

**NATIONAL AGENCY FOR FISCAL ADMINISTRATION
REVENUE ADMINISTRATION MODERNIZATION PROJECT**

Training for Penal Code

(RAMP/CS/8)

CLARIFICATIONS

Issued on October 12th, 2016

Following receipt of requests for clarifications, please find the clarification below:

Q1: The Terms of Reference require that *inter alia* Consultants have been involved in at least three relevant projects and delivered trainings to at least 200 participants over the last two years (“Technical Qualification Criteria”)

As per the Request for Expressions of Interest “*consultants may associate with other firms in the form of a joint venture, association or consortium that may or may not be a new legal entity between members who would be jointly and severally liable for the performance of the contract. The Consultants should indicate whether the Expression of Interest is being submitted as a Joint Venture or otherwise.*”

Our understanding is that, in case of a Joint Venture/ Association/Consortium, it would suffice for the Technical Qualification Criteria to be met by any of the members of the Joint Venture/ Association/Consortium (and not by all members). Please confirm that our understanding is correct.

A1: Confirmed. The qualification criteria shall be met by the JV / Association / Consortium as a whole.

Q2: As per the Terms of Reference, “*the Consultant should have successfully delivered trainings in Penal Code or other relevant law topics to at least 200 participants over the last two years*”.

Our understanding is that to the meeting of the above mentioned Technical Qualification Criteria will also count (a) the in-house trainings on Penal Code or other relevant law topics organized and offered by our law firm to the legal staff (lawyers) and (b) the work-shops/ seminars organized and offered by our law firm to the clients (collectively, the “**Training Programs**”). Please confirm that our understanding is correct.

A2: Confirmed. Any form of training in Penal Code shall be considered.

Q3: We are kindly asking you to clarify if the payments (for the company that will be awarded the contract) will be done from Romania or from Washington (previously, for a project implemented in Romania, we were paid by World Bank from Washington, and we issued the invoices without VAT). This questions

concern the VAT issue.

A3: All payments shall be done by ANAF from its Treasury Account to the Treasury Account of the Consultant. The invoices shall be issued with VAT (if the Consultant is VAT registered).

Q4: Please let us know if your estimative budget contract (internal) is VAT included or does not include VAT?

A4: The answer to this question does not bear any relevance for the consultants in the preparation of their Expressions of Interest, since the internal cost estimate is not public information.

Q5: If the applicant is an international company, in order to process the payments from Treasury, the company has to open a working point in Romania?

A5: If the awarded Consultant is a non-resident company, payments will be made to the Consultant's commercial bank account. There are no other registration requirements for the purposes of payments.

Q6: In accordance with the provisions under the Consultant's Qualifications section, *"the Consultant must have proven experience in the design, preparation and implementation of trainings in this particular area"*.

Please clarify whether experience in the design, preparation and implementation of trainings must include all activities provided under the Scope of the Required Services section (i.e. preparation of training manuals and training plan, collection of formal feedback from the training participants, provision of attendance certificates for the training participants, preparation of detailed training reports) in order to be considered relevant.

A6: The only relevant experience is that related to the actual design, preparation and implementation (delivery) of trainings. Other logistical, support or administrative activities related to trainings (such as collecting feedback, preparation of reports etc.) are not directly relevant.

Q7: In accordance with the provisions under the Consultant's Qualifications section, *"the Consultant should have successfully delivered trainings in Penal Code or other relevant law topics to at least 200 participants over the last two years"*.

Please clarify whether the experience would be considered relevant if trainings in Penal Code or other relevant law topics have been provided by the Consultant: (i) within multiple engagements, with a cumulative number of participants of at least 200; (ii) within engagements provided to both private and/or public beneficiaries; (iii) within engagements focusing on training in different regulatory frameworks, other than the Penal Code.

A7: (i) Yes, the requirement of at least 200 participants is cumulative, over the last two years;

(ii) Yes, the nature of trainees is not relevant;

(iii) The trainings should have been focused on the Penal Code or other relevant law topics.