**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of consultative services for conducting analysis on HR performance in total 70 LSGs and developing Cumulative report on HR performance in 70 LSGs based on the analyses’ findings**

**4708/2022/73**

The Council of Europe is currently implementing the joint EU/CoE Project Human Resources Management in Local Self-Government – phase 2, which started on 19 December 2018 and will be implemented until 18 June 2022.

In that context, it is looking for maximum nine (9) consultants to conduct the analysis in total 70 LSGs in Serbia and to develop Cumulative report on HR performance in 70 LSGs and present the results to the programme team, donor and programme partners to be requested by the Council on an as needed basis (for more information please see the section A of the Act of Engagement).

1. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe[[1]](#footnote-2), the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **framework contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

**The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.**

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject:HR performance in 70 LSGs.** Tenders addressed to another email address **will be rejected.**

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 5 (five) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions - HR performance in 70 LSGs.**

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| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 18 June 2022 |
| **Deadline for submission of tenders/offers ►** | **29 April 2022** |
| **Email for submission of tenders/offers ►** | **Lsg.serbia@coe,int** |
| **Email for questions ►** | **Lsg.serbia@coe.int** |
| **Expected starting date of execution ►** | 20 May 2022 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The joint EU/CoE programme “Human Resources Management in local self-government” - phase 2 is based on the achievements and challenges of the Programme “Human Resources Management in local self-government” phase 1 (2016-2017) implemented by the Council of Europe in cooperation with the Ministry of Public Administration and Local Self-government and Standing Conference of Towns and Municipalities. The programme “Human Resources Management in local self-government” phase 2 (hereinafter the Programme) is built on the implementation of the Strategy of Public Administration Reform in the Republic of Serbia Action Plan and in accordance with the European Charter of Local Self-Government’s principles, which provides a solid basis for setting-up strong and stable local authorities in the country. The Programme addresses the most relevant issues of human resources management (HRM) and human resource development (HRD) at local self-government level in the Republic of Serbia, which are prescribed in the Law on employees in autonomous provinces and local self- government units, the Law on salaries in autonomous provinces and local self-government units and the Law on National Academy for Public Administration.

The Program is financed by the European Union (EU) and the Council of Europe (CoE) and is implemented by the Council of Europe in cooperation with the project partners: Ministry of Public Administration and Local Self-Government and Standing Conference of Towns and Municipalities. The Programme started on 19 December 2018 and it will be completed on 18 June 2022.

The overall objective of the Programme is to support Serbian administration to effectively meet requirements and conditions deriving from the accession negotiations and successfully manage overall EU integration and pre-accession assistance geared towards EU membership, focusing on key areas of human resources management (HRM) and human resource development (HRD) in local public administration.

In order to implement project activity related to the measurement of the HR performance in local self – governments the Council of Europe is looking for a maximum of 9 providers to conduct the analysis on HRM performance in 70LSGs and to develop Cumulative report on HRM performance in 70 LSGs and present the results to the programme team, partners and donor (provided enough tenders meet the criteria indicated below) with a particular expertise and knowledge of the national legal system related to local self – governments in Serbia and public administration reform, development of methodologies and conduction of analysis in local self – governments in Serbia.

This Contract is currently estimated to cover the analysis on HR performance in total 70 LSGs, Cumulative Report on HR performance in total 70 LSGs and presentation of main findings to programme team, donor and programme partners, to be held by 10 June 2022. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total budget of the project amounts (4 000 000) Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros tax exclusive** for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

**Scope of the Framework Contract**

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

1. Conduct HR analysis in 70 LSGs:

Providers may be requested to conduct analysis in one or several LSGs designated by the programme team. In order to carry out the analysis and measure progress in the designated LSGs, Providers will use SCTM HRM performance management index tool. Providers may be requested to cooperate closely with the Provider/s responsible for the development of the Cumulative report on HRM performance in 70 LSGs.

The HR performance management analysis in selected LSGs requires the following:

• Assisting designated LSGs in self-evaluation process on HRM current status and achieved results.

