/ABV/2021/EA-RP/0086, NEAR/BEG/2020/EA-RP/0047, just to name a few, this is not happening. Is this something you are following up? Thanks</p>	<p>Please inform the relevant contracting authority. Shortlist notices should be published together with the award notice. We will also share this information with the relevant services.</p>
<p>24. The e-Submission forms are somehow different from the PRAG form for expressions of interest. How shall we upload our expressions of interest?</p>	<p>Expression of interest are not used in external action procurement, and the PRAG does not have any annex bearing that name. When economic operators request to participate, and/or submit a tender for a Call, they will be re-directed from the publication website on the Funding and Tenders Opportunities Portal. The economic operators will prepare and submit their request/tender via eSubmission on the portal.</p>

<p>25. If you sign the DoH handwritten, will be necessary to send the original one to the contracting authority?</p>	<p>PRAG section 3.4.12.1: During the evaluation procedure and before taking the award decision, the evaluation committee will request the original Declaration on honour on exclusion criteria and selection criteria and copies of documentary evidence for exclusion and selection criteria from the potential successful tenderer. The requirement to submit an original Declaration on honour on exclusion criteria and selection criteria is only applicable in case of paper submission. However, take into account that this instruction applies as from PRAG 2021.1 templates. Procedures launched under PRAG 2021 models will still require the submission of the original DoH. Please always consult your relevant procurement documents and follow the instructions provided.</p>
<p>26. Should the other documents, for example the application form, be signed with a QES or is it only the DoH?</p>	<p>We accept either QES or hand-written blue ink signature. See further guidance in PRAG 2021 matrix of changes.</p>
<p>27. We have noticed (and you have just confirmed) that the evidence of exclusion is just asked at the awarding stage. This happens mainly for e-submission. How about for indirect management procedures? could we avoid to submit the legal evidence at the proposal stage? or in this case is still better to keep submitting all the evidence at the proposal stage?</p>	<p>Please always consult the relevant tender documents. One of the novelties of PRAG 2021 concerns the timing to request and provide supporting documents. PRAG 2.6.10.1.3, B) (...) <i>'In restricted and open procedures, these supporting documents will be requested from tenderers at evaluation stage and verified by the contracting authority before the award of the contract to the potential successful tenderer(s). In addition, the tenderers and candidates must certify that the situation has not altered since the date of issue of the evidence'</i>. See further guidance in PRAG 2021 matrix of changes.</p>
<p>28. Will a matrix of changes be published for the 2021.1 version?</p>	<p>Yes, it is published on https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG</p>
<p>29. Do PRAG 2021.1 introduces changes in tender forms from PRAG 2021.0 ?</p>	<p>Yes, please do consult the Matrix of changes at https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG</p>
<p>30. Which is the reason why the Short-list is published only at the awarding? For the transparency and equal competitiveness is very important to be able to see the short-list at the tender stage. In order to allow the competitors to evaluate the participation or not.</p>	<p>Not disclosing to tenderers the identity of their competitors is among the procurement best practices shared by several international donors or Organisations. DG INTPA therefore decided to align with this best practice.</p>

<p>31. Regarding the declaration of honour, in E-submission it can be signed by QES , and by this it will be not necessary the blue ink, right?</p>	<p>Yes, the latest DoH template includes this possibility.</p>
<p>32. For the electronic signature, do we have to use the PDF basic signature and do we have to out the timestamp on it?</p>	<p>Step-by-step instructions on how to check the validity and type of an electronic signature in a document can be found here: Signature validation in EU Sign. To check the validity and type of an electronic signature in a document directly go here: EU Sign (europa.eu) . See also PRAG 2.10.3.</p>
<p>33. Could an EU-based subsidiary of an UK company rely on the technical capacity (references/experience) of contracts implemented by the UK parent company?</p>	<p>Please note that, with regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities <u>where the latter will perform</u> the works or services for which these capacities are required (PRAG Section 2.6.11.1.). In case of CPE, such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility, and notably that of nationality, that apply to the economic operator relying on them. Please check annex a2a1 on the eligibility rules for MFF 2021-2027.</p>
<p>34. Why some contracting authority continue asking the tenders in paper?</p>	<p>As from PRAG 2021 eSubmission was announced to be soon supporting the following procurement procedures in direct management: · Open procedures · Restricted procedures · Negotiated procedures without prior publication of a contract notice. PRAG 2021 was published in December 2021 but eSubmission was only operational as from end of March 2022, therefore your case might have occurred during this gap. PRAG 2021 matrix of changes warned about this situation: 'Note, however, that eSubmission will only be launched in the first quarter of 2022. Until then, all contract award procedures in direct management will continue to apply traditional paper'</p>

