

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of consultancy services for supporting NAPA in development and implementation of up to 22 selected webinars for LSG employees within Sectoral Continual Professional Development Programme (SCPDP) for 2022.

4708/2022/97

The Council of Europe is currently implementing the programme "Human Resources Management in Local Self-Government-phase 2" (2019 -2022) which 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 the Standing Conference of Towns and Municipalities. The programme "Human Resources Management in local self-government" phase 2 (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 HRM II 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 HRM II Programme is jointly financed by the European Union (EU) and the Council of Europe (CoE) and is implemented by the Council of Europe in cooperation with programme 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 Programme started on 19 December 2018 and it will be completed on 19 December 2022.

The Council of Europe is looking for up to 3 providers-trainers per lot to be requested by the Council on an as needed basis (for more information please see the Act of Engagement, section A – Terms of reference) for the provision of development, implementation, evaluation and reporting of **up to 22 accredited trainings that will be conducted in the form of webinar**. The trainings are integral part of the Sectoral Continual Professional Development Programme adopted by the Government (SCPDPD) in line with the national legislation relevant for the development and implementation of training programmes at local level.

Selection/engagement of civil servants and other public administration employees is subject to approval on the part of the Delegation of the European Union to the Republic of Serbia.

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 **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 consortium of natural and/or legal person.

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](#).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender – Implementation of 22 webinars.** 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 (5) 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 - Implementation of 22 webinars.**

Type of contract ▶	Framework contract
Duration ▶	Until 05 December 2022
Deadline for submission of tenders/offers ▶	17 August 2022
Email for submission of tenders/offers ▶	Lsg.serbia@coe.int
Email for questions ▶	Lsg.serbia@coe.int
Expected starting date of execution ▶	1 September 2022

B. EXPECTED DELIVERABLES

Background of the Project

The programme "Human Resources Management in local self-government - phase 2" (2019 -2022) is based on the achievements and challenges of the Programme "Human Resources Management in local self-government" (2016-2017) implemented by the Council of Europe in cooperation with the Ministry of Public Administration and local self-government and the Standing Conference of Towns and Municipalities. The programme "Human Resources Management in local self-government" phase 2 (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 HRM II 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 Council of Europe is looking for maximum 3 providers/trainers per lot (provided enough tenderers meet the criteria indicated below) in order to support the implementation of the programme in developing and implementing trainings in the form of webinar within SCPDPD. The providers/trainers will have particular expertise in developing and implementing trainings in the following areas: Good Governance, Financial management in LSGs, Security in the Local Community, Human Resources Management and Realisation, Protection and Promotion of Human and Minority Rights.

This Contract is currently estimated to cover the development and implementation of webinars classified into 7 lots which correspond to the 7 webinar topics related to the area of expertise listed above, to be held by November 2022. In total up to 22 trainings will be held. 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 to 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.

Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Actions of Local Self-Government Units in the Security Area.	3
Lot 2: Rights to Access the Information of Public Importance.	3
Lot 3: Financing Programmes of Public Importance Implemented by the Associations.	3
Lot 4: Realisation of National Minorities Rights in Local Self-Government Units.	3
Lot 5: Job description analysis and adoption of Act on Internal Organisation and Systematisation of Working Places.	3
Lot 6: Human Resources Management based on competences in Local Self-Governments.	3
Lot 7: Capital Budgeting in Local Self-Government.	3

ALL LOTS concern the development of training curriculum and the implementation of the training in the form of webinar (see Part A of the Act of Engagement)

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

Scope of the Framework Contract

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement]

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 fees, by completing and sending the table. 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 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).

Ranking

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. Orders will be addressed in priority to the first Provider on the ranking list of the tender for the relevant lot. If this Provider is unable to take the Order or if no reply is given on his behalf within that deadline, the Council may call on the second Provider on the ranking list of the tender for the relevant lot, and so on down the list.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote² (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.

² It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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.

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)³

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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- 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

- Minimum 3 years professional experience in conducting trainings at local level.
- Have been accredited as trainers by the National Academy for Public Administration (NAPA)/are currently on the NAPA list of accredited trainers in the appropriate area.
- Proficiency in Serbian language and knowledge of English language.

Lot 1: Actions of Local Self-Government Units in the Security Area

Award criteria

- Quality of the offer (90%), including:
 - Specific knowledge of strategic and legislative framework related to the security area in the local community.
 - Knowledge of local partnership in security area, including the identification of the current status in local community, development and implementation of action plans in security area.
 - Experience in conducting trainings relevant for Security Area in Local Self-Government.
 - Previous work in supporting local self – governments in subject area will be considered as an asset.
 - Proven working experience in conducting webinars will be considered as an asset.

