

The BEREC Office reply

3.3.9. To be able to allocate the necessary resources for increasing the professional support to BEREC, the BEREC Office Management Committee (MC) requested the Agency to consider different options for externalizing daily and routine tasks. Following an open tender procedure, the BEREC Office concluded a framework contract for the provision of clerical and secretarial support services to the BEREC Office, guaranteed over the whole duration of the contract, which is different from the use of interim workers.

The BEREC Office would like to emphasize that according to the tender specifications, which are annexed to the framework contract, the contractor has the obligation to comply with the applicable EU and national legal framework.

3.3.10. The BEREC Office takes due note of the concerns of the Court and, as suggested, will address the issues pertaining to the establishment plan to the budgetary authority. The Agency would like to underline the fact that all mentioned contracts were concluded following open procurement procedure and other companies had the chance to participate. Unfortunately, for the type of services concerned, the local competition may be very limited and foreign companies are not necessarily interested. For the most important services, the Agency usually endeavour to conclude framework contracts in cascade in order to ensure business continuity in case the first contractor would fail to deliver. Currently, the tasks entrusted to the contractor concerned are of administrative nature.

3.3.11. The BEREC Office did not have until 2018 separate guidance on abnormally low tender prices. The price offers in the procurement in subject were checked against the detailed technical offers and the contracting authority found the winning offer reasonable. Following the comments received from the auditors, the BEREC Office took note of the Court finding and introduced the definition of abnormally low tender price (30% lower than the estimated amount of the contract) in its internal procurement manual.