

	Vraag / Question	Antwoord / Answer
1.	Pouvez vous préciser le nombre d'invitations prévues par an et par lot ?	Il est malheureusement difficile d'estimer avec précision le nombre de contrats futurs. Sur base de l'expérience actuelle, on peut raisonnablement envisager une moyenne de deux missions par lot et par an comme estimation indicative. Étant donné le plafond indiqué de 100 jours-personne par lot et par an, ces missions consistent généralement en moins de 50 jours chacune.
2.	Pouvez vous préciser le budget estimatif maximal par lot ?	Il n'existe pas de budget maximal (ni de budget minimal) par lot. Le maximum par lot est exprimé en jours-personnes (100 par lot et par an).
3.	Pouvez vous préciser toute autre information pertinente relative à la planification ou à la fréquence des marchés subséquents?	Les marchés subséquents seront lancés en fonction des besoins spécifiques identifiés au fil du temps, ce qui implique une certaine variabilité dans leur fréquence et leur ampleur.
4.	Je comprends que l'accord-cadre est plutôt formaté pour la mise à disposition d'expertise individuelle, et pas pour une expertise institutionnelle. Est-ce bien le cas ?	Dans le cadre de cet accord-cadre, il est stipulé dans le Cahier des Charges Spécial, les personnes morales comme les personnes physiques peuvent soumettre leur candidature. Il est également stipulé que le soumissionnaire devra présenter une liste d'expert-es avec au moins 3 expert-es. Chacun des experts doit disposer d'une expérience (d'au moins 8 ans) dans l'un des domaines de compétences requis, ainsi que d'une connaissance suffisante/professionnelle des langues française et anglaise (niveau B2). L'expertise individuelle et l'expertise institutionnelle sont donc toutes les deux possibles.
5.	Are there any nationality restrictions for companies to be considered eligible?	No, there are no nationality related restriction for companies.
6.	Is it mandatory to cover all the domains listed under each lot mentioned in points 5.2.4, 5.3.4, 5.4.4, 5.5.4, 5.6.4 and 5.7.4? If not, is there a minimum number of domain and/or sub-domains that must be covered to meet the eligibility requirements?	It's not mandatory to cover all domains listed per lot, but there is indeed for each lot a minimal number of domains that is required. For instance, under lot 1 on p. 45 it is stated that "The list of experts should cover at least 2 of the 4 domains of competence listed below". Meaning that the different experts together should minimally cover 2 out of 4. Do take into account that the minimal number of domains per lot does fluctuate depending on the number of specified domains.
7.	Regarding experts' CVs, could you please confirm where to find the specific template to be used?	There is no specific CV template. Applicants are welcome to use the "Europass CV template" or any other clear and commonly used template.
8.	Is there also a template or format required for the list of references to be submitted?	There is no specific template or format. The tenderer can draft their own list using Word or Excel.

9.	Are grant contracts considered eligible to prove the technical capacity or only service contracts will be considered as eligible?	Yes, grant contracts can be considered as long as they cover the mentioned domains.
10.	Are evaluation projects considered as eligible references to meet the domains indicated at points 5.2.4, 5.3.4, 5.4.4, 5.5.4, 5.6.4 and 5.7.4?	Yes, the evaluation of projects or programs can be considered as examples of "similar services" as long as they comply to the criteria set for such services under the selection criteria.
