



MRA/ENE/37/2013

27th August, 2013

Clarification No 3

TENDER FOR THE PROVISION OF VERIFICATION SERVICES ON SECURITY OIL STOCK

Question 1: Is sub-contracting of the Engineer and the Legal expertise permitted and if so, are they obliged to be sub contractors only in one offer or can they be presented as sub contractors under different bids?

Answer 1:

The conditions which form part of the mandatory conditions of any service contract are: -

1. A guarantee that the services provided will not be subcontracted to third parties. It is to be clarified that this limitation on sub-contracting is strictly limited to cases where the sub-contractor being awarded work by the tenderer has employees of the tenderer who are also in the employ of the sub-contractor and are carrying out, with the subcontractor, the same or very similar duties as those in their contract of employment with the tenderer. Further, any sub-contractor will need to agree to all the other conditions laid down in this circular whilst the tenderer will remain responsible for all the work or services provided in the contract including those carried out by the sub-contractor;

2. A guarantee that the contractual work will not be carried out by self-employed persons but solely by employees of the tenderer. It is to be clarified that this exclusion does not apply to bona fide self-employed individuals, and that the tenderer is guaranteeing that no work will be carried out by persons designated as self-employed where their actual employment status in terms of the Employment Status National Standard Order, LN 44/2012, is that of an employee;