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).

- Financial offer (10%).

Lot 2: Rights to Access the Information of Public Importance

Award criteria

- Quality of the offer (90%), including:
 - Specific knowledge of legislative framework related to the Free Access to Information of Public Importance and accompanying bylaws.
 - Knowledge of the procedures of authorised national institution related to the requests for free access to the public information.
 - Experience in conducting trainings relevant for the free access to Information of Public Importance.
 - Previous work in supporting local self – governments in subject area will be considered as an asset.
 - Proven working experience in conducting webinars will be considered as an asset.
- Financial offer (10%).

Lot 3: Financing Programmes of Public Importance Implemented by the Associations

Award criteria

- Quality of the offer (90 %), including:
 - Knowledge of European procedures of financing programmes and projects by associations and other relevant civil society organisations.
 - Knowledge of the legal framework relevant for financing programmes and projects of public importance, including its implementation, including procedures of allocation and control of budgetary funds intended for financing programmes implemented by associations, anticorruption measures and transparency.
 - Experience in conducting trainings relevant for the Financing Programmes of Public Importance
 - Previous work in supporting local self – governments in subject area will be considered as an asset.
 - Proven working experience in conducting webinars will be considered as an asset.
- Financial offer (10%).

Lot 4: Realisation of National Minorities Rights in Local Self-Government Units

Award criteria

- Quality of the offer (90 %), including:
 - Knowledge of the relevant legal framework related to the Rights and Freedoms of National Minorities (The Law on Protection of Rights and Freedoms of National Minorities, The Law on National Councils of National Minorities, The Law on Official Use of Language and Letter and other accompanying bylaws).
 - Relevant knowledge on procedures of election of national minorities for the National Minorities Council, including their competences and the process of membership of national minorities enrolment in the electoral roll of national minorities.
 - Experience in conducting trainings relevant for the National Minorities Rights in Local Self-Government Units.
 - Previous work in supporting local self – governments in subject area will be considered as an asset
 - Proven working experience in conducting webinars will be considered as an asset.
- Financial offer (10%).

Lot 5: Job description analysis and adoption of the Act on Internal Organisation and Systematisation of Working Places

Award criteria

- Quality of the offer (90 %), including:
 - Knowledge of the relevant legal framework related to the Law on Employees in Autonomous Provinces and Local Self-Government Units, including the Rulebook on Internal Organisation and Systematisation of Working Places and Regulation on Criteria for Classification of Working Places and Standards for Job Description of Employees in APs and LSGs.
 - Knowledge and experience in analysing job descriptions, methods and standards for job description and classification in LSGs.
 - Experience in conducting trainings relevant for the Job description analysis and the Act on Internal Organisation and Systematisation of Working Places.
 - Previous work in supporting local self – governments in subject area will be considered as an asset
 - Proven working experience in conducting webinars will be considered as an asset.
- Financial offer (10%).

Lot 6: Human Resources Management based on Competences in Local Self-Governments

Award criteria

- Quality of the offer (90%), including:
 - Knowledge of the legislative framework related to the last Amendments to the Law on Employees in Autonomous Provinces and Local Self-Government Units, including the Regulation on identifying competences for employees in APs and LSG Units.
 - Knowledge of the implementation of Single Competences Framework in Human Resources Management, including competence-based description of working places, identifying functional and behavioural competences and identification of competences necessary for work performance aligned with the workplace.
 - Experience in conducting trainings related to the introduction of competences at local level.
 - Previous work in supporting local self – governments in subject area will be considered as an asset
 - Proven working experience in conducting webinars will be considered as an asset.
- Financial offer (10%).

Lot 7: Capital Budgeting in Local Self-Government

Award criteria

- Quality of the offer (90%), including:
 - Knowledge of the legislative framework related to the Law on Budgetary System, The Regulation on management of capital project (the Regulation), including other relevant legal acts.
 - Knowledge of the implementation of Regulation, classification of capital projects, development of investments documentation, project cycle phases, including Feasibility Study as data source and inclusion of capital projects into the budget.
 - Experience in conducting trainings related to the Capital Budgeting in LSGs.
 - Previous work in supporting local self – governments in subject area will be considered as an asset.
 - Proven working experience in conducting webinars will be considered as an asset.
- Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

F. NEGOTIATIONS

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

G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement⁴** (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 addressing award criteria (no longer than 2 pages)
- Proof of accreditation issued by NAPA

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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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.