11.	Am I correct in understanding that proposed experts and subcontractors are two different entities?	<p>Experts and subcontractors are two separate concepts. An expert can either be an employee of a tenderer, an employee of a subcontractor, or an employee of a partner company (in an association or group of economic operators). However, an expert who works independently can also be a tenderer, a subcontractor or a partner (in an association or group of economic operators) themselves. Please note that all partners in an association or group of economic operators, must provide a separate ESPD and must all sign the tenderer (directly or through a mandate), regardless of the fact whether this partner is a company proposing experts-employees or an independent expert themselves. Moreover, any subcontractor (regardless of the fact whether this subcontractor is a company proposing experts-employees or an independent expert themselves) that adds any references in order to meet the minimum requirements listed under 3.4.7.3 must also submit an ESPD. Please, be reminded to indicate very clearly in your tender which company and/or which expert is implicated in the tender as partner in an association or as subcontractor. It is very important that the questions in the ESPD relating to this matter are answered correctly. The question 'Does the tenderer participate with others?' is reserved for partners in an association, not for subcontractors. For subcontractors, the ESPD provides two separate questions, one for subcontractors on which capacity is relied for respecting the minimum requirements of qualitative selection (3.4.7.3), the other for subcontractors where this is not the case. Please note that subcontractors (companies or experts) who are foreseen for fulfilling the minimum requirements of chapter 5, or simply for strengthening the file for evaluation under the award criteria (3.4.7.5), but without adding their references to the list of similar services as requested under 3.4.7.3, fall under the latter category : their capacity is not relied upon for respecting the minimum requirements of qualitative selection.</p>

12.	<p>Applicants must provide a list of at least 3 relevant experts for the selected lot and also have the option of including subcontractors. Is this correct? If so, do applicants also need to provide rates for and identify specific experts in subcontractor organizations?</p>	<p>3 experts must be provided per lot, regardless of whether these are employees of the tenderer, of a partner or of a subcontractor, or whether these experts are partners or subcontractors themselves. The rates indicated in the price form must be valid for all experts proposed in the tender, and specific experts do need to be identified (with diploma's and CV's) in order for them to be considered towards the minimum requirements of chapter 5 and in the evaluation of the tenders on the basis of the award criteria.</p>
13.	<p>If applicants are selected to be one of three tenderers under a lot, will Enabel expect them to compete for every bid? And how long would tenderers typically have to prepare a bid?</p>	<p>There is no obligation to participate in all subsequent contracts (missions). The participants in the framework agreements can take into account their availability at any given time. Nevertheless, a selected tenderer is under an obligation to perform the framework contract in good faith. If you are retained for award under one of the lots, you will be expected to participate in the missions under that lot on a regular basis.</p> <p>Typically, you would have 2 weeks to prepare a bid for any given subsequent contract. Exceptions are possible for particularly urgent missions.</p>

<p>Nous allons remettre une offre en mobilisant des consultants externes que nous contractualiserons. Dès lors est ce qu'il faut un DUME pour le soumissionnaire uniquement ou un DUME pour le soumissionnaire ainsi qu'un DUME par consultant proposé ?</p> <p>14.</p>	<p>La réponse à votre question varie en fonction du statut des experts. Un DUME distinct doit être joint pour tous les partenaires d'une association temporaire qui soumet une offre conjointe, ou pour tous les sous-traitants qui fournissent des références à la liste des services similaires soumise afin de satisfaire aux exigences minimales du point 3.4.7.3. Si un sous-traitant est ajouté uniquement pour satisfaire aux exigences minimales du chapitre 5 ou pour renforcer le dossier en vue de son évaluation au regard des critères d'attribution, cela n'est pas nécessaire.</p> <p>Ce qui précède s'applique indépendamment du fait que ces membres d'une association ou ces sous-traitants soient eux-mêmes des entreprises proposant des experts-employés ou, au contraire, des experts indépendants.</p> <p>Si un expert intervient en tant que participant à une association, il doit donc cosigner l'offre (directement ou par mandat) et soumettre un DUME. Si un expert agit en tant que sous-traitant, il doit soumettre un DUME s'il ajoute également des références à la liste des services similaires (dans la mesure où ces références sont nécessaires pour satisfaire aux exigences minimales énoncées au point 3.4.7.3). Si un expert n'est qu'un employé du soumissionnaire ou d'un partenaire ou sous-traitant, ou s'il est lui-même un sous-traitant mais sans contribuer aux exigences minimales de sélection qualitative (3.4.7.3), il ne doit pas joindre de DUME.