

**From:** info Ta Cu <info@ta-consultants-united.org>  
**Subject:** Statement of Exclusivity and Availability  
**Date:** 4 April 2011 11:34:33 CEST  
**To:** Cecile.Beelaerts@etf.europa.eu  
**Bcc:** Stephen Dewar <stephen.dewar@ta-consultants-united.org>



# TA Consultants United

Dear Miss Beelaerts,

I am writing to you in your capacity as Head of the Finance and Procurement Unit, assuming that you are responsible for the use of Statements of Exclusivity and Availability (SoE&A) in ETF's Framework Contracts (FWC).

I am representing TA Consultants United, an association of TA Consultants United, which is currently being established. TA Consultants United is a follow up of the 'Ban the SoE&A'-campaign I started with 6 colleagues in August 2010 and which currently represents almost 700 consultants.(see: <http://www.bansoae.portal4project.net/projectinformation> for further information about this campaign)

I would like to notify you about the use of these SoE&A's by (some) contractors / tenderers in a so-called pre-selection phase: contractors are pre-selecting candidates for ETF Framework contracts and before they have selected the candidate for their proposal, they try to have a statement signed by as many as possible relevant consultants, assuring their availability, but also preventing them to consider other options / tenderers in this specific contract.

This practice is already prohibited in FWC's under EuropeAid, but - as was recently brought to my attention - is still possible and widely applied in ETF FWC's.

Apart from an 'internal EC policy coordination issue', I would like to point out that the practice of using SoE&A's in pre-selection phases is

- An infringement of competition (as it decreases suitable candidates in a too early stage)
- A limitation of the odds on employment of free-lance consultants
- Unethical to consultants and those contractors who don't apply these policies.

I would therefore like to request you to bring you policies in this respect in line with the EuropeAid policies.

I am fully at your disposal should you have any further queries and look forward to your response.

Best regards,  
Henry Leerentveld

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