

Nr. 2754JS/07.05.2020

Dear Mr. **Jakab Ádám András**,

First of all, please allow me to thank you for your efforts and implication in implementing project ROHU115, and to assure you that the JS is aware of the situation you are currently facing.

In this respect, I can provide the following information regarding the status of your request's approval, respectively regarding the possibility to conclude the contract for the construction works, before receiving the final approval from the MA:

1. Please be informed that, based on the provisions of Instruction 6 MA for project beneficiaries, issued on 18.03.2019, all project beneficiaries are entitled to perform any project activity, even before receiving final approval from the JS/ MA, under the condition that the activity is approved by the time it is reported to the FLC. Therefore, from the Programme's mechanisms perspective, **you are entitled to conclude any public procurement contract related to the project's implementation, including the contract for the construction works.**
2. Regarding the status of your request, I can inform you that **the JS accepted the modifications and, therefore, forwarded the request for addendum to the MA, for approval.** Moreover, the situation of the public procurement of Project Beneficiary Hortobágy, and the fact that technical content of the project needs to be adapted, has been brought to the MA's attention ever since it's occurrence in 2019, and has been since discussed several times.
3. Finally, please allow me to briefly present to you the situation and the schedule of events, starting with the day the request was registered:
 - a. As you correctly indicated, the first draft of the Modification request was submitted by the LB and registered by the Programme on 04.12.2020; the modification request contained, as provided by the Programme's regulation, modifications related to both project beneficiaries – the LP Sălacea commune, and the PB2 – Hortobágy commune;

At the date of the submission of the Modification Request through Addendum in discussion, another modification request through Notification was ongoing in the eMS; according to the PIM provision, **a new Modification Request can only be submitted to the Programme after the approval or rejection of the ongoing request.**

The registration of the Modification Request submitted by the LB on 04.12.2020 was an **exceptional measure**, accepted by the Programme in order to provide the project

beneficiaries a proof that the situation regarding the reduction of the technical content was brought to the Programme's attention, and consequently, acknowledged. This was especially necessary for the Project Beneficiary2: Local Government of Hortobágy Village, who needed this conformation in order to be able to launch the 3rd round of the public procurement procedure for the investment works.

- b. Moreover, the submitted Modification request through addendum **did not contain all the relevant information necessary for its processing**, therefore clarifications were requested.
- c. On 17.01.2019, the Lead beneficiary submitted the Modification request officially, as requested by the Programme's procedures, through the eMS. The eMS was opened for modifications on 21.01.2020, and **the modified Application Form was sent to the JS for verifications on 02.03.2020.**
- d. Starting with 02.03.2020, the request for modification has been under JS verification, and several rounds of clarifications were necessary. These requests for clarifications did not necessarily involve the Project Beneficiary2: Local Government of Hortobágy Village, but, still, the clarification of all requested aspects was needed, before the Modification request could have been accepted by the JS.
- e. On 07.05.2020, **the Modification request through Addendum was finalized and accepted by the JS.**

In conclusion, please consider that:

1. There are **no procedural aspects that prevent you from signing the investment contract;**
2. The modification of the technical content of your project (reducing the size of the parking lot) **was already accepted by the JS;**
3. **The JS supports the modification request, and has therefore forward it to the MA, for final approval.**

I assure you of all our support and willingness to help you solve the situation you are facing, and kindly ask you to keep us informed of the outcome of the analysis of the potential solutions presented herein.

Should you need assistance or require further information, please do not hesitate to contact me at any point.

Sincerely yours,

Cosmina Rareș

JS Expert