</p> <p>Veuillez noter qu'il est important d'indiquer très clairement dans votre offre quelle entreprise et/ou quel expert est impliqué dans l'offre en tant que partenaire d'une association ou sous-traitant. Il est très important que les questions du DUME relatives à ce sujet soient répondues correctement. La question « Le soumissionnaire participe-t-il avec d'autres ? » est réservée aux partenaires d'une association, et non aux sous-traitants. Pour les sous-traitants, l'ESPD prévoit deux questions distinctes, l'une pour les sous-traitants sur lesquels on s'appuie pour respecter les exigences minimales de sélection qualitative (3.4.7.3), l'autre pour les sous-traitants pour lesquels ce n'est pas le cas.</p>
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<p>We understand that an economic operator can apply for multiple lots. Can you please confirm if different partners can be used for each specific lot (i.e.: for lot 1 we have a different partner than for example lot 2), or the same composition of the consortium must apply for different lots?</p> <p>I ask this, as in the platform first we need to mention the partner and then mark the lot we intend to apply.</p> <p>Does this mean that for each specific lot we need to do a different submission? Correct?</p> <p>15.</p>	<p>You can use different partners for each lot. It would be logical to submit a different bid for each lot where there is a different composition of the partnership that is submitting the tender, as in such a case, the identity of the tenderer would be different.</p> <p>Please be reminded though, that there is an important difference between adding partners (in an association or partnership) or mere subcontractors. Subcontractors as such do not change the identity of the tenderer itself, as the bid would not be submitted by a partnership in such a case, but rather by one economic operator who relies on (different) subcontractors.</p> <p>The difference is important because a tender submitted by an association must be signed by each partner to that association (either directly or through a mandate). There is no such obligation for subcontractors. Another important difference is that each partner must always add a separate ESPD to the bid. For subcontractors, this is only necessary if the subcontractors adds references to the list of similar services (chapter 3.4.7.3), and only insofar as these references are necessary to fulfill the minimum requirements expressed in that chapter. These points of attention hold through regardless whether these partners or subcontractors are companies that are proposing their expert-employees, or whether they are independent experts themselves.</p> <p>Therefore, it is advised to be very clear in your bid(s) on the identity and capacity of each participant in your tender : are they partners in an association or subcontractors (or mere employees). It is also important to fill in the questions of the ESPD relating to this matter correctly. The question ‘Does the tenderer participate with others?’ is reserved for partners in an association, not for subcontractors. For subcontractors, the ESPD provides two separate questions, one for subcontractors on which capacity is relied for respecting the minimum requirements of qualitative selection (3.4.7.3), the other for subcontractors where this is not the case. Please note that subcontractors (companies or experts) who are foreseen for fulfilling the minimum requirements of chapter 5, or simply for strengthening the file for evaluation under the award criteria (3.4.7.5), but without adding their references to the list of similar services as requested under 3.4.7.3, fall under the latter category : their capacity is not relied upon for respecting the minimum requirements of qualitative selection.</p>
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16.	<p>Selection Criteria – Minimum 5 relevant assignments (page 25, section 3.4.7.3)</p> <p>The ToR states: “...the tenderer must enclose with its tender a list of at least 5 services delivered (>15 days) carried out in the last 5 years and covering the same domains of competence as those referred to in points 5.2.4, 5.3.4, 5.4.4, 5.5.4, 5.6.4 and 5.7.4.”</p> <p>a) Could you please clarify whether these 5 services must have been implemented in countries where Enabel operates, or whether they may also include assignments carried out in other countries or regions?</p>	<p>The list may include services carried out in other countries or regions, but out of the 5 services (per lot), at least 2 services must relate to (or have taken place in) the countries where Enabel is currently active.</p>
