



CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES ON IMPLEMENTING MUNICIPAL SUPPORT PACKAGES (MSP) IN 50 PILOT LSGs IN SERBIA

2019/AO/52

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| Object of the procurement procedure ► | Implementing municipal support packages (MSP) in 50 pilot local self – governments (LSGs) in Serbia |
| Project ► | Human Resources Management in Local Self - Government – phase 2 |
| Organisation and buying entity ► | Council of Europe Office of the Director General of Programmes (ODGP) Council of Europe Office in Belgrade |
| Type of contract ► | Framework Contract |
| Duration ► | Until 31 March 2021 (with possibility of renewal until 19 December 2021) |
| Expected starting date ► | 1 November 2019 |
| Tender Notice Issuance date ► | 26 July 2019 |
| Deadline for tendering ► | 26 August 2019 |

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The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A FRAMEWORK CONTRACT WORK?

STAGE 1:

SELECTION of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

STAGE 2:

ORDER(S) are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

EXECUTION as from the date of signature of each Order, unless the Order concerned provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS FOR THE PROVISION OF CONSULTANCY SERVICES ON IMPLEMENTING MUNICIPAL SUPPORT PACKAGES (MSP) IN 50 PILOT LSGs IN SERBIA 2019/AO/52

A. BACKGROUND

The programme "Human Resources Management in local self-government" phase 2 (2018 -2021) 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, Standing Conference of Towns and Municipalities. The programme "Human Resources Management in local self-government" phase 2 (hereinafter HRM II Programme) is also 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 the 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 project partners: Ministry of Public Administration and Local Self-Government and Standing Conference of Towns and Municipalities who are implementing activities in line with their scope of work. The program started on 19 December 2018 and it will be completed on 19 December 2021.

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.

The programme is linked to two main components/expected outputs (EO) and four specific tasks (ST):

EO 1: Strengthened HRM function at local level

- **ST 1.1** Improved legal and procedural HRM framework at national and local level in accordance with planned reforms.
- **ST 1.2.** Increased effectiveness of the HRM system in local administrations.

EO 2: Strengthened human resources development system at local level.

- **ST 2.1:** Training Framework for professional development of local administration more effective and coordinated
- **ST 2.2:** Increased LSG capacities in selected priority areas of local competences and management capacities of local leaders

Municipal Support Packages (MSP)

Implementation of this activity will contribute to the achievement of the project Specific Task 1.2 – "Increased effectiveness of the HRM system in local administrations." Within the previous programme Human Resources Management in Local Self - Government (2016 – 2017), 20 LSG were directly supported in implementing Law on employees in autonomous provinces and local self-government units. For that purpose the Municipal Support Packages, as the most important instruments for strengthening HRM function in Serbian LSGs, were developed. The MSPs consisted of model documents which were created in order to support LSGs in process of establishing and development of modern HRM system, especially in regard to strategic HRM, HR planning, hiring qualified HRM personnel, keeping records, performance management, incentives and disciplinary measures, career development and training for employees.

Based on the achievements and lessons learned from the implementation of MSPs in 20 pilot LSG within the previous project phase, 50 pilot LSG (cities, municipalities and city - municipalities) will be directly supported in implementing HRM policy referring to implementation of revised and newly developed HRM model documents

with the Amendments to the Law on employees in autonomous provinces and local self-government units, The Law on the system of salaries and Regulation on Performance Appraisal of Public Servants.

Pilot LSGs (cities, municipalities and city - municipalities) will be selected through the open call procedure, based on the assessments of submitted applications. The assessment will be made by the Council of Europe, Ministry of Public Administration and Local – Self Government and Standing Conference of Towns and Municipalities.

For the purpose of strengthening and improving HRM system at local level and efficient implementation of MSP in 50 pilot LSGs, the Council of Europe is looking for up to 40 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on analysing current status in HRM policy implementation at local level, coaching and training of employees in LSGs, monitoring and evaluation of the accomplished results and identification and sharing good practice examples that can be applied to other LSGs.

