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**THE MINISTRY OF FINANCE**

**The Directorate for Finance and Contracting of the EU Assistance Funds**

**Contracting Authority's Clarifications**

Implementation of trainings and employment projects for persons with disabilities and RE population

**Questions and answers from the Information Session held on 21th, 23th and 26th October 2015**

Following the info session held on 21th, 23th and 26th October 2015, below are presented the answers on questions raised by the participants.

Also, the table contains the answers on questions received on the functional e-mail address [cfcu@.mif.gov.me](mailto:cfcu@.mif.gov.me).

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| **Q1** | **Is it obligatory that the equipment which can be purchased within this grant has to have origin of one of the EU country?** |
| A1 | Please refer to the annex G IV – Procurement by grant Beneficiaries in the context of European Union external actions, which is part of the application package and specifically deals with the issue of the procurement under grants contracts. Consequently, under this call for proposals the rule of origin must be respected as per Article 19 Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA). Namely, the rule of origin is not only limited to the EU states but comprise also a country that is a beneficiary of mentioned Regulation, a country that is a beneficiary of the European Neighbourhood and Partnership Instrument, or a Member State of the European Economic Area. |
| **Q2** | **Who is considered a civil servant?** |
| A2 | According to the article 2 of the Law on civil servants and state employees (No: 23-2/11-6/13, 22. July 2011):  “Civil servant shall mean a person who entered employment in a state authority to perform the tasks for the purpose of exercising competency of that authority prescribed by the Constitution, law and other regulations.  Civil servant shall also mean a person who performs in a state authority information technology, financial, accounting and other tasks of administrative nature.  State employee shall mean a person who entered employment in a state authority to perform administrative-technical and ancillary tasks”. |
| **Q3** | **Are salaries of civil servants eligible cost?** |
| A3 | Please refer to the GfA section 2.1.5- Eligibility of costs: costs that can be included; Eligible direct cost:  “Salary costs of the personnel of national administrations **may be eligible** to the extent that they relate to the cost of activities which the relevant public authority would not carry out if the action were not undertaken.”  Also refer to article 14.9. of the General Conditions which foresees following costs as non eligible:  “Salary costs of the personnel of the national administrations, unless otherwise specified in the Special Conditions and only to the extent that they relate to the cost of activities which the relevant public authority would not carry out if the Action were not undertaken.”  Salaries of civil servants are considered eligible cost. However these salaries can only be calculated as applicants own-contribution. They cannot be calculated as part of Contracting Authority contribution. |
| **Q4** | **Which part of VAT could be considered as *”not recoverable by any means and it is established that they are borne by the final beneficiary*”. For example, costs of small purchases, directly from shops.** |
| A4 | Please refer to the Annex J within the application package which is related to *Information on the tax regime applicable to grant contracts signed under EuropeAid/137485/ID/ACT/ME*, where it is stated:  “Low value taxes: no proof needs to be provided for taxes for expenses where the amount of taxes per invoice is less than EUR 200, within a maximum of EUR 2 500 per grant contract, representing not more than 5 % of the contracting authority’s contribution.”  Please note that the CA will establish the method of exemption of VAT. It will be the applicants’ responsibility to apply these principles, within the framework of the above mentioned Annex J. If these provisions are not applied the VAT will not be considered eligible cost under this CfP. |
| **Q5** | **Is registration in PADOR required?** |
| A5 | Registration in PADOR is not necessary. |
| **Q6** | **Is it obligatory to submit documents contained in the part A of the Grant Application form again in the second phase (evaluation of the full application)?** |
| A6 | Refer to the section 2.2.5 of the GfA (Full applications) stating that:  ”Lead applicants invited to submit a full application following pre-selection of their concept note must do so using Part B of the grant application form annexed to these guidelines (Annex A).  .....  **No additional annexes should be sent. ”** |
| **Q7** | **In case of implementation of publicly recognised education programmes, should one of the applicants have a recognised licence (Montenegrin or international) at the time of the submission of the Concept Note?** |
| A7 | A lead applicant whose application has been provisionally selected or placed on the reserve list will be informed in writing by the Contracting Authority in order to supply the documents (including licence) to the Contracting Authority to verify the eligibility of the lead applicant, of the co-applicant(s) and (if any) of their affiliated entity(ies). Therefore, no evidence will be requested at the Concept Note submission stage. Please refer to the section 2.4. of the GfA. |
| **Q8** | **What will be the dynamics of payment after the signature of the contract?** |
| A8 | For actions within this Call for Proposals, 80% of CA contribution (grant), excluding contingencies will be provided as initial pre-financing payment. The balance of the final amount of the grant will be provided after the approval of final reports. |
| **Q9** | **Are public institutions, such as day care centre, eligible as applicants under this CfP?** |
| A9 | To ensure equal treatment of applicants, the Contracting Authority cannot give a prior opinion on the eligibility of lead applicants, co-applicants, affiliated entity(ies), or an action.  Please note that, to be eligible, an applicant has to fulfil all eligibility criteria as defined in section 2.1.1 of the GfA. |
| **Q10** | **Are costs of participants of the trainings eligible under this CfP?** |
| A10 | Refer to sub-Article 14.2 of the General Conditions (Eligible direct cost), where it is stated that:  “Subject to Article 14.1 and, where relevant, to the provisions of Annex IV being respected, the following direct costs of the Beneficiary(ies) shall be eligible:  b) travel and subsistence costs for staff and other persons taking part in the Action, provided they do not exceed those normally borne by the Beneficiary(ies) according to its rules and regulations, or the rates published by the European Commission at the time of such mission if reimbursed on the basis of simplified cost options” |
