



**Clarifications during tendering**  
**D-SE-16-T03**  
**2<sup>ND</sup> Independent External Evaluation of the European Agency for**  
**Fundamental Rights**  
**Questions and Answers I**

Vienna, the 31.08.2016  
Ref: 2016-outgoing-0001190

**Reference:** Open call for tender D-SE-16-T03 2<sup>nd</sup> Independent External Evaluation of  
the European Agency for Fundamental Rights  
**Subject:** Clarifications during tendering

Dear Sir/Madam,

We received questions of general interest from the tenderers. Please find herewith the answer to these questions.

Yours sincerely,

  
Michael O'Flaherty  
Director



**Clarifications during tendering**  
**D-SE-16-T03**  
**2<sup>ND</sup> Independent External Evaluation of the European Agency for**  
**Fundamental Rights**  
**Questions and Answers I**

**Question 1:**

This concerns invitation to tender "2<sup>nd</sup> Independent External Evaluation of the European Union Agency for Fundamental Rights" (REF: 2016-outgoing-001080).

Requirements regarding qualifications and experience of the senior experts include the following: "A minimum of five (5) years of general professional experience (following the university degree) out of which a minimum of three (3) years of experience must be related to the designing and/or reconstructing methodologies for evaluations of EU agencies, international institutions, programmes and projects <...>".

Please clarify, whether the expert should have at least three years of experience in evaluations of EU agencies AND international institutions AND programmes and projects? Or, alternatively, should the expert have at least three years of experience in evaluations of EU agencies OR international institutions OR programmes and projects?

**Answer 1:**

The expert should have at least three years of experience in evaluations of EU agencies OR international institutions OR programmes and projects.

**Question 2:**

Is an economic operator that has been involved in the implementation of some contracts for the European Agency for Fundamental Rights in the past, in a position of conflict of interest for the performance of the 2<sup>nd</sup> Independent External Evaluation contract?

**Answer 2:**

The existence of a "professional conflicting interest" within the meaning of article 148.6 of the RAP<sup>1</sup> can only be determined by the contracting authority during the evaluation of the tenders received. If, at the evaluation stage, the contracting authority concludes that an economic operator does not possess the required professional capacity to perform the contract to an appropriate quality standard, due to the existence of a conflicting interest which may negatively affect its performance, the contracting authority can reject the corresponding tender.

---

<sup>1</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, as amended