17.	<p>Award Criteria – Domains of Competence (page 26, section 3.4.7.5)</p> <p>The ToR states: “The number of domains of competence in which the tenderer demonstrates its expertise according to points 5.2.4, 5.3.4, 5.4.4, 5.5.4, 5.6.4 and 5.7.4.”</p> <p>a) Could you please confirm that the list of domains of competence refers to both the company’s/tenderer’s experience (demonstrated through its reference assignments) as well as the experience of the proposed experts?</p>	<p>The tenders will be evaluated under the award criteria by assessing the experience of the proposed experts only (either proposed by the tenderer himself, or by a partner or subcontractor). The experience of the company/tenderer (possibly together with that of its partners and/or subcontractors) will be evaluated as part of qualitative selection, by applying the minimum requirements mentioned under chapter 3.4.7.3. Please note that, in order to use the experience of a subcontractor to fulfil the minimum requirements of qualitative selection, a separate ESPD must be added for this contractor. For partners in an association, a separate ESPD must always be added.</p>

18.	<p>Do we understand correctly that experts need to cover a minimum number of domains per lot and that company references may cover all or only some of the domains listed</p>	<p>Yes, the minimum requirements for the company references are mentioned under chapter 3.4.7.3 : at least 5 services delivered (>15 days) in the last 5 years and covering [some of] the same domains of competence as those referred to in points 5.2.4, 5.3.4, 5.4.4, 5.5.4, 5.6.4 and 5.7.4. Two of these must relate to (or have taken place in) the countries where Enabel is currently active. There is no specific requirement as to the minimum number of domains covered.</p> <p>The minimum requirements for the experience of the experts (presented in their CV's) are mentioned under chapters 5.2.4, 5.3.4, 5.4.4, 5.5.4, 5.6.4 and 5.7.4. These mention a minimum number of domains that needs to be covered by the list of experts (and needs to be apparent in their CV's).</p>
19.	<p>In addition, could you kindly clarify whether one reference may cover numerous domains/sub-domains per lot?</p>	<p>This is possible although it has no influence on the application of the minimum requirements of qualitative selection, as these provide no specific minimum of domains to be covered.</p>
20.	<p>Concerning tender signature as referenced in question/answer 15, are you referring to the identification form mentioned at point 6.1.2 or there is a different/specific tender submission form? I'm following the structure indicated at page 91 of the ToR.</p>	<p>Page 91 only concerns the documents that need to be uploaded onto the eProcurement platform when submitting your tender. For signing the tender, chapter 3.4.4.2 contains the relevant information. This means that only the submission report, which is created when submitting your tender, needs to be signed. For this reason, the tender forms do not foresee any space for signing. Only the declarations 6.3 and 6.4 do, but for these documents, the type of signature does not matter. This is the case for the submission report itself, which must be signed using a qualified electronic signature, according to the rules provided by the European eIDAS Regulation ((EU) No 910/2014).</p>

21.	<p>Could you please clarify if a freelance expert included in the offer to fulfil the minimum requirements related to the experts (but not to fulfil the minimum requirements of qualitative selection (3.4.7.3), which we cover by ourselves – “List of similar services”) is considered a subcontractor (and if this the case, needs to fill the ESPD). My understanding is that there are 2 aspects to fulfil: 1. The expert pool filling the minimum requirements for the experts; and 2. The previous projects implemented in the last 5 years (point 3.4.7.3 of the ToR - List of similar services) we do cover this criterion with our own references. I understand that the expert pool can include both in-house and/or freelance: is the freelance considered a subcontractor?</p>	<p>He would still be considered as a subcontractor, but not one whose capacity is relied upon. Therefore, he does not need to fill in a separate ESPD, nor does he need to submit a separate commitment as subcontractor. However, it is important that he is mentioned in the ESPD and the list of subcontractors (6.1.4) of the main tenderer. In the ESPD, he should be mentioned under the question indicated under part II, d) : Information concerning subcontractors on whose capacity the economic operator does not rely.</p>
22.	<p>With regards to the experts, the ToR mentions we should include the following to our tender “Indication of the service provider's education and professional certificates”. Could you please confirm that this means we should include copies of the experts’ diplomas and professional certificates for each work experience mentioned in his/her CV, or this can be requested at a later stage?</p>	<p>Diplomas and detailed CV’s should be sufficient, certainly at the initial stage. More detailed information may or may not be requested during the evaluation process for awarding the framework agreement.</p>
23.	<p>For the references included to fulfil the criteria at point 3.4.7.3, do we need to include now the document proof (contract and/or certificate of assessment), or this can be requested at a later stage?</p>	<p>A simple list of references will be sufficient. You can draft this list yourself. No certificates of copies of contracts are necessary.</p>

