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CLARIFICATIONS

Contract title: *MOZ23002-10027-Development of the Legal and Regulatory Framework for the National Enhanced Transparency Framework (ETF)*
Reference: MOZ23002-10027

N°	Issue / question raised	Response
1.	1. **Expert requirements:** Could you kindly confirm whether the minimum qualifications and experience requirements outlined in Section 4 of the Terms of Reference must be fulfilled individually by one designated lead expert, or whether they may be satisfied collectively by a multidisciplinary team consisting of legal, institutional reform and climate governance specialists?	The minimum qualifications and experience requirements set out in Section 4 of the Terms of Reference apply to the proposed consultant(s). Tenderers may propose one or more experts as part of their technical proposal. Where more than one expert is proposed, the tenderer should clearly indicate the role and contribution of each expert and demonstrate how the team collectively possesses the qualifications and experience required for the successful implementation of the assignment. The evaluation will be based on the relevance and quality of the proposed consultant(s) and their combined capacity to deliver the requested outputs
2.	1. **Estimated budget:** Could you please indicate the estimated total budget or indicative contract value allocated to this assignment, if available?	No estimated budget or indicative contract value is provided in the tender specifications. Tenderers are invited to submit a financial proposal in EUR, excluding VAT, based on their own assessment of the level of effort, expertise required, and all costs necessary to perform the assignment in accordance with the Terms of Reference and tender conditions.
3.	**Item 1 — Team composition and scoring of experts (ToR Sections 4 and 8; Ch. 3, cl. 13.3) Question: May tenderers propose a team (a lead senior legal expert plus supporting experts)? If so,** will the "Consultants Experience" criterion be scored on the lead expert only or on all CVs, and do the minimum	Tenderers may propose one or more experts. Where multiple experts are proposed, all proposed CVs may be considered during the evaluation of the "Consultants Experience" award criterion. The minimum requirements in Section 4 apply to the proposed team as a whole. Tenderers should indicate which expert covers each requirement. The tenderer remains responsible for demonstrating

	requirements in Section 4 apply to each proposed expert?	how the proposed team will collectively deliver the assignment.
4.	**Item 2 — Price form (Ch. 8, cl. 3 (Tender form – Prices); ToR Section 9)** **Question: Please confirm that the daily-rate breakdown requested in the price form is for information** only and that the lump sums per phase are binding. Must the phase prices follow the 25/35/40% split?	The contract is a fixed-price (lump-sum) contract. The daily-rate breakdown requested in the Tender Form serves only to provide a price breakdown and supporting information. The binding financial offer is the lump-sum price proposed for each phase and the total contract price. Tenderers should follow the structure provided in the Tender Form, which allocates the deliverables to Phase I (25%), Phase II (35%) and Phase III (40%), in line with the payment structure of the contract.
5.	**Item 3 — Liability cap (Ch. 4, cl. 20 and 22.4)** **Question: Please confirm that the Service Provider's aggregate liability under clauses 20 and 22.4 of** the Special Contractual Provisions is capped at an amount equal to the total contract value (fees) payable under the contract, since given the nature and value of the assignment, exposure to unlimited liability would appear disproportionate to the risks involved.	Confirmed. The contractual conditions regarding liability are those set out in the Tender Specifications.
6.	**Item 4 — Three-page limit (Ch. 3, cl. 16.1; ToR Section 8)** **Question: Please confirm that the three-page limit applies only to the work plan and not to the** understanding of the assignment or the methodology. Is there a page limit for the technical proposal as a whole?	Confirmed. The threepage limit applies only to the Work Plan as explicitly stated in the award criteria.
7.	**Item 5 — Missions to Maputo (Ch. 4, cl. 18; ToR Section 9)** **Question: Please confirm the expected number and timing of missions to Maputo, and whether the** 15 field days may be split between experts.	The number and timing of missions are not fixed in the tender specifications. The 15 field days indicated in Section 9 of the ToR are indicative and may be split between the proposed experts. Tenderers should propose the missions they consider necessary in their methodology and work