| **Q11** | **Can statute of an organisation be changed during the evaluation procedure for the CfP?** |
| A11 | As long as the eligibility criteria are met, the candidate is free to provide all available documents. |
| **Q12** | **Are applicants required to calculate contingency reserve in the budget table or is this calculation only an option?** |
| A12 | Refer to the article 14 of the General Conditions (Contingency reserve):  ”A reserve for contingencies and/or possible fluctuations in exchange rates not exceeding 5% of the direct eligible costs **may be** included in the budget for the Action, to allow for adjustments necessary in the light of unforeseeable changes of circumstances on the ground. It can be used only with the prior written authorization of the Contracting Authority, upon duly justified request by the Coordinator.”  Please be aware of fact the request for using this budget line should be duly justified, also in the budget submitted in the application. |
| **Q13** | **What does added value means from the perspective of the evaluation of the Concept Note?** |
| A13 | Added value implies that the project contains elements which will improve the promotion or consolidation of public-private partnerships, innovation and best practice, environmental issues, promotion of gender equality and equal opportunities, needs of disabled people, rights of minorities and rights of indigenous peoples, or innovation and best practices or other cross-cutting issues. |
| **Q14** | **For which phase the “Licence for entities providing educational and vocational trainings” will be requested to submit from the provisionally selected applicants?** |
| A14 | Please refer to A7. |
| **Q15** | **When is a deadline for submission of full applications?** |
| A15 | Refer to the section 2.2.7 of the GfA (Deadline for submission of full applications):  “The deadline for the submission of full applications **will be indicated in the letter sent to the lead applicants whose application has been pre-selected**”.  Also, in the section 2.5.2 of the GfA an Indicative timetable is provided for all activities which will be performed. However, bear in mind that the abovementioned indicative timetable may be updated by the Contracting Authority during the procedure. |
| **Q16** | **In which phase it is obligatory to submit the Declaration?** |
| A16 | Please refer to the Part A (Concept Note) and Part B (Full Application Form) of the Grant Application form.  **Documents which must be submitted for the phase I (evaluation of the Concept note) are:**  Part A: Concept note (Grant Application Form)   1. Instructions for drafting the concept note 2. Checklist for the concept note 3. **Declaration by the applicant for the concept note**   **Documents which must be submitted for the phase II (evaluation of the Full application) are:**  Part B: Full application form   1. General information 2. The action 3. The applicant 4. The Co-applicant(s) 5. AFFILIATED ENTITY(ies) participating in the action 6. Associates of the applicant participating in the action 7. Checklist for the full application form 8. **Declaration by the applicant**   **Consequently, separate declarations are submitted in both phases Phase I and Phase II.** |
| **Q17** | **Can public funds be considered as co-financing of the Action (for example subsidies received for work of persons with disabilities)?** |
| A17 | According to the PRAG document, Article 6.3.9:  “The Co-financing may take the form of the beneficiariy’s own resources (self- financing), income generated by the action and financial contributions from third parties.” |
| **Q18** | **Who is considered as an “employer” under this CfP?** |
| A18 | According to the Article 15 of the Labour Law (OJ of Montenegro, no. 49/2008, 26/2009, 59/2011 and 66/2012), an employer is a national or foreign legal person, or a part of a foreign legal person, or a physical person concluding contract of employment with an employee. |
| **Q19** | **Is verification of budget accounts necessary under this CfP?** |
| A19 | The expenditure verification report is not required under this call for Proposals, since article 15 of the General Conditions defines that it should accompany a final report only, in the case of a grant of more than EUR 100.000. The amount of each grant under this call for Proposals is between EUR 60.000 and EUR 100.000. |
| **Q20** | **Is the rent of premises an eligible cost?** |
| A20 | Refer to the point 2.1.5 of the Guidelines for Applicants. Ineligible cost:  “Rent or leasing, unless it is exclusively related to the period of co-financing of the operation, and that it is preferable to other solutions in terms of the best value for money.”  The rent of premises is eligible cost if it is needed to perform activities of the project. |
| **Q21** | **Is it necessary to submit the certified translation of the licence for entities providing educational and vocational trainings into English?** |
| A21 | Refer to the Section 2.4. of the Guidelines for Applicants, where it is stated that:  “Documents must be supplied in the form of originals, photocopies or scanned versions (i.e. showing legible stamps, signatures and dates) of the said originals.  **Where such documents are not in one of the official languages of the European Union or in Montenegrin language**, a translation into English the relevant parts of these documents proving the lead applicant's and, where applicable, co-applicants' and affiliated entity(ies)' eligibility, must be attached for the purpose of analysing the application.” |
| **Q22** | **Is it necessary to include both target groups within one action under this Call for Proposals?** |
| A22 | Refer to the Section 1.2. of the Guidelines for Applicants:  “The target groups for this Call for Proposals are:   * Unemployed persons with disabilities; * Unemployed members of RE population.”   Following this provision the applicants need to include in the implementation of the Action at least one of the mentioned target groups. |
| **Q23** | **Can we present the inflow of funds realized within the action as contributions in kind?** |
| A23 | According to the Section 2.1.5 of the GfA: Eligibility of costs: costs that can be included, **contributions in kind are indicated as ineligible cost.**  Income generated by the action can be considered as co-financing of the action (Ref. Point 6.3.9 of PRAG). Such contributions should be explicitly explained in the description of action.  Please be aware that in the Budget for the action at the Sources of funding page, there is a special line, where any revenues from the action should be specified. |
| **Q24** | **Is it allowed for Urban Municipality Tuzi to participate under this Call for Proposals as the Lead Applicant?** |
| A24 | Refer to A9. |