<p>35. Status of experts. If we employ an expert through a third company, you mentioned that this is considered subcontracting. Does this mean we should ask for prior approval from the contracting authority?</p>	<p>Yes . A tenderer may in his tender have stated the services that it proposes to subcontract and the name of the proposed sub- contractors. If it has already been foreseen in the technical offer, the award decision means approval of the proposed subcontractors by the contracting authority and no further authorisation is necessary, unless the subcontracted services or subcontractors change in the course of the implementation of the contract. Also in cases where experts are not directly contracted or employed by the contractor but through a third party, the latter is a subcontractor. In other cases, the services to be subcontracted and the names of the subcontractors must be notified to the contracting authority. The contracting authority then notifies the contractor of its decision authorising or refusing to authorise the proposed subcontract within 30 days. Where the contracting authority refuses authorisation, the reason for the refusal should be stated (Article 4(2)). If the contracting authority fails to provide notification of his decision within the 30 days, the proposed sub-contractors are deemed to be approved.</p> <p>The use of subcontracting without prior authorisation of the contracting authority is valid cause for the sanctions for breach of contract (Article 34 general conditions) and for termination of the contract (Article 36(2)(d) of the general conditions).</p>
<p>36. Where I can find the list of trusted entities providing QES?</p>	<p>https://digital-strategy.ec.europa.eu/en/policies/eu-trusted-lists</p>
<p>37. The new clarifications to the new PRAG the following is mentioned „The status of individual experts is clarified; no matter their contractual relationship with the contractor, they are personnel of the contractor. In cases where experts are not directly contracted or employed by the contractor but through a third party, it is clarified that the latter is a subcontractor subject to all obligations defined in article 4 of the general conditions of the service contract”. Does that mean that Key Experts</p>	<p>Yes, unless, as provided in the legislation of some countries, this 'one person company' has no legal personality on its own.</p>

<p>with their own companies (one person company) who have no other staff members are considered as subcontractors and have to provide all formal documents?</p>	
<p>38. Will there be any platform to view and analyze previously awarded tenders? In order to have a better understanding on how to proceed on current and/or future tenders.</p>	<p>The contract award notices are published on TED and F&T portal.</p>
<p>39. We have problem linking the current PIC to our current organisation due to changes in the denomination and that the LEAR person is no longer in the organisation (nor his emails etc. are accessible). How can we deal with this? The IT helpdesk hasn't provided any solution and we are not able to access our account and update our company information. Is there a physical (person) email we can address our request or other phone hotline?</p>	<p>If no one has access to a non-valid PIC (e.g the self-registrant has left the organization) – a new PIC needs to be created and REA Verification Service informed. If the PIC is valid, the LEAR is not available anymore and there are no Account Administrators, a new LEAR needs to be appointed – LEAR recovery procedure. After encoding the necessary data and generating a request, new supporting documents required for the appointment of a new LEAR can be uploaded.</p>
<p>40. In our understanding, all documents to be submitted in a request to participate must be signed either with blue ink or with an authorised e-signature, correct? Would another type of e-signature be also be accepted in this transition phase?</p>	<p>For the moment, we only accept either QES or hand-written blue ink signature. See further guidance in PRAG 2021 matrix of changes.</p>
<p>41. Regarding the technical capacity evidence, "eligible references" for which proofs had to be submitted were usually mentioned in the Tender Invitation Letter. This is no longer</p>	<p>In procurement procedures, the timing to request and provide supporting documents for selection criteria has changed. Please consult PRAG 2021 matrix of changes and PRAG sections 2.6.10.1.3, 2.6.11.1, 3.4.12.1, 3.4.10.5, 4.3.9.7, 5.3.9.7. Tenderers indeed need to have at hand evidence for all the project</p>