24.	<p>Nous souhaiterions savoir si la diversité linguistique et géographique des expert-es pourra être prise en compte dans l'évaluation.</p>	<p>Les exigences en matière de connaissances linguistiques ne sont prises en compte que sur la base des exigences minimales énoncées aux chapitres 5.2.4, 5.3.4, 5.4.4, 5.5.4, 5.6.4 et 5.7.4 : au moins 3 experts ayant une connaissance professionnelle du français et de l'anglais (B2). La diversité géographique est prise en compte pour l'évaluation des offres sur base du 4ième critère d'attribution : ancrage local.</p>
25.	<p>Est-il possible d'autoriser, lors de la mise en œuvre de missions spécifiques, l'élargissement du pool d'expert-es dans le cas où le délai de mobilisation ne correspondrait pas à la disponibilité des consultant-es du pool initial?</p>	<p>La clause de réexamen 4.8.3 (Remplacement de l'expert-e exécutant la mission) peut aussi être utilisée pour ajouter un expert dans le pool. Cette clause peut éventuellement être appliquée en vue d'une mission spécifique.</p>
26.	<p>Paragraph 3.4.4.2 "Electronic signature of tenders" states that "the tenderer must not sign the tender and its annexes individually when they are uploaded to the electronic platform," as "these documents are signed globally by affixing a QES to the relevant submission report" by the legal representative of the tenderer.</p> <p>Could you please confirm our understanding that this paragraph and its provisions refer only to the e-signature (e.g. via eID) step on the platform and thus that annexes foreseeing a signature, such as Form 6.3 Declaration on Honour – Exclusion grounds, the Agreement (in case of consortium), the letter of commitment from a subcontractor must be signed by the entity's legal representative before being uploaded?</p>	<p>Your understanding is correct. However, it is only the signature as indicated under 3.4.4.2, the signing of the submission report (generated via eProcurement) by QES, that will be regarded as the formal signature of the tender. Therefore, only this signature will be formally verified as critical for the regularity of the bid. In other words, a missing or non-qualified signature of the submission report, or by someone who cannot legally represent the tenderer, will lead to a substantial irregularity and the exclusion of the tender. This is not the case for the signatures on any other individual document.</p>

27.	<p>Could you please confirm that the Annexes and declarations that foresee a signature, such as Form 6.3 Declaration on Honour – Exclusion grounds, the Agreement (in case of consortium), the letter of commitment from a subcontractor can be hand-signed by the entity's legal representative and that a scanned copy can be uploaded?</p>	Correct
28.	<p>Paragraph 3.4.7.4 “Modalities relating to tender examination and regularity of the tenders” specifies that “The substantially irregular tenders are excluded” and “the following irregularities are deemed substantial: [...] 4° tenders that do not bear an original handwritten signature on the tender form.” Could you please clarify if: a) the Tender Form to be hand-signed is Annex 6.2 Tender Form – Prices? b) only hand-written signature is accepted ?</p>	<p>The inconsistency of point 4° of our clause 3.4.7.4 has to be considered as a deviation from the relevant (newer) legislation with regards to (electronic) signatures : Article 42 of the R.D. of 18 April 2017 (mentioned under point 2° of clause 3.4.7.4) and translated by clause 3.4.4.2. Please ignore point 4°. We will update the tender document together with the publication of the list of questions and answers.</p> <p>In any case, no signature of the of the individual tender form is required.</p>
29.	<p>Paragraph 3.4.1 “Data to be included in the tender” specifies that the tenderer must provide information regarding the legal form, the legal representative and his/her function, as well as the number and name of the bank account, etc. Could you please confirm that this information should be provided in a free-text declaration and that, in the case of a consortium submission, it should refer only to the lead firm?</p>	Correct. I could add that the tender will be deemed regular as soon as the identity of the tenderer is clearly indicated. Any further detailed information (such as bank accounts) could be subject to a request for additional information during the evaluation process (if necessary). In any case, these details will not lead to the exclusion of a tender.
30.	<p>In case a tenderer relies on the capacity of other entities in the meaning of paragraph 1, could you please confirm that the tender must include in the tender only a separate ESPD and a commitment declaration for each of these entities?</p>	Correct, but only if their references are actually necessary to attain the minimum requirements expressed under 3.4.7.3 of the tender specifications. What's more is that the ESPD (and everything regarding it) is to be considered essential, and will therefore lead to a substantial irregularity. This is not the case for the commitment declaration.

