



Address: str. "Migjeni" (ex-Bank of Ljubljana Building, floor IX) Postal Code:10000 Prishtina, Kosova
Email: procurement@millenniumkosovo.org

CLARIFICATIONS # 1

Contract name.: Assessment and Supervision Services for the Public Access to Judicial Information Activity (Case Management Information System "CMIS")		
Reference No.: RFP / MFK / QCBS / 2020 / No. 002		
Date: 26 August 2020		
No.	Question	Answer
1.	Should the project account for the organizing of training seminars (i.e. venue, catering, translation/interpretations) or will the MCC cover such costs?	<p>No, the contractor is required to carry out the assessment and identify training needs, training themes, and potential participants from civil society, private sector, and media. The training needs assessment and consideration about participants shall incorporate a focus, and inclusion of all gender and vulnerable groups, to facilitate access and usage of the platform by organizations representing women and vulnerable groups, and legal issues of particular interest to them, such as rights to property or prevention of gender-based violence. The organizing and delivery of training seminars including the cost for these seminars will be carried out and by the Second Contractor whom will also cover the costs of such training.</p> <p>As stated in the Terms of Reference, the Consultant should only:</p> <ul style="list-style-type: none">- Assess the institutional capacity of KJC and learning needs at civil society organizations, the media and the private sector in using, operating and maintaining the CTM and ODP, and make recommendations for the assessed learning needs and appropriate training topics, as well as target training audiences.

		<ul style="list-style-type: none">- Assess what type of capacity building and training KJC and other partners would need to ensure the gender equity and inclusion objectives of the activity are adequately understood and actioned by partners.- Propose an outreach and communication strategy for KJC to effectively and sustainably establish constructive and on-going dialogue with the civil society, the media and the private sector in Kosovo on all aspects of transparency in the judiciary, judicial performance, judicial statistics and improved public access to judicial information, as well as publicly introduce the two mechanisms CTM and ODP for maximum public use and widespread public awareness.- Create a separate section within the outreach and communications strategy targeted at engagement with stakeholders representing women, vulnerable groups and minorities, to ensure broad based and equitable uptake and use.
--	--	--

<p>2.</p>	<p>Given that Kosovo is exempt from tax on international aid projects, can you confirm that this contract is tax free as well?</p>	<p>As provided in GCC 18 and under Section 2.5(a) of the Threshold Program Grant Agreement, the Consultant will be exempted from:</p> <ol style="list-style-type: none"> 1 Any tariffs, customs duties, import taxes, export taxes and other similar charges on any goods, works or services introduced into Kosovo in connection with the Program; 2 Sales tax, value-added tax, excise tax, property transfer tax and other similar charges on any transactions involving goods, works or services in connection with the Program; 3 Taxes and other similar charges on ownership, possession or use of any property in connection with the Program; and 4 Taxes and other similar charges on income, profits or gross receipts attributable to work performed in connection with the Program and related social security taxes and other similar charges on all natural or legal persons performing work in connection with the Program. However, if the Consultant(s) is a natural person who are citizens or permanent residents of Kosovo; and legal persons formed under the laws of Kosovo, will not be exempted from taxes and other similar charges on income, profits or gross receipts attributable to work performed in connection with the Program and related social security taxes. As per the Threshold Agreement, the Government of Kosovo will ensure that MCC's grant is free from the above-mentioned taxes stipulated under Section 2.5(a) of the Threshold Agreement. MFK will provide the necessary support to ensure that the Consultant does not pay the exempted taxes when performing work in connection with the Program.
-----------	--	--

