

# TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

## Call for local consultants on human resource management and local governance

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing the project “Strengthening Local Government Structures in Albania – Phase III” until 31/07/2019. In this context, it is looking for 10 Provider(s) for the provision of consultancy services on human resource management and local governance issues to be requested by the Council on an as needed basis.

### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>1</sup>, 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). Unless national legislation prescribes otherwise, deliverables executed on-site will be considered as performed in the country where the event takes place, and deliverables executed in writing will be considered as performed at the place where the Provider is established. 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, 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 below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject:** Proposal for consultancy services under the project – “Strengthening Local Government Structures in Albania – Phase III”. 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 – “Strengthening Local Government Structures in Albania – Phase III”.

Object of the procurement procedure ►	Provision of consultancy services on human resource management and local government
Project ►	“Strengthening Local Government Structures in Albania – Phase III”
Type of contract ►	
Duration ►	Until 31 July 2019
Deadline for submission of tenders/offers ►	<b>29 October 2017</b>
Email for submission of tenders/offers ►	<b>Arben.qesku@coe.int</b>
Email for questions ►	<b>Arben.qesku@coe.int</b>
Expected starting date of execution ►	01 November 2017

<sup>1</sup> 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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### *Background of the Project*

Following the successful implementation of the project “Strengthening Local Government Structures and Cooperation of Local Elected Representatives in Albania – Phase II”, October 2012 - June 2017, a third phase named “Strengthening Local Government Structures in Albania (Phase III)” commenced on 1st August 2017 for 24 months duration.

Since 2009, the Council of Europe, in partnership with the Swiss Government, has sought to contribute to the country's reform agenda by strengthening local government structures and promoting cooperation of local elected representatives in Albania based on the 12 Principles of Good Governance and those enshrined in the European Charter of Local Self-Government.

The current phase focuses on the modernisation of human resource management (HRM) procedures and practices, including capitalisation on inter-municipal co-operation (IMC) and co-operation of local elected representatives.

### *Expected types of deliverables*

The Council of Europe is looking for a maximum of 10 Service Provider/Consultant(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on human resource management and local self-government issues in Albania. Under the aegis of the Project and in line with Council of Europe standards and tools, the consultants will support the project activities, which cover a wide range of measures as regards:

- ad hoc legal and policy advice on decentralisation and public administration reforms;
- amending and drafting the secondary legislation on civil servants affecting local governance;
- promoting good HRM practices at national level and international level through peer-to-peer exchange;
- developing necessary methodologies and tools of different aspects of HRM;
- support to implement these methodologies and tools;
- preparing training materials and delivering trainings;
- coaching local officials in charge of human resources management and leadership providing specific expertise; and
- advice to 61 municipalities and 12 regional councils to apply modern management and HRM tools.

Also project activities will promote on an ad hoc basis the inter-municipal cooperation and the consultative council between central and local governments.

Primary project beneficiaries and counterparts are all local government units (LGUs), Department of Public Administration (DoPA) and Albanian School of Public Administration (ASPA). But the project team will closely cooperate with Ministry of Interior (responsible for local government as well) and the Agency for the Implementation of the Territorial Reform.

In particular, it is envisaged that project would provide:

- a) Adapting and revising of model templates for job descriptions, recruitment procedures, and performance appraisal adapted to local context based on Human Resource Management;
- b) 2 series of one day trainings for HRM managers per year on use and adaption of model templates;
- c) 2 training cycles for HRM managers per year on function of national online portal;
- d) Series of 6 two-day multi-stakeholder workshops to share experience and good practice on modernisation of human resource management practices in local government units (3 per year);
- e) Ad-hoc legal and policy advice on decentralisation and public administration reform;
- f) Development of methodology to support a credit-based evaluation system for ASPA curricula and training courses;
- g) Mainstreaming 12 Principles of Good Governance across ASPA curricula and course content;
- h) Expansion and consolidation of the bank of questions at DoPA and ASPA to support consistent application of CSL;
- i) Fine-tuning and adaption of TNA and NITNA;
- j) New induction test materials and bank of questions developed;
- k) Activities organised to promote HRM, IMC and the Consultative Council;
- l) National Conference on public administration and governance reforms.

This Contract is currently estimated to cover on an as needed basis of the above mentioned activities to be delivered by 31/07/2019. 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. **Under no circumstances will the total (cumulative) cost of the contracts exceed 55,000 EUR (tax exclusive).**

The Council will order (see Section D below on ordering procedure) specific deliverables similar to the ones listed above, provided they correspond to the project implementation needs and are within the range of the competencies of the selected Provider(s).

In addition to the orders requested on an as needed basis, the Provider(s) 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).

In terms of **quality requirements**, the selected Provider(s) must ensure, *inter alia*, that:

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

#### C. 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.

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

Once this consultation and the subsequent selection are 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).

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.

#### E. 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)

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;
- 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.

*Eligibility criteria*

- Master's Degree in Law, Public administration, Public policy, Economics or other relevant field;
- Minimum ten years' experience relevant to the Project;
- Very good oral and written English (at least level C1 on the CEFR<sup>2</sup>).

*Award criteria*

- Quality of the offer (90%), including:
  - Relevance of the experience and expertise of the tenderer;

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<sup>2</sup> <https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>

- Level of oral and written English.
- Financial offer (10%).

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**<sup>3</sup> (See attached);
- A detailed CV (in English), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A motivation letter highlighting relevant expertise and detailing which of the tasks above the consultant is most suited to;
- At least 3 Samples of previous work (draft legal act, legal opinion, presentation, training module, etc.) in English or Albanian;
- Copies of any certificates or other documents proving proficiency in English;
- Registration documents (for legal persons only);

**All documents shall be submitted in English (unless otherwise indicated), failure to do so will result in the exclusion of the Tender.**

**Incomplete tenders will not be considered.**

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<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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 above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.