		plan, within the 90-day timeframe. International air travel is reimbursed separately by Enabel as per Section 10 of the ToR.
8.	**I Team composition and performance of the services in Mozambique** 1. With regard to Clause 18 – Place of Performance, on page 20, and Chapter 5 – Terms of Reference, Section 9 – Indicative Level of Effort, on page 34, the Tender Specifications provide that the services are to be performed home-based, with missions to Maputo, Mozambique, for validation sessions and consultations. The Terms of Reference further provide for an indicative level of effort of 60 man-days, comprising 45 home-based man-days and 15 man-days of field work, of which 10 man-days are allocated to Phase I and 5 man-days to Phase III. In this context, please clarify: a) Whether the 15 indicative man-days of field work must necessarily be performed in person in Mozambique by the proposed consultant(s), or whether the tenderer may determine which member(s) of the proposed team will perform the field work required for each phase; b) The indicative number of missions to Maputo expected during the performance of the contract; and c) Whether the 10 man-days of field work foreseen for Phase I and the 5 man-days foreseen for Phase III are expected to be performed consecutively or may be distributed over different periods within each respective phase.	a) The 15 field days indicated in Section 9 of the ToR are indicative and may be split between the proposed experts. Tenderers should propose the missions they consider necessary in their methodology and work plan, within the 90-day timeframe. b) The allocation of 15 field-work man-days is indicative and intended to support consultations and validation activities. Tenderers should propose an appropriate mission schedule in their methodology and work plan within the 90-day timeframe. c) The field-work man-days indicated for each phase are indicative. Tenderers may distribute these days within the relevant phase as appropriate and according to delivery timeline.

9.	2. With regard to Chapter 5 – Terms of Reference, Section 4 – Profile of the Consultant, on page 29, Section 6 – Required Documents, on page 30, and Section 8 – Award Criteria, on pages 32 and 33, the Tender Specifications provide that the assignment requires a senior legal expert meeting the minimum qualifications set out in Section 4, while Section 6 requires the submission of the "Curriculum Vitae (CV) of the proposed expert(s)". In addition, Section 8 provides that submitted CVs must meet the minimum requirements outlined in Section 4. In this context, please clarify: a) Whether tenderers may propose a team comprising one or more senior legal experts supported by one or more junior and/or locally based consultants; b) Whether the minimum qualifications set out in Section 4 must be met solely by one member or by all proposed experts whose CVs are included in the tender;	Tenderers may propose a team comprising one or more Senior Legal Experts, supported by additional consultants where deemed necessary to ensure effective delivery of the assignment, provided that the minimum requirements are met
10.	3.With regard to Chapter 5 – Terms of Reference, Section 6 – Required Documents, on page 30, and Section 8 – Award Criteria, in particular the "CV and Relevant Experience" criterion, on pages 32 and 33, the Tender Specifications refer to the CV of the "proposed expert(s)" and provide that "the qualifications and experience of the proposed consultant(s) will be assessed based on their relevance to the assignment". In this context, where more than one consultant is proposed, please clarify: a) Whether the "CV and Relevant Experience" criterion will be assessed exclusively based on the qualifications	a)Where more than one consultant is proposed, the evaluation may take into account the qualifications and experience of all proposed experts, insofar as they respond to the requirements. b) The tender specifications do not establish separate weighting per expert. The evaluation will consider the relevance and complementarity of the proposed team as a whole against the award criteria comparing to the required qualifications and experience.