For information purposes only, the total budget of the project amounts to **4 000 000** Euros and the total amount of the object of present tender should in principle not exceed **390 000** Euros 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.

The deadline for completion of the working assignment is 31 March 2021.

MSP basic structure

The content of the MSP, which refer to HRM operational documents, contain only the basic model documents (presented below) and will be further developed during the MSP implementation period.

The structure of the MSPs will consist of the revised/developed model documents that will cover following areas:

- HRM Operational Documents (development/improving HRM functions)
- HRM Legally Based Documents (development/improving appraisal and recruiting procedures)
- HRM Human Rights Antidiscrimination and Gender Policy (professional development of LSG in subjected areas)

HRM operational documents

- MSP Outline (to be revised)
- Methodology on HRM function at the local level (to be revised);
- Model HRM Policy document (to be revised);
- Guideline on HRM procedure template (to be revised);
- HRM strategy/action plan template;
- Model decision on establishing a working group for HRM introduction;
- Model decision on HRM Unit (to be revised);
- HRM Unit operational plan template;
- Report on conducting TNA in LSG (to be developed);
- Guidelines for the efficient HRM database management (to be developed);
- Communication plan template (to be revised);
- Monitoring and evaluation plan template (to be revised),
- Model documents relevant for professional development (to be developed)
- Code of conduct (to be revised)

HRM legally based documents

- Model documents based on Regulation on internal and public recruitment (minutes of the Recruitment Commission work) – to be developed;
- Model documents based on the Law on salaries (to be developed)
- Model documents based on the Regulation on Performance Appraisal (to be developed)
- Model documents based on the Law on General Administrative Procedures (to be developed)

HRM human rights and antidiscrimination

- Model documents on Human Rights
- Model documents on Antidiscrimination
- Model documents on Gender Policy

B. SCOPE OF THE FRAMEWORK CONTRACT

This Contract is currently estimated to cover up to 50 selected LSGs (cities, municipalities and city – municipalities) which will be supported by direct consultancy services. In total up to **40 local consultants** may be asked to provide the support to pilot LSGs in implementing MSPs. Based on the submitted applications (competencies and working experience), **the programme team will select consultancy pairs, who will work together in implementing MSP in designated LSG and thus will be jointly responsible for the MSP implementation in that LSG/LSGs.**

The consultants will be responsible to implement MSP in designated LSGs. The designation of LSGs will be made by the CoE programme team, based on the qualifications, professional experience and place of residence. Therefore the workload will differ and depend on the category of the designated LSG, i.e. whether the designated LSG is city, municipality or city – municipality. Up to 6 LSGs may be assigned to each consultant.

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

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 English (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).

C. FEES

Tenderers are invited to indicate their unit fees (daily fee), by completing the table of fees, as attached in Section A of 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 the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

The implementation of the MSP will consist of several different deliverables. For each deliverable, the Council of Europe shall estimate the number of days required and determine the fee accordingly. However, the estimated number of days shall have no contractual value and shall not alter the nature of this contract which shall be deemed as deliverable-based. The fee (lump-sum) to be paid by the Council for each deliverable will be indicated on the relevant order form(s).

Tenderers are informed that the daily fee they propose shall be deemed **to cover any travel expenses** between their place of residence and the allocated LSG(s) relevant for the execution of the contract. **No extra travel, accommodation or subsistence costs will be covered by the Council within the scope of the contract.** Tenderers are therefore invited to indicate their preferred distance between their place of residence and the LSG in the Table of Fees (See Act of Engagement). Selected consultants shall take all necessary measures to organise their travels at their own expense in a way that does not impact the good execution of their obligations under this contract.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Selected consultants will be offered a Framework Contract to work with a **maximum of 6 (six) pilot LSGs each, together with another selected consultant**. While respecting the ranking list established as a result of this tendering procedure, the Council reserves the right to propose to the selected consultants which LSGs they will work with, at its absolute discretion, based on their qualifications, professional experience and place of residence.