<p>the case. Does it mean that we need to submit/have at hand evidence for all the project references submitted in the Request for Participation?</p>	<p>references submitted in the Request for Participation, as well as evidence of not being in an exclusion situation.</p>
<p>42. That is a good help: where can I find the URL of the WIKI?</p>	<p>EC public procurement Wiki: https://webgate.ec.europa.eu/fpfis/wikis/display/FTPPortal/Public+procurement+procedures EC External Actions Wiki: https://wikis.ec.europa.eu/display/ExactExternalWiki</p>
<p>43. In our understanding, subcontractors cannot use the portion carried out in a specific contract as project reference because they cannot request any evidence directly issued by the Contracting Authority. Please confirm if there is any evidence that subcontractors can provide to use a project where they provide technical expertise as project reference.</p>	<p>Please refer to PRAG 2.6.11.3. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period (although started earlier) will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity that awarded the contract or proof of final payment) also detailing its value. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has completed must be clear from the documentary evidence, together with a description of the nature of the services, supplies or works provided if the selection criteria relating to the relevance of the experience have been used. Subcontractors can request certificates from the contractor and although not being party to the contract with the contracting authority, since the latter had to approve their involvement, it could still issue a certificate for the portion of services implemented by the subcontractor.</p>

<p>44. Should the PIC be acquired by all parties before the EoI stage or the Proposal stage?</p>	<p>To submit tenders or proposals, your organisation must be recorded in the Participant Register.</p> <p>All the parties who wish to answer to either calls for tenders or calls for proposals, must first register in the Commission's organisation register: the Participant Register. They need to obtain a participant identification code (PIC). The PIC is the unique identifier of their organisation in the context of grants or procurement procedures.</p> <p>In order to respond to public procurement procedures (calls for tenders published on TED eTendering), the participants are requested to provide a PIC for each member of the consortium or for themselves as a sole tenderer. For subcontractors, the PIC is optional (for them there are other identification possibilities). For more info: https://webgate.ec.europa.eu/fpfis/wikis/display/FTPPortal/Organisation%27s+roles+and+data</p>
<p>45. Do subcontractors / capacity providers require PIC?</p>	<p>In order to respond to public procurement procedures (calls for tenders published on TED eTendering), the participants are requested to provide a PIC for the leader and each member of the consortium or for themselves as a sole tenderer. For subcontractors and capacity providing entities, the PIC is optional (for them there are other identification possibilities) [see:https://webgate.ec.europa.eu/fpfis/wikis/display/FTPPortal/Organisation%27s+roles+and+data]</p> <p>Please consult also the guide on eSubmission https://ec.europa.eu/info/funding-tenders/opportunities/docs/esubmission/quickguidepp_en.pdf p. 10, [...] All participants, except subcontractors, must be identified with a PIC – Participant Identification Code (for more information, please see the Getting started section of this guide). To check if an entity already has a PIC (i.e. is already registered in the Participant Register), use the Search button [...]</p>

<p>46. Does the LEAR need to send the registration extract every 6 months?</p>	<p>The self-registrant, which is the person registering the legal entity in the Funding & Tenders portal is the one submitting the documents for the legal validation of the entity and for the LEAR appointment. Once the LEAR is appointed, the self-registrant no longer has rights, unless assigned a role by the LEAR. Documents concerning legal validation are only submitted once (this includes the registration extract). However, the LEAR does have a duty to keep the data of the entity updated and report any legal changes and submit any documents related with those changes (for example, change of name, a merger, etc).</p>
<p>47. Will you share the presentation with the attendees?</p>	<p>Yes https://www.sectorseminars.eu/files/PRAG2021-Novelties-Presentation-June-2022-FINAL.pdf</p>
<p>48. Could you please provide the link with the presentation as you mention in the beginning? Many thanks.</p>	<p>https://www.sectorseminars.eu/webinardocument-Prag2021.php</p>