	and experience of the senior legal expert or whether the qualifications and experience of the other proposed consultants will also be considered; and b) If the qualifications and experience of the other proposed consultants, including other seniors will also be considered, how the different CVs be weighed or combined for the purposes of awarding the 30 points available under this criterion.	
11.	4. With regard to Chapter 5 – Terms of Reference, Section 6 – Required Documents, on page 30, and Section 8 – Award Criteria, in particular the "CV and Relevant Experience" criterion, on pages 32 and 33, Section 6 requires examples of previous similar legal or regulatory assignments completed within the last five (5) years. Under Section 8, the five-year reference period is expressly stated in relation to demonstrated experience in climate change governance, environmental law, transparency systems or related international regimes, and the relevant assignments must be "distinct from those counted above". The same limitations are not expressly stated in relation to the other sub-criteria assessed based on assignments shown in the CV. In this context, please clarify: **a) Whether the five-year reference period applies to all assignments submitted for the purposes of the sub-criteria within the "CV and Relevant Experience" criterion, or only to those sub-criteria for which the five-year limitation is expressly stated; and** **b) Except where the Tender Specifications expressly require distinct assignments, whether**	a) Each section has its own requirements. The five-year reference period applies only to previous similar assignments requested under Section 6 and to sub-criteria where explicitly specified. For all other sub-criteria, tenderers should provide the most relevant evidence demonstrating compliance with the evaluation requirements. b) Yes. Except where the Tender Specifications expressly require distinct assignments, as is the case for the climate change governance, environmental law and transparency systems sub-criteria under Section 8, the same assignment may be used to support more than one sub-criterion, provided it genuinely demonstrates the specific competency being assessed, such as knowledge of the UNFCCC, the Paris Agreement and the ETF, experience with donor-funded programmes and international development partners, or experience in Mozambique or comparable legal and administrative contexts. Tenderers should clearly indicate in their CV or technical proposal which assignment supports which sub-criterion, so the Evaluation Committee can verify the relevance of the evidence provided.

	the same assignment may be taken into account under more than one sub-criterion, including for the purposes of demonstrating knowledge of the UNFCCC, the Paris Agreement and the ETF, experience working on donor-funded programmes and with international development partners, and experience in Mozambique or comparable legal and administrative contexts.	
12.	5. With regard to Chapter 5 – Terms of Reference, Section 4 – Profile of the Consultant, on page 29, and Section 8 – Award Criteria, on pages 32 and 33, experience in "Mozambique or comparable legal and administrative contexts" is identified as a desirable qualification and is also taken into account for the purposes of the "CV and Relevant Experience" criterion. However, the Tender Specifications do not expressly define what constitutes a "comparable legal and administrative context". **In this context, please clarify which elements or criteria will be considered in determining whether a particular country or jurisdiction constitutes a "comparable legal and administrative context" for the purposes of assessing this requirement.**	The Evaluation Committee will assess comparability based on the substance of the legal, institutional and governance context in which the referenced assignment was carried out, rather than on a fixed list of countries. Relevant elements will include the legal tradition and administrative framework of the jurisdiction (for example civil law systems or SADC and Lusophone countries with similar public administration structures), the country's status as a developing or climate vulnerable state facing comparable institutional and capacity constraints, the existence or development of a national climate governance, MRV or Enhanced Transparency Framework architecture under the UNFCCC and the Paris Agreement, and the relevance of the public financial management or regulatory coordination structures involved to those found in Mozambique. Tenderers should explain in their technical proposal why they consider a given assignment to meet this requirement, so the Evaluation Committee can assess its relevance on that basis.
13.	6. With regard to Clause 4 – Duration of the Public Contract, on page 6, and Chapter 4 – Special Contractual Provisions, Clause 17 – Deadlines and Terms, on page 20, the former provides that the public contract starts	The consultancy implementation period is 90 calendar days starting on the day after the kick-off meeting.