3.	In the RFP you request that if in a consortium we need to provide a Joint/Association Agreement template. Is there a specific template we need to respect?	No, there is not specific template.
4.	In order to prove the financial capacity of our company, we can provide the audited annual accounts for the last three financially closed years (2016, 2017, 2018). Would that be considered enough proof and if not, could you indicate what other documents would be requested from our side?	The audited financial statements should be presented for the last three years: 2017, 2018 and 2019. By any standard, the 2019 should have been closed by this time of the year.
5.	<p>RFP Page No: 31 RFP section No: II: Proposal Data Sheet Clause from RFP: A. General Content of the Tender requiring clarification: Based in Law No. 06/L-016 On business organizations there are requirements for local registration of foreign Consultants working in the Country of MCA Entity Query/ Suggestion/Clarification: If the response is submitted in a partnership or a consortium, is the local registration of foreign firms required for each member firm of the consortium? Specifically, where one of the member firms is registered in Kosovo and partners with other firms to bring in resources with relevant global experience.</p>	<p>Foreign firms that wish to engage in business activity in Kosovo are required by the Law on Business Organizations (Article 35) to register as a Branch of a foreign firm. We advise potential bidders to consult the Kosovo Business Registry Agency https://arbk.rks-gov.net/page.aspx?id=2,1 and the law regarding the procedures and required documents for filing a claim for business registration in Kosovo.</p> <p>Please note that if the proposal is submitted in Association or Joint Venture that forms a Consultant, all members of the Joint Venture or Association must satisfy the legal, financial, litigation, eligibility and other requirements set out in this RFP. In case of the contract award, all members of the Joint Venture or Association will be jointly and severally liable for the execution of the Contract.</p>

<p>6.</p>	<p>RFP Page No: 39 RFP section No: III: Qualification & Evaluation Criteria Clause from RFP: Criteria C: Key Professional Personnel Content of the Tender requiring clarification: Sub Criteria C1: Team Leader: At least 5 years of demonstrated past experience as Project Manager in managing projects of similar complexity and nature; preferably with experience in the justice/judicial sector of Kosovo Query/ Suggestion/Clarification: 1. It is requested that experience in the justice/judicial sector specifically of Kosovo may be removed as this may restrict/hinder participation of qualified consultants who have experience of working in diverse regions in Judicial sector. In any case the Team leader would be supplemented by the legal expert in the team, who would have experience and contextual understanding of the Kosovo Judicial sector. 2. Please validate the understanding that a team leader with bachelors as the highest degree would need ten additional years and therefore 20 years of relevant professional experience.</p>	<ol style="list-style-type: none"> 1. Team leader, as Kosovo related experience is not mandatory, it states in the ToR that it is preferable meaning it is not mandatory and shall not hinder participation of qualified consultants. 2. We have asked in the experience of Team Leader to have an Advanced University Degree (Master's) preferably in Computer Science/Engineering, Management of Information Systems or relevant fields. However, we have stated that shall the team leader not have the MA Degree, a 10-year experience would be accounted same as having the MA degree. In the RFP it states as following: A Bachelor's degree in a relevant field with additional 10 years of relevant experience may be accepted in lieu of the Master's Degree requirement. A team-leader does not therefore need 20 years of relevant professional experience, rather in case the team leader fulfills the criteria of 10 years of relevant professional experience and has a BA degree, they would be accounted same as the one with an MA Degree.
<p>7.</p>	<p>RFP Page No: 41 RFP section No: III: Qualification & Evaluation Criteria Clause from RFP: Criteria C: Key Professional Personnel Content of the Tender requiring clarification: Sub-criteria:C4: Capacity Building Expert: - Field experience in supporting civil society organizations, governance, public administration, justice/legal sector with assignments related to access to judicial information; highly preferably in Kosovo. Query/ Suggestion/Clarification: 3. The bidder requests that statement for requirement of resource experience highly preferably in Kosovo may be removed as this may restrict/hinder participation of qualified consultants who have experience of working in diverse regions in Judicial sector in similar developing countries</p>	<p>Considering the current capacities along with the training needs of CSO's, public administration, and the justice/legal sector in Kosovo are quite specific when it comes to data literacy, communication, and technology differ from other countries, having past experience working with these institutions/organizations is highly preferable, but not mandatory.</p>