31.	Do I understand correctly that there will be six framework agreements in total, one per lot? And that if a tenderer (possibly made up of several organizations) seeks to bid for multiple lots, the tenderer has to submit multiple tenders, one per lot?	Correct, if you are submitting bids as part of an association, the composition of which changes per lot, the identity of the tenderer (the entity submitting the bid) would be different per lot. Therefore, you can indeed submit different tenders. If you are simply adding different subcontractors for different lots, the identity of the tenderer does not change, and it would be best to include multiple lots in a single bid.
32.	Do I understand correctly that each framework agreement is concluded with the three best VfM tenders, and that these three tenderers will then have to compete once more amongst each other for any given call for bids for a concrete assignment?	Correct, only when there are no three bidders that meet the minimum requirements of qualitative selection and the terms of reference, will a given lot be awarded to less than three tenderers. Every assignment will then later be subject to a new competition between the retained bidders of a lot.
33.	If Enabel opens a call for bids for a concrete assignment amongst the winning tenderers within a given lot, are the latter bound to limit themselves to the list of experts listed in the initial tender for the framework agreement, or can they also propose others within their organization, rosters and/or networks if and where the latter's profiles are better suited (of course with approval from Enabel)?	The revision clause 4.8.3 (Replacement of the expert performing the assignment) could be used to add new expert during the course of the framework agreement, possibly with a view to a specific mission.
34.	We will be proposing a set of experts within our organisation. Does this mean each proposed expert must submit a natural person form (6.1.1)?	The question depends on the capacity in which the experts work for your organisation. A separate identification form only has to be submitted for partners in an association. I think it is unlikely that your experts will form a separate association with your organisation, so no, no ID form needs to be submitted for them.
35.	If we must submit an identification form on behalf of the organisation, I'm unsure which to submit. As an NGO, I don't believe we qualify as a "law body," as per identification forms 6.1.2 and 6.1.3. I'd appreciate some clarity on this.	For your organisation, I would suggest using form 6.1.2. As long as the most important information for clearly identifying the tenderer is present in the document, the form is acceptable.

36.	<p>If we're only proposing experts from our organisation, does each expert need to individually complete a declaration on honour and ESPD, or would we just submit one on behalf of the organisation?</p>	<p>It depends on the capacity of the experts and the nature of your relation with them. If they are employees, no declaration on honour or ESPD has to be submitted for them (only 6.4 Expert's exclusiveness certificate) would be necessary. However, if they are independent, they can be either partners in an association or subcontractors. Participants to an association always need to submit a declaration on honour and a separate ESPD. For subcontractors, the question is somewhat more complicated. No declaration on honour is needed, but a separate ESPD is necessary if the submission invokes the capacity of the subcontractor to meet the minimum requirements on qualitative selection (in other words, if at least one reference of such a subcontractor is used to meet the minimum requirements linked to the list of similar services as indicated under chapter 3.4.7.3. If a subcontractor is added for meeting the minimum requirements of chapter 5, or for strengthening the bid for evaluation under the award criteria of chapter 3.4.7.5, he is not considered as a subcontractor whose capacity is relied upon for qualitative selection, and he does not need to submit a separate ESPD (nor a 'declaration of commitment by a subcontractor' as indicated under 3.4.7.3, §3).</p>
37.	<p>We have an expert that is a native English speaker with basic French, and some exposure to French within his work context. We wanted to inquire whether this can satisfy the minimum requirements, for example if "an adequate/professional knowledge of French and English (level B2)" could be interpreted to mean French or English, or whether conversely our proposed set-up would not meet the requirements.</p>	<p>I am sorry to inform you that the third expert would not meet the minimum requirements, as the list of experts needs to include at least 3 experts with each at least 8 years of experience and an adequate/professional knowledge of French AND English (level B2).</p> <p>The expert could however be included for evaluation under award criteria 2 and 3 of chapter 3.4.7.5, but only for half of the possible points, as he is proficient in only 1 of the 2 requested languages.</p>