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| **Q25** | **Please clarify whether Local Authorities (i.e. Regional Authorities of EU Member States) are eligible as co-applicants for the call for proposals mentioned in the object.** |
| A25 | Refer to A9. |
| **Q26** | **We want to get information about whether the activity Organizing programs of social inclusion for unemployed people with disabilities with reduced working capacity and for people with disabilities who are unemployed, one of the prerequisites for the program that those people would be included is that they must be registered in the Agency of Employment Montenegro- Bureau of work.** |
| A26 | According to the Guidelines for the Applicants (point 1.2) the target groups of the Call for Proposals are:  • Unemployed persons with disabilities;  • Unemployed members of RE population.  The applicants will need to demonstrate in the application/implementation that this condition was fulfilled. |
| **Q27** | **Regarding Call for proposals ''Implementation of trainings and employment projects for persons with disabilities and RE population'', we need some clarification. Namely, in this Call it is stated that ''at least the lead applicant or the co-applicant must have a licence in Montenegro or a licence recognised by the Montenegrin authorities (meaning that the certifications given by the foreign education centre can be recognized in Montenegro) for a publicly approved programme in case where the application deals with the implementation of an education programme within the grant project. Since in our project idea we planned on job trainings for target group at the employers, is it necessary that in that case applicant and co-applicant in the project must have named license or is it enough to have or to engage licensed companies or institutions  to conduct those trainings but without defining them as formal partners in the project?**  **Just to mention that applicant and co-applicant are NGO's dealing with persons with disabilities.** |
| A27 | Refer to the point 2.1.1. of the Guidelines for Applicants, where it is stated that:  “ • at least the lead applicant or the co-applicant **must have a licence in Montenegro or a licence recognised by the Montenegrin authorities** (meaning that the certifications given by the foreign education centre can be recognised in Montenegro) for a publicly approved programme **in case where the application deals with the implementation of an education programme** within the grant project.”  Applicants may propose certified (i.e. publicly approved) and non-certified programmes, providing the action corresponds to the objectives of the Call for Proposals. The license is required only for the implementation of a publicly approved education programme, as prescribed by the Law on Adult Education (“OJ of Montenegro”, no. 20/11, available at:  [http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag={B8328501-A894-4D51-8EA0-92B0B4B1CDC3}](http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7bB8328501-A894-4D51-8EA0-92B0B4B1CDC3%7d).  In case operators propose training activities not envisaged by the definition of “publicly approved programmes” of the law above, then, no license neither for the applicant nor from the co-applicant is requested. |
| **Q28** | **Can persons with disabilities be practically trained in public institutions, with the support of mentors, with the aim of obtaining employment in the public institution after completion of the project?** |
| A28 | To ensure equal treatment of applicants, the contracting authority cannot give a prior opinion on the eligibility of lead applicants, co-applicants, affiliated entity(ies), an action or specific activities.  Please refer to the Guidelines for Applicants, section 2.1.4. Eligible actions: actions for which an application may be made. |