<p>8.</p>	<p>RFP Page No: 51 RFP section No: Section IV A. Technical Proposal Forms Clause from RFP: Form TECH-1. Technical Proposal Submission Form Content of the Tender requiring clarification: Annexes: 1. Power of Attorney demonstrating that the person signing has been duly authorized to sign the Proposal on behalf of the Consultant and its Associates; Query/ Suggestion/Clarification: The bidder requests that Letter of Authorization signed by the company secretary of the firm based on minutes of the board meeting shall also be listed as acceptable document for this clause.</p>	<p>The valid Power of Attorney (PoA) should be signed by the Principal of the firm who has the legal power to authorize another person/employee to submit the Proposal on behalf of the Consultant. In a corporate structure, the Principal is usually the Managing Director or the Chief Executive Officer of the company who can authorize through POA certain employee/agent to act on behalf of the company. If the bylaws of the firm provide that such PoA is given by the Board of Directors, then the requested PoA should be signed by the Chairperson of the Board. Therefore, the Letter of Authorization signed by Secretary of the firm based on the minutes of the Board is not acceptable for the purposes of this RFP.</p>
<p>9.</p>	<p>RFP Page No: 73 RFP section No: Section V: Terms of Reference Clause from RFP: Introduction and Project Review Content of the Tender requiring clarification: In the current state, the data generated through CMIS on court cases and cases that are under investigation is only internally available, specifically only for the users of the system that comprise of court and prosecution staff. Query/ Suggestion/Clarification: Please briefly explain various functions and features of CMIS; current infrastructure deployed (Cloud vs OnPrem); no of users; types of users; institutional integrations; accessibility to only supreme court or all courts across Kosovo, etc.</p>	<p>The Aim of the overall RFP is to carry out the assessment of the overall infrastructure of the CMIS. The Consultant will be required to carry out a needs assessment to identify the legal and situational context of this project (with the two main installations consisting of the Case Tracking Mechanism and Online Data Platform, see below); as well as a comprehensive technical assessment of the necessary software and hardware, IT infrastructure tools, internet security, and training needs, training themes and potential participants from civil society, media and private sector organizations in order to successfully complete all of the components of the PAJI Activity. Therefore, the aforementioned functions and features shall be assessed by the winning Consultant.</p>

<p>10.</p>	<p>RFP Page No: 75 RFP section No: Section V: Terms of Reference Clause from RFP: PUBLIC ACCESS TO JUDICIAL INFORMATION Content of the Tender requiring clarification: v. Technical Assistance to Justice Sector Institutions, Media, Civil Society, and the Private Sector on Effective Communications, Outreach, and Behavior Change: Includes designing and delivering trainings and workshops, evaluating pre and post learning needs, assessing and encouraging the application of newly learned knowledge on-the-job, organizing events in support of better communications, data oriented policy formulations, and decision-making, outreach, and behavior change among stakeholders. Query/ Suggestion/Clarification: The bidder requests confirmation of the following assumption that any additional cost (besides the time cost of capacity building expert) incurred for training dissemination such as travel, outreach and communication activities via digital and physical medium will be borne by the client</p>	<p>The training dissemination, along with the outreach and communication activities will be carried out and borne by the Second Contractor. The Consultant is only required to:</p> <ul style="list-style-type: none"> - Assess the institutional capacity of KJC and learning needs at civil society organizations, the media and the private sector in using, operating and maintaining the CTM and ODP, and make recommendations for the assessed learning needs and appropriate training topics, as well as target training audiences. - Assess what type of capacity building and training KJC and other partners would need to ensure the gender equity and inclusion objectives of the activity are adequately understood and actioned by partners. - Propose an outreach and communication strategy for KJC to effectively and sustainably establish constructive and on-going dialogue with the civil society, the media and the private sector in Kosovo on all aspects of transparency in the judiciary, judicial performance, judicial statistics and improved public access to judicial information, as well as publicly introduce the two mechanisms CTM and ODP for maximum public use and widespread public awareness. - Create a separate section within the outreach and communications strategy targeted at engagement with stakeholders representing women, vulnerable groups and minorities, to ensure broad based and equitable uptake and use.
------------	---	---

