**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of consultancy services for mentoring and implementing webinars on Good Governance aligned with the Council’s Leadership Academy Programme and conducting e-learning Good Governance Course.**

**FC 4708/2022/71**

The Council of Europe is currently implementing a joint EU/CoE programme “Human Resources Management in Local Self-Government” - phase 2 (2018 -2021), which 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 programme partners Ministry of Public Administration and Local Self-government and Standing Conference of Towns and Municipalities. The program started on 19 December 2018 and it will be completed on 18 June 2022.

**Programme will support National Academy for Public Administration in implementing Management Training Programme for LSGs – training on Good Governance aligned with Council of Europe Leadership Academy Programme – Module 1 Good Local Governance, as well as implementation of the Council’s e- learning Good Governance Course.**

In that context, the Council of Europe is looking for 2 consultants with the international expertise for the provision of mentoring services and supporting trainers with local expertise in preparation and implementation of Good Governance webinar and direct participation in the webinars, and 2 trainers with the local expertise to conduct trainings and provide support to participants to complete Council of Europe’s e-learning course through virtual Forum, to be requested by the Council on an as needed basis (for more information see section A of the Act of Engagement).

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-1), 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.**

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject:** **Good Governance Training.** 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 - Good Governance Training**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 18 June 2022 |
| **Deadline for submission of tenders/offers ►** | **22 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 programme “Human Resources Management in local self-government” - phase 2 (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 Programme started on 18 December 2018 and will be completed on 18 June 2022.

The Council of Europe is looking for maximum two (2) consultants per lot 1 and maximum two (2) consultants per lot 2 (provided enough tenders meet the criteria indicated below) in order to provide mentoring ,consulting and delivering services relevant for implementation of the Good Governance webinar within Management Training Programme for local self-government (MTP 2022) and Council’s e leaning Course on Good Governance, with a particular expertise in thorough understanding of good governance principles, Serbian national legislation relevant for professional development and experience in transferring knowledge and conducting trainings.

This Contract is currently estimated to cover the activities indicated within LOT 1 and LOT 2, to be held by 18 June 2022. Up to two two-day webinars were planned to be conducted together with the implementation of the e-learning good governance course on two occasions. 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: Mentoring and supporting up to 2 two – days webinar on Good Governance aligned with the LAP Module 1 – Good Local Governance. | 2 |
| Lot 2: Implementation of up to 2 two – days webinar on Good Governance (MTP 2022) aligned with the LAP Module 1 – Good Local Governance and mentoring Council of Europe’s e-learning Good Governance Course thorugh virtual Forum. | 2 |

**LOT 1 – Mentoring and supporting up to 2 two – days webinar on Good Governance aligned with the LAP Module 1 – Good Local Governance**

Two consultants with the international expertise will be responsible to provide mentoring services to 2 trainers who will conduct up to 2 two – days webinar on Good Governance (MTP 2022) aligned with the LAP - Module 1 – Good Local Governance (12 Principles of Good Democratic Governance at local level). This implies advisory and mentoring support in: identifying adequate training methodology, drafting pre – reading training materials, development of the training plan, designing training sessions and evaluation of webinars. Consultants will also be directly involved in training sessions, which includes addressing the participants on relevant topics and providing feedback to asked questions (when necessary).

**LOT 2 – Implementation of up to 2 two – days webinar on Good Governance (MTP 2022) aligned with the LAP Module 1 – Good Local Governance and mentoring Council’s e-learning Good Governance Course thorugh virtual Forum.**

Two trainers will be responsible to conduct up to 2 two – days webinar on Good Governance within Management Training Programme for Local Self – Government in line with the aim and expected results of webinar as it is defined within MTP 2022 (<https://www.napa.gov.rs/tekst/49/godisnji-programi-obuka-naju.php>) – Good Governance. The trainers with the support of two consultants with international expertise will prepare adequate training methodology, pre–reading materials, training materials, power-point presentations and evaluation materials. All materials will be drafted in English in order to enable communication with international consultant, while final versions intended for participants will be drafted in Serbian language. Furthermore, the consultants will provide guidance and instructions to the LSGs’ participants to complete Council of Europe’s e-learning good governance course through a specially designed virtual Forum. **It is envisaged to open the Forum for one month and to provide consultancy support four times during that month (once per week).** The Forum topics will correlate with the 12 Principles of Good Democratic Governance and each forum (out of for) will correspond to previously selected principles/modules. It is envisaged to cover 3 principles/modules per forum, in order to provide support to the overall online course. The consultants will prepare in advance topics for the forum and questions for discussion.