• Verifying the LSGs answers on HR status in the performance management index, trough verification sources defined in the performance management index

• Submitting the short report for each LSG unit to the Analyst describing the process and experience with LSGs.

1. Develop Cumulative report on HR performance in total 70 LSGs:

One or several Providers may be requested to draft the cumulative report. Such a report will be based on the structure of the previously developed reports on HRM (baseline and final) and accordingly will contain narrative part, statistical data, graphs, and other required tools in order to precisely reflect the sustainability of achieved HRM performance in 70 LSGs. The relevant Provider/s will also develop Power Point presentation on HRM performance outlinging the main findings and present the results to programme team, donor and programme partners.

Development of the Cumulative report on HRM performance in 70 LSGs will require the following:

• Review the results of HRM management performance analysis in 70 LSGs;

• Processing the data submitted by seven field researchers;

• Controlling the verification process of LSGs answers on HRM status in line with the performance management index requirements and verification sources;

• Verifying the reports on the conducted analysis in 70 LSGs;

• Present the results of the Final report to the Programme partners, donor and other stakeholders;

In terms of **quality requirements**, the pre-selected Service Providers must ensure*, inter alia*, that:

* The services are provided to the highest professional/academic standard;
* Any specific instructions given by the Council – whenever this is the case – are followed.

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in Serbian (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).]

1. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.]

1. HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

* quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
* availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
* price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 2 (two) working days after its reception. If a Provider is unable to take an Order or if no reply is given on his behalf within that deadline, the Council may call on another Provider using the same criteria, and so on until a suitable Provider is contracted.]

**Providers subject to VAT**

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote[[2]](#footnote-3) (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider’s name and address;

- its VAT number;

- the full list of services;

- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);

- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);

- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive .

**Signature of orders**

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council’s Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

1. ASSESSMENT

*Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)**[[3]](#footnote-4)**

Tenderers shall be excluded from participating in the tender procedure if they:

* have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
* are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
* have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
* do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
* are an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
* have been involved in mismanagement of the Council of Europe funds or public funds;
* are or appear to be in a situation of conflict of interest;
* are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at [www.sanctionsmap.eu](http://www.sanctionsmap.eu)).
* Are public administration servants employed in central, regional and local institutions.

*Eligibility criteria*

* University degree in law, political science, economics, public administration, social sciences, or equivalent work experience (at least 10 years) related to public administration reforms at local level;
* Minimum 3 years of professional experience in field research and data analysis;
* Knowledge of the national legislation, public administration system, local self-governance system of the Republic of Serbia
* Excellent knowledge of Serbian language ( C1/C2 level in line with the Common European Framework of Refference for Languages - CEFR)

*Award criteria*

* Quality of the offer (90%), including:
* Proven work experience in conducting analysis and writing reports and cumulative reports related to the topics relevant for public administration reform at local level (40%);
* Proven work experience in the assessment of working performance in human resources management in LSGs (35%);
* Proven work experience in data processing by using corresponding assessment tools (10%);
* Previous work experience with LSGs in strengthening Human Resources Management capacities will be considered as an asset (5%);
* Financial offer (10%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

1. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

1. DOCUMENTS TO BE PROVIDED

* A completed and signed copy of the **Act of Engagement[[4]](#footnote-5)** (See attached);
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* A list of all owners and executive officers, for legal persons only;
* Motivation letter demonstrating clearly understanding of working assignment

**All documents shall be submitted in English or Serbian, failure to do so will result in the exclusion of the tender.**

**If any of the documents listed above are missing, the Council of Europe reserves the right to reject the tender.**

**The Council reserves the right to reject a tender if the scanned documents are of such a quality that the documents cannot be read once printed.**

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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
2. It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part. [↑](#footnote-ref-3)
3. The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

   An extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth above listed exclusion criteria are met;

   A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met;

   For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;

   For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport). [↑](#footnote-ref-4)
4. The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred. [↑](#footnote-ref-5)