<p>11.</p>	<p>RFP Page No: 84 RFP section No: Section V: Terms of Reference Clause from RFP: Task 3: Project Management, Supervision and Verification of the Individual Case Tracking Mechanism (CTM) and the Online Data Platform (ODP). Content of the Tender requiring clarification: Assist MFK in the interpretation of scope and related communications with Contractor and proactively review and advise on scope creep Query/ Suggestion/Clarification: The bidder requests clarification whether RFP preparation and Bid process management for onboarding contractor to develop ODP and CTM will also be in scope of the selected program management consultant or is there any existing contractor identified or onboarded for the development of these portals?</p>	<p>The Consultant will be required to assist MFK in RFP preparation and bid process management for onboarding contractor to develop ODP and CTM so that the second contractor shall be identified to develop the portals.</p>
<p>12.</p>	<p>RFP Page No: 86 RFP section No: Section V: Terms of Reference Clause from RFP: Table 2 - Deliverables Schedule Content of the Tender requiring clarification: Consultant holds planning meeting with contracted company to brief them about the road map and key phases of implementation, with required resources, costs and time per each phase of implementation (phases can be marked by milestones or regular time periods). Query/ Suggestion/Clarification: If the contractor for development of software requirements is not already engaged with the Department, then what is the possible timeframe for getting such contractor onboarded. Would it be correct to assume a gap for the program management team between end of task 2 and start of task 3 on account of selection and onboarding of the contractor?</p>	<p>The Consultant shall not assume a Gap for the Program Management team between end of task 2 and start of task 3 as the Consultant shall be required to assist MFK in preparation of the tendering documents and procurement processes related to the RFP for the onboarding contractor.</p> <p>Please note that, as stated in the RFP, Consultants interested in submitting a proposal must price separately Phase 1 of the Contract, first two tasks of the Contract “Kick Off Meeting & Inception Activity, and Assessment, Recommendations and Roadmap” from Phase 2 of the Contract, third task “Project Management, Supervision and Verification of the Individual Case Tracking Mechanism (CTM) and the Online Data Platform (ODP)”, under the assumption that the project duration will be extended. Phase 1 of the Contract ““Project Management, Supervision and Verification of the Individual Case Tracking Mechanism (CTM) and the Online Data Platform (ODP)” shall be priced separately as it is conditioned by the performance in Phase 1, the assessment results, the award of the second contractor/supplier, as well as the extension of the Threshold program.</p>

<p>13.</p>	<p>RFP Page No: 52 RFP section No: Form Tech 2A Clause from RFP: Financial Capacity of the consultant Content of the Tender requiring clarification: Examples of possible documentation required are as follows, but may be supplemented by other types of documents determined by the MCA Entity as long as the requirements are reasonable and relevant to the financial capacity demanded of the consulting services being solicited:</p> <ul style="list-style-type: none"> • Audited financial statements for the last three (3) years, supported by audit letters. • Certified financial statements for the last three (3) years, supported by tax returns. • Evidence of financing dedicated for the implementation of the consulting services as attested by an authorized representative of the Consultant <p>Query/ Suggestion/Clarification:</p> <ol style="list-style-type: none"> 1. Bidder requests for confirmation on last 3 years. It is proposed that the last three years be interpreted as 2016-17, 2017-18 and 2018-19 as the audited financial statements for FY2019-20 may still be under process. 2. The bidder requests clarification on the authorized personnel who can certify financial statements as required, 3. Bidder requests more clarity/details for bullet point 3. 	<ol style="list-style-type: none"> 1. The audited financial statements should be presented for the last three years: 2017, 2018 and 2019. By any standard, the 2019 should have been closed by this time of the year. 2. Financial statements should be certified by a licensed statutory auditor, and additionally annual tax returns should be presented to support these financial statements for the last three years. 3. Evidence of financing dedicated for the implementation of the consulting services can include: own funds at the bank, credit line, or any other asset, attested from the legal representative.
<p>14.</p>	<p>RFP Page No: 54 RFP section No: Form Tech 3 Clause from RFP: Organization of the consultant Content of the Tender requiring clarification: The Proposal shall further demonstrate that the Consultant has the capacity to field and provide experienced replacement Personnel on short notice.</p> <p>Query/ Suggestion/Clarification:</p> <ol style="list-style-type: none"> 1. Bidder requests for clarity on requirements against this clause. It is proposed to submit HR certificate for this. 2. Bidder requests to define short notice 	<p>The intent of this language is to have the firm demonstrate that the firm has the ability to access personnel in case that they need to replace. Reliability of a firm can be measured in not only the proposed individuals but also the ability of the consultant to backstop and provide a quick turnaround in case there is a shortage of staff or a sudden turnover.</p>

