

Mr Henry Leerentveld  
[info@ta-consultants-united.org](mailto:info@ta-consultants-united.org)

Ref. 2011-3065

24<sup>th</sup> June 2011

## **Re. Your Request on Statements of Exclusivity and Availability**

Dear Sir,

I am writing to you following your request dated 04/04/2011 regarding the use of Statements of exclusivity and availability by the three contractors with which ETF has undersigned a competitive framework contract for the "Provision of expertise to support ETF initiatives for human capital development".

I would like to clarify that signature of these Statements is requested by the three Contractors directly (without involvement of the ETF) to the expert, who they intend to propose for a specific assignment. Signature of these Statements should not, therefore, occur in a pre-selection phase, but should be required only following a specific "request for offer" sent by the ETF to the contractors for a given assignment.

The Statements assure the contractor (and the ETF ultimately) that the expert they are proposing in their offer is available to perform the tasks requested within the time periods foreseen in the terms of reference. Furthermore, it supports the functioning of the competitive framework contract and the need to select the best quality offer as it allows to have different experts proposed by each contractor.

Please note also that the overall timeframe for administering the "request for offer" and evaluating the proposals from the contractor is, according to the contractual terms, not more than 20 days, during which therefore the Statements are applicable to a specific expert proposed. The Statement remains then valid for the expert selected with regards only to the availability to perform the activities in the envisaged timescales.

Additionally to the above, I would also like to inform you that following your request we intend to proceed with an assessment of the texts used in the different Statements applied by our three contractors with the scope of agreeing with them a simplified and harmonised text, which responds and is limited to pursuing the needs

described above related to expert availability and functioning of the competitive framework contract.

In parallel, we are also investigating further the practices from other EU institutions and agencies on this matter in order to put forward a harmonised approach.

You will be informed in due time of the outcome of both activities described above.

Yours sincerely,



Cecile Beelaerts  
Head of Financial, Contract and Procurement Unit