Providers will be entitled to accept or refuse the LSGs proposed. The Council may decide to propose alternatives; however the Provider shall not have the automatic right to be proposed an alternative instead of any LSGs which they refuse.

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

Orders will be addressed to the teams of two consultants established following the criteria described above. The consultants who are not initially allocated LSGs will be called on only if an existing contract with one of the other consultants is terminated, if a Provider is unable to take an Order or if no reply is given on his behalf within the deadline. In these cases, the same criteria as above apply.

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.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Order Form, a quote¹ (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.

In case the provider is subject to VAT, the payments will be done in local currency RSD, based on the middle exchange rate of the National Bank of Serbia on the date of invoicing.

Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Service 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.

E. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²:

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;
- 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;

¹ It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

² 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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met;
- For natural persons, a scanned copy of a valid photographic proof of identity (e.g. passport);

- 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 or are likely to be in a situation of conflict of interests;
- are, or 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);
- are public servants employed at central, local or provincial level.

Eligibility criteria:

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- University degree in law, political science, human resources management, economics, public administration, social sciences, or a related field;
- Minimum of 2 years of professional experience in the field of Human Resources Management, or in working with local governments;
- Fluent in at least one of the official languages of the CoE and Serbian.

Award criteria:

- **Thematic knowledge, understanding and experience** in the following areas **(90 %)**:
 - Strengthening HRM capacities in LSG units;
 - HRD and HRM policy implementation in LSGs;
 - Legal and strategic national framework relevant for HRM policy at local level;
 - Professional development in LSGs;
 - Analytical, research and drafting capacities;
 - Knowledge of minority languages used in Serbia is an asset;
 - Understanding of European standards in the field.
- **The financial offer (10%).**

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- **Two** completed and signed copies of the Act of Engagement;³
- A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only;
- A detailed CV demonstrating clearly that the tenderer fulfils the above listed eligibility criteria;
- A Motivation letter (maximum 3 pages), describing how the tenderer meets the eligibility and award criteria and explaining the understanding of the scope of the deliverables under this Contract.
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer.

All documents shall be submitted in English 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.

* * *

³ 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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES ON IMPLEMENTING MUNICIPAL SUPPORT PACKAGES (MSP) IN 50 PILOT LSGs IN SERBIA

2019/AO/52

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

Directorate General of Democracy
COUNCIL OF EUROPE
B.P. 7
F – 67075 STRASBOURG Cedex
FRANCE

Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File,

Act of Engagement and future Order Forms (see Section **D** above on ordering procedure).

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: lsg.serbia@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **both electronically AND in paper hardcopy**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

Paper hardcopies shall be sent in A4 format (21x29.7 cm) by post, as specified below:

Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE
For the attention of the Tenders Board
**CALL FOR PROVISION OF CONSULTANCY
SERVICES ON IMPLEMENTING MUNICIPAL
SUPPORT PACKAGES (MSP) IN 50 PILOT
LSGs IN SERBIA**
2019/AO/52
B.P. 7
F – 67075 STRASBOURG Cedex
FRANCE

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.

- Tenders submitted to another postal address will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **26 August 2019** as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

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

⁴ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **Two** completed and signed copies of the Act of Engagement;⁵
- A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only;
- A detailed CV demonstrating clearly that the tenderer fulfils the above listed eligibility criteria;
- A Motivation letter (maximum 3 pages), describing how the tenderer meets the eligibility and award criteria and explaining the understanding of the scope of the deliverables under this Contract;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer.

2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **both electronically AND in paper hardcopy**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

Paper hardcopies shall be sent in A4 format (21x29.7 cm) by post, as specified below:

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IMPLEMENTING MUNICIPAL SUPPORT PACKAGES (MSP) IN 50
PILOT LSGs IN SERBIA
2019/AO/52
B.P. 7
F – 67075 STRASBOURG Cedex
FRANCE

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
- Do not send a copy of your tender to the buyer entity. Tenders submitted to any other postal address than the one indicated above will be excluded from the procedure.

The deadline for the submission of tenders is **26 August 2019** as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

⁵ 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.