15.	<p>RFP Page No: 55 RFP section No: Form Tech 4 Clause from RFP: Experience of the Consultant Content of the Tender requiring clarification: Provide contact information for at least three (3) references that can provide substantial input about (1) the type of work performed and (2) the quality of the work. For each reference, list a contact individual, their title, address, phone and e-mail address Query/ Suggestion/Clarification: Bidder requests to reduce the number of references to one. There are assignments where there is only one point of contact/nodal officer from the organization/government department.</p>	<p>This request will remain the same, three (3) references.</p>
16.	<p>RFP Page No: 73 RFP section No: Section 5 Clause from RFP: Terms of Reference Content of the Tender requiring clarification: Supporting the improvement of judicial decisions and their publication Query/ Suggestion/Clarification: Bidder understands that legal expert shall support in bringing domain knowledge, for enhancing/designing systems relevant to judiciary. The legal expert will not play any role in influencing judicial decisions. Against this clause, bidder requests more clarity on the role of the bidder during the project engagement.</p>	<p>The Consultant shall bring domain knowledge for enhancing/designing systems relevant to judiciary. In no case will the legal expert play a role in influencing judicial decisions.</p>
17.	<p>RFP Page No: 33 RFP section No: II: Proposal Data Sheet Clause from RFP: F. Award of Contract Content of the Tender requiring clarification: ITC 27.1: Negotiations will be held at the address: Str. "Migjeni" no. 21 (ex-Bank of Ljubljana, floor IX), Prishtinë, Kosovë. The expected date for Contract negotiations is 21 days after the opening of the Financial Proposals. Query/ Suggestion/Clarification: Since, bidders bidding for this RFP will be from different countries other than Kosovo. Due to the ongoing Covid 19 related travel restrictions, it is requested that there may also be provision for conducting negotiations through online modes such as videoconference.</p>	<p>We will take your question into further consideration and if we accept, we are going to issue an amendment to RFP.</p>

18.	<p>RFP Page No: 132 RFP section No: Annexure B Clause from RFP: G: Insurance Content of the Tender requiring clarification: The Consultant shall obtain insurance, performance bonds, guarantees or other protections appropriate to cover against risks or liabilities associated with performance of this Contract</p> <p>Query/ Suggestion/Clarification: We wish to clarify that we maintain insurances, at the firm level, which are required to be maintained by us as per the provision of laws. Separate insurances for this project may not be required in light of such firm level insurance. We can provide you with a confirmation about our firm level insurance and that to the extent required by law, this project will also be covered under that insurance. We hope that should suffice. Please confirm.</p>	<p>Regarding the insurance, risks and the minimum coverage please refer to the GCC 36.1 in the RFP.</p>
19.	<p>We request to consider including appropriate language on the lines below (sample) regarding travel restriction due to Covid-19: "If there are any circumstances that reasonably restrict or affect the ability of bidder's personnel to travel or to be physical present at any specific office/location, then without prejudice to your obligations (including your payment obligations), you shall allow such personnel to work from home or other remote location till the time such circumstances exist"</p>	<p>As described in RFP the contractor must adhere to the restrictions and protection standards, as well as to the lifting of protection measures by the Kosovo Government.</p>