	"upon kick off meeting" and lasts for 90 calendar days, whereas the latter provides that the service provider must complete the services within 90 calendar days "starting from the day after the date of kick off meeting". **In this context, please clarify whether the first day of the 90-calendar-day contractual period corresponds to the date of the kick-off meeting or to the day following the kick-off meeting.**	
14.	7. With regard to Clause 4 – Duration of the Public Contract, on page 6, Chapter 4 – Special Contractual Provisions, Clause 17 – Deadlines and Terms, on page 20, and Chapter 5 – Terms of Reference, Section 9 – Indicative Level of Effort, on page 34, the Tender Specifications provide for a contractual duration of 90 calendar days, whereas the Terms of Reference provide for an indicative level of effort of 60 man-days. **In this context, please clarify how the indicative level of effort of 60 man-days is intended to be articulated with the 90-calendar-day contractual implementation period and, in particular, whether the 60 man-days may be distributed by the tenderer throughout the contractual period in accordance with the requirements and deliverables of each phase.**	The 60 man-days represent an indicative level of effort, while the contractual duration is 90 calendar days. Tenderers may distribute the indicative man-days across the implementation period as appropriate and should reflect this distribution in their methodology and work plan to ensure delivery of all outputs within the contractual timeframe.
15.	8. With regard to Chapter 3 – Award Procedure, Clauses 15 – Selection Criteria and 16.1 – Award Criteria, on page 13, and Chapter 4 – Special Contractual Provisions, Clause 18 – Place of Performance, on page 20, certain cross-references to Chapter 5 – Terms of Reference do not appear to correspond to the subject matter of the sections referred to.	a) The references to the Terms of Reference in Clauses 15 and 16 of Chapter 3 – Award Procedure on page 13, should be understood as a summary referring to Sections 7 – Selection Criteria and 8 – Award Criteria, respectively of Chapter 5 ToR. While Chapter 3 – Award Procedure on page 13 provides an overview, Chapter 5 –

	In particular: Clauses 15 and 16.1 refer to "ToR (Section 5)" in connection with selection criteria, methodology, work plan and consultants' experience, whereas Section 5 of the Terms of Reference concerns the Payment Structure; and Clause 18 refers to validation sessions and consultations described in "Section 8 of the Terms of Reference", whereas such activities appear to be described in Section 3 – Methodology, while Section 8 concerns the Award Criteria. In this context, please clarify: **a) The correct sections of the Terms of Reference to which the references in Clauses 15 and 16.1 are intended to refer; and** **b) Whether the reference to "Section 8 of the Terms of Reference" in Clause 18 should be understood as a reference to Section 3 – Methodology, for the purposes of identifying the validation sessions and consultations relevant to the Place of Performance.**	Terms of Reference on page 30 sets out the detailed requirements of the assignment. b) The methodology outlined in Section 3 of Chapter 5 – Terms of Reference provides the basis for understanding the activities to be undertaken and the expected results of the assignment. This section should be used as the reference for interpreting what is required on the Place of Performance under Clause 18.
16.	9. With regard to Chapter 3 – Award Procedure, Clause 8 – Elements Included in the Price, on pages 9 and 10, Chapter 5 – Terms of Reference, Section 10 – Budget, on page 34, and Form 3 – Tender Form – Prices, on page 43, Section 10 provides that unit and total prices must include, inter alia, local transport, insurance, visas, per diems and accommodation, whereas international air travel is to be reimbursed by Enabel, subject to prior approval and submission of supporting documents, and should not be included in the fixed-price financial proposal. Form 3 further requires, for each deliverable, the indication of man-days and daily rates for "Home-based", "Field with O/N stay" and "Field without O/N stay". In this context, please clarify:	As per Clause 10 of Chapter 5 Terms of Reference the consultant shall include The consultant shall include in the unit and total prices all costs and charges normally incurred in the performance of the services, except VAT. These include, but are not limited to: • Professional fees and honoraria. • Local transport, insurance, visas, and communication expenses. • Per diems and accommodation costs. • Administrative, secretarial, and overhead costs. • Costs related to documentation, legal drafting, and reporting.

	a) Whether the daily rates applicable to field work must include the applicable costs of accommodation, per diems, local transport, visas, insurance and the other costs identified in Section 10; and **b) Whether the costs of international air travel to Mozambique should not be included in the daily rates for "Field with O/N stay" or "Field without O/N stay", nor otherwise included in the fixed-price financial proposal, and will instead be reimbursed separately by Enabel, subject to prior approval and submission of the relevant supporting documents.**	• Production, reproduction, and delivery of all outputs and annexes. • Costs related to meetings, consultations, and stakeholder engagement. • All personnel, material, and operational costs required for execution of the contract. • Intellectual property, copyright, and authorship-related fees. • Costs related to third-party services required for the assignment. • Communication costs, including internet and telecommunications. The excluded costs are: b) International air travel costs incurred by international consultants for field missions in shall be reimbursed by Enabel, subject to prior written approval and submission of the relevant supporting documentation. Such costs shall not be included in the fixed-price financial proposal.