

TENDER FILE / TERMS OF REFERENCE
(Competitive bidding procedure / One-off contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of "Ex-post analysis of the Law on Employees in Autonomous Provinces and Local Self-government Units related to professional development system"

[Contract N° 4708/2021/60]

The Council of Europe (CoE) is currently implementing a joint European Union (EU)/CoE Programme "Human Resources Management in local self-government - phase 2" (2018 -2021). In that context, it is looking for a Provider for the provision of **"Ex-post analysis of the Law on Employees in Autonomous Provinces and Local Self-government Units related to professional development system"** (See Section A of the Act of Engagement).

A. 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 Europe¹, 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 **one-off 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: "Ex-post analysis"**. 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 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: "Ex-post analysis - questions"**

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	20 September 2021
Email for submission of tenders/offers ▶	LSG.SERBIA@COE.INT
Email for questions ▶	LSG.SERBIA@COE.INT
Expected starting date of execution ▶	30 September 2021

¹ The activities of the Council of Europe are governed by its [Statute](#) 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](#).

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached).

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead 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.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

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

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 public servants employed at central, local or provincial level;
- 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).

Eligibility criteria

- University degree in law, economics, political science, public administration, social sciences or a related field OR equivalent 7 years' relevant work experience;
- Minimum of 3 years of professional experience working on reviewing laws/bylaws/normative framework in the field of public administration;
- Proficiency in Serbian and English language.

Award criteria

- Quality of the offer (90%), including:
 - Proven experience in developing methodology for conducting ex-post AND/OR ex/ante analysis of legal AND/OR national strategic framework in the area of public administration reform;
 - Proven experience in developing methodology for OR conducting regulatory impact assessment OR public policy impact assessment (including development of indicators for measuring effects of national legal AND/OR strategic documents, including organisational, institutional and financial) in the area of public administration reform;
 - Familiarity with the existing legislative framework in the Republic of Serbia related to the normative/strategic planning system/analysis of public documents, namely the Law on the

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 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).

Planning System of the Republic of Serbia ("Official Gazette of the RS", No. 30/18), as well as the Decree on the Methodology on Public Policy Management, Regulatory and Policy Impact Assessment and the Content of Individual Public Policy Documents ("Official Gazette of the RS", No. 8/19);

- Knowledge of the legal framework related to the professional training system would be considered an asset;
- Familiarity with the Law on Employees in Autonomous Provinces and Local Self-government Units would be considered as an asset;
- Excellent data collecting and processing skills;
- Excellent analytical, writing and reporting skills.

- Financial offer (10%).

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

Multiple tendering is not authorised.

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (See attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- A list of all owners and executive officers, for legal persons only;
- **CV (no longer than 4 pages);**
- **Motivation letter (no longer than 2 pages)** showing the understanding of the scope of this programme assignment and main challenges for its successful delivery.

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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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.