38.	<p>Do we have to offer one average price applicable to all individual team members, or can we propose different expert fee levels according to the proposed experts/expert categories?</p>	<p>It is important to stick closely to the price form as indicated under chapter 6.2 of the tender specifications. We ask for one price for all team members. No different fee levels can be provided as all team members would have to be considered as senior experts with at least 8 years of experience. Making changes to the price form would make a price comparison with other tenders impossible, which would make such a change a substantial irregularity leading to the exclusion of the tender.</p>

39.	<p>With regard to the specific annex requirement, 'A detail of the prices quoted, listing for each item the various elements included in the price and the applicable VAT rate', and given the different withholding tax levels per country of assignment, should the tenderer propose a specific price for each potential country of assignment?</p>	<p>This annex is a standard requirement integrated in all our tender specifications, but it must be said that it is not particularly relevant for framework agreements that are awarded on the basis of person-days alone. However, it might be interesting to see how you divided and integrated the specific taxes in your prices. This might help us in our obligation to verify prices (checking for abnormally high or low prices) before comparing them. However, price comparison itself will be based on the prices mentioned in the price form (6.2) alone. Again, it is very important not to make changes to this form : we ask for one single price applicable to all countries abroad.</p>
40.	<p>Withholding tax in the event of contracts with an ENABEL country office (see p. 17): does this also apply to institutions rather than individual consultants? Are we correct in understanding that you will withhold the applicable percentage and deduct it from the invoiced price before payment?</p>	<p>Yes, these withholding taxes apply to all economic operators. And yes, Enabel is required to deduct this tax from the invoice and repay the amount to the country.</p>
41.	<p>Withholding taxes for in-country assignments: We are not familiar with this type of tax when providing advisory services of this nature. Is it a theoretical risk that these taxes will be payable, or is this your regular experience/practice?</p>	<p>These taxes will effectively be applied in all countries except DRC (see Annex 'Fiscalité par pays').</p>
42.	<p>To what extent does this framework agreement differ from previous framework agreements involving as well either Brussels-based or in-country assignments, such as BEL23001-10029 – Framework Agreement for 'Opportunity-driven Skills (VET) and Employment', where the tender specifications did not mention withholding tax?</p>	<p>The difference is that the framework agreement BEL23001-10029 was created by the BEL-project BEL23001. Therefore, all orders placed under this framework agreement would be placed by this project itself. The consequence is that all possible orders would be placed from Belgium, even if some would require performance abroad. The framework agreement BXL-15334 however, is being launched by HQ (BXL). It is considered a 'global' framework agreement, meaning that order can be placed by all our projects and interventions. Therefore, we cannot know beforehand which tax system would apply to which command. A country representation/intervention has to be regarded as a permanent establishment and therefore, local taxes will apply to orders placed by that representation.</p>

<p>You mention that local VAT might apply for in-country assignments (if not contracted via HQ in Brussels). Would we therefore have to add an average VAT rate to our fee, in addition to the built-in WHT? What would you estimate the average VAT rate to be for the countries in which ENABEL operates?</p>	<p>Firstly, I would like to remind you that neither taxable nor identified for VAT purposes, and that their situation is therefore similar to situations where B2C rules apply (Business to Consumer = equivalent to invoicing a private individual).</p> <p>No VAT needs to be mentioned for in-country assignments, as Enabel is exempt from VAT in almost all cases. Where this is not the case (the Art. 5 projects in Rwanda and Senegal for the time being), following information can be added (for a public service contract for a customer based in an Enabel country of operation (outside the EU) with an international contractor) :</p> <p>The national taxation system applies. However, it should be remembered that the contractor is exempt from charging VAT in his country of origin and must indicate on his invoice the article of law referring to it (for example, if he is an EU contractor, he is exempt because the performance is outside the EU and he will refer to Article 59 of Directive 2006/112/EC). He is also unable to charge VAT in the partner country because, as it is not affiliated to the local system, he will not be able to pay it back to the partner country's tax authorities. In this case, the reverse charge mechanism applies. The reverse charge mechanism consists of the contractor invoicing exclusive of VAT, with Enabel having to declare and pay the VAT to the tax authorities of the partner country in accordance with local VAT regulations (= reversal of the person liable for VAT).</p>
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