Please consider that engagement of trainers who are public administration servants will be subject to the pre-approval of EU Delegation to Serbia.

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:

Under Lot 1: Mentoring and supporting up to 2 two – days webinars on Good Governance aligned with the LAP Module 1 – Good Local Governance:

- Support to 2 trainers with local expertise in identifying adequate training methodology

- Providing instructions to 2 trainers with local expertise in drafting training materials

(pre -reading materials, Power Point Presentation, Training Plan and Agenda)

- Support to 2 trainers with local expertise in conducting and evaluating webinars

- Participate directly in selected training session and provide feedback to participants

Under Lot 2: Implementation of up to 2 two – days webinar on Good Governance (MTP 2022) aligned with the LAP Module 1 – Good Local Governance and mentoring Council’s e-learning Good Governance Course thorugh virtual Forum:

- Develop pre–reading materials;

- Develop training materials (training plan, Power Point Presentation and Agenda)

- Draft trainer’s evaluation report (up to two pages) to be submitted to NAPA

(and which will be used for its the central registry), including the following information: number of attendees and which LSG they work for/department, and other necessary information in line with NAPA template/requirements;

- Draft brief-one page “implementation report” which should be submitted to the Programme Team including main topics of interest/lessons learned/areas for improvement, summary evaluation scores and trainer’s self-appraisal

- Provide support to participants in completing Council’s e-learning course on Good Governance through the virtual Forum.

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract for the lot concerned.

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).

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).

**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 quote[[2]](#footnote-2) (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-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 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)).

**LOT1**

*Eligibility criteria*

* Knowledge of Leadership Academy Programme (LAP) – Module 1 Good Democratic Governance.
* Proven working experience in providing mentoring or consulting services relevant to implementation of trainings.
* Proven working experience in conducting ToT or implementation of trainings related to LAP Module 1 Good Democratic Governance.
* Excellent writing and oral skills in English language.

*Award criteria*

* Quality of the offer (90%), including:
* Comprehensive knowledge on Council of Europe’s 12 Principles of Good Democratic Governance and methods of their implementation.
* Previous working experience in development of adequate approach for transferring and adapting the knowledge on Council of Europe’s 12 Principles of Good Democratic Governance to the training’s participants.
* Previous working experience in developing and implementing ToT in one of the Council of Europe member states.
* Financial offer (10%).

**LOT 2**

*Eligibility criteria*

• Possession of proof of accreditation issued by National Academy for Public Administration (NAPA).

• Possession of Certificate of ToT attendance on LAP Module 1 – Good Local Governance.

• Working experience in conducted trainings.

• Excellent writing and oral skills in Serbian and English language.

*Award criteria*

• Quality of the offer (90%), including:

* Knowledge of the national legislative framework of the Republic of Serbia related to the professional development system.
* Conducting trainings for public administration servants, preferably LSGs’ employees.
* Proven knowledge of the Council of Europe’s 12 Principles of Good Democratic Governance.
* Previous working experience with local self - governments employees on the topics related to the good governance area will be considered as an asset.

• 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

**LOT 1**

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

**LOT 2**

* A completed and signed copy of the **Act of Engagement** (See attached);
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* Motivation letter indicating clearly fulfilment of the award criteria;
* Proof of accreditation issued by NAPA;
* Possession of Certificate of Attendance on ToT LAP Module 1 – Good Local Governance
* A list of all owners and executive officers, for legal persons only;
* For legal persons and consortia of legal and/or natural persons (apart from the submission of CVs and motivation letter for proposed consultants), it is mandatory to submit, proof of accreditation issued by NAPA and possession of Certificate of Attendance on ToT LAP Module 1 – Good Local Governance for each consultant;
* Legal Persons and Consortia of Legal persons are also obliged to submit the proof of accreditation issued by NAPA for legal persons.

**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.**

**\* \* \***

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-1)
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. [↑](#footnote-ref-2)
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-3)
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-4)