CLARIFICATION No 3

Reference: **EEA/IEA/13/003/ETC-WMGE**

Title: **Open call for proposals for the award of a framework partnership agreement concerning the European Topic Centre on Waste and Materials in a Green Economy 2014-2018 (ETC-WMGE)**

Question 1

The indirect costs calculation:

We would like to understand whether the 20% figure is, indeed, a maximum rate, or if higher percentages can be claimed where these are justified.

Answer 1

The percentage rate specified in Article II.17.3 of the Framework partnership agreement for the reimbursement of indirect cost is meant as an absolute maximum. In pursuance with the provisions of Article 124(4) of the financial rules applicable to the general budget of the European Union (OJEU L 298/1 of 26.10.2012) which applies to this call for proposals, the ceiling may only be exceeded on the basis of a reasoned decision of the contracting authority and not of the beneficiaries.

Question 2

The co-financing requirements:

   a) Could you give further clarification as to what would constitute eligible approaches to co-financing?
   b) What does the term 'own resources' cover? Please could you give examples, perhaps from other Topic Centres.
   c) What do 'contributions in kind' cover? Please could you give examples, perhaps from other Topic Centres.

Answer 2

It is subject to available funds and should be seen in conjunction with the level of the national contribution, bearing in mind the provisions of the Framework Partnership Agreement which foresees a minimum of 10% co-financing by the consortium concerned.

Please note that EEA is not in a position to provide information on the current consortium. Applicants shall refer to Article 127 of the financial rules applicable to the general budget of the European Union (OJEU L 298/1 of 26.10.2012) as well as to the provisions of the draft framework partnership agreement attached as annex 5 to the terms of reference, and in particular Articles I.5.2 and II.17.5 thereof.

We also refer to Clarification No 2 which is available on the EEA website under the following link:. http://www.eea.europa.eu/about-us/tenders/calls-for-proposals/cfp-docs/open-call-for-proposals-eea-iea/open-call-for-proposals-eea.2013

Question 3

Subcontracting:

a) What form of subcontracting is allowed in the initial proposal?
b) For those included as subcontractors at the time of the initial proposal, would such subcontractors be required to undertake competitive tendering?
c) What form of tender process would be expected where, in order to carry out a particular action, subcontracting was deemed necessary?

Answer 3

a) *At the time of submission of the proposal and for the purpose of demonstrating their technical and professional capacity, applicants may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. They must prove that they will have at their disposal the resources necessary for performance of the framework partnership agreement (e.g. undertaking from the subcontractors to place their resources at the disposal of the applicants).*

b) *No. Nevertheless, according to Annex 1 to the terms of reference, the coordinator of the consortium acknowledge that the consortium undertake the guarantee the eligibility of the subcontractors for the part(s) of the services for which the consortium has stated its intention to subcontract in the technical proposal.*

c) *Please refer to the Framework Partnership Agreement, Article II.10.1, page 15, where it is specified that 'If a partner has to conclude contracts in order to carry out an action and they constitute costs under an item of eligible direct costs in the estimated budget for the action annexed to the specific agreement, he shall seek competitive tenders from potential contractors and award the contract to the bid offering best value for money; in doing so he shall observe the principles of transparency and equal treatment of potential contractors and shall take care to avoid any conflict of interest.'*