



MRA/97/2013

4th September, 2013

Clarification No 3

TENDER FOR THE PROMOTION OF THE ACHIEVEMENTS OF IMPLEMENTING ERDF 088 (PROMOTION OF RENEWABLE ENERGY SOURCES IN THE DOMESTIC SECTOR)

Question 1: Re clause Conditions of Employment nr. 2.11.1.1 pr. 8 –

Can you kindly clarify if or not it is not allowed to subcontract the hiring of billboard space to bill board providers please.

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;