

## **TENDER FOR SUBCONTRACTING EXPERTISE**

---

This is a call for a subcontractor to provide expertise as part of the ETUC project VS/2014/0490 “**ETUC action for Worker Participation**”.

In order to ensure a large visibility of this tender, the ETUC will publish the tender specifications on its website on Tuesday 10 February 2015 and keep it online for 21 days (deadline for submission of bids: Tuesday 3 March 2015).

### **I. Background and Summary of the project**

The European trade union movement faces major challenges: the ongoing financial, economic and social crisis; dramatically high unemployment, in particular that of young people; the establishment of undemocratic forms of EU economic governance; the ongoing austerity policy and last but not least severe attacks on workers’ information, consultation and participation rights and on collective bargaining; interference in the autonomy of the social partners.

The European Trade Union Confederation (ETUC) has always been at the forefront of promoting and strengthening workers participation.

It currently promotes an EU-funded project on **Workers participation**, which consists of 4 strands:

#### **1) Annual EWC conference**

Since several years, the ETUC organises an annual EWC conference, gathering together more than 150 colleagues, mainly from EWCs and trade union EWC coordinators, but also public authorities, business organizations, civil society, researchers and academics, etc. **This year’s conference will focus in particular on the preparation of the EWC Recast Directive review (2016), and will include** presentations of comparative data and good practices. This European conference will be preceded by a preparatory EWC workshop. Both events taking place in Brussels.

#### **2) Restructuring and anticipation of change**

This axis represents a follow up of a restructuring project promoted by the ETUC in 2012-2013 and will allow to evaluate the state of play, draw conclusions and report to the next ETUC Congress (September 2015) with regards to the restructuring situation in Europe. This political assessment will also take into account the possible revision set for 2016 of

the Quality framework on restructuring presented by the EU Commission in 2013.

Ten years after the first social partner consultation on the issue, which already identified weaknesses and loopholes in EU rules, the ETUC calls for strong EU action to proactively improve the anticipation of change in workplaces and improve the legal framework in which restructuring takes place.

### **3) ETUC reflection group on workers' participation/board level representation (WBLR)**

This strand aims at summarising the ETUC policy recommendations to the new EU institutions and will focus on key principles of workers board-level representation. These recommendations will be developed via in depth discussions within a trade union reflection group in view of the SE directive and other company law instruments like cross border merger, but also in view of extending board level representation to other transnational companies. Identification of key principles and explanation of these principles will be done, together with the European Trade Union Federations (ETUFs), and in cooperation with the European Trade Union Institute (ETUI) experts as well.

### **4) Consolidation of the three directives on workers' Information and Consultation rights in the form of a recast (follow-up of the "Fitness check")**

The ETUC has already underlined the need to strengthen the general framework directive on information and consultation (EC/2002/14), for instance when the Commission services undertook the "Fitness check" (2011-2012) involving not only Directive 2002/14, but also the Directive on collective redundancies 98/59 and the directive on transfers of undertakings 2001/23. In this "better regulation" exercise, the Commission commissioned a study including a survey with the aim of exploring whether the provisions of the directive were appropriate for delivering the desired results. Part of this survey was a questionnaire sent to the ETUC affiliates and to colleagues at company level. The result of this survey showed that our colleagues detected gaps, uncertainties and practical problems in using the legislation despite the fact that they agreed in general terms that these directives serve its purpose. The overall conclusion made by the ETUC affiliates were that the provisions needed updating.

In its REFIT Agenda (IP/13/891) the Commission announced the "Consolidation of three Directives in the area of information and consultation of workers subject to the results of a consultation of social partners". The Commission's objective became somewhat clearer, that this exercise it is not simply a recast of the same text, but a "consolidation" which will possibly amalgamate the three Directives to make them "less burdensome" for business.

Something which, in the opinion of ETUC, is nearly impossible without cutting the rights of workers. Therefore, ETUC is completely opposed to such a deregulatory step and will only engage on such a path if a non-regression approach is guaranteed. The project shall serve to accompany the next steps in the Commission's work programme.

### **Methodology**

As for the past ETUC projects focusing on worker participation rights, the ETUC will act in coordination with its affiliates and especially with the European Trade Union Federations (ETUFs).

A Steering Committee will be working all along the duration of the project, and it will be composed by the ETUC staff involved in the project and representatives of ETUFs. This Steering Committee will also include representatives of the European Trade Union Institute (ETUI) dealing with worker involvement, corporate governance and a "sustainable company" agenda.

This Steering Committee will be in charge of supervising the work carried out by the external expert hereby sub-contracted. The sub-contractor will therefore be invited to attend the Steering Committee meetings, due to take place in Brussels.

The project may also involve the participation of national trade union experts (trade unionists but also academics, researchers, practitioners, worker representatives) in the field of worker involvement for each of the activities. They will be called at providing their expertise and knowledge, with regards to legislation and practices at national level and at transnational level companies.

### **Main activities**

To meet the above objectives, the project foresees the following activities:

- 1) A preparatory EWC workshop in early summer 2015 (20 persons, interpretation in EN and FR, 1 Day, Brussels) and the Annual EWC Conference in Brussels on 15-16 September 2015, with 150 participants, and 6 working languages.
- 2) A 2-day Summer School on Restructuring, to take place on 19-20 May 2015 in Lisbon (interpretation in EN, FR, DE, IT, ES) with approximately 40 participants (ETUFs representatives, national ETUC affiliates).
- 3) Two 1-day workshops of the ETUC reflection group (15 participants) on workers involvement / participation / workers board level representation (WBLR), to take place in Brussels (interpretation provided in EN and FR).
- 4) Three 1-day workshops with ETUC affiliates, in the form of a taskforce on the consolidation of the 3 directives on Information and Consultation (6 working

languages: EN/FR/DE/IT/ ES/POL, 35 participants, including one representative per member state + 7 Brussels based persons)

### **Calendar of activities**

The provisional timetable of the project activities is the following

- June/July 2015: preparatory EWC workshop
- 25 June 2015: workshop of the reflection group on WBLR
- January 2016: workshop of the Reflection group on WBLR
- May 2015 (tbc): Workshop/Task Force meeting I&C 1 (just after launch of social partners consultation)
- second half 2015: Workshop/Task Force meeting I&C 2
- February 2016: Workshop/Task Force Meeting I&C 3 (just after launch of second phase of consultation)
- 19-20 May 2015: Summer school on restructuring
- 15-16 September 2015: Annual EWC Conference

## **II. Tasks to be performed by the subcontractor<sup>1</sup>**

The external expert will be in charge of performing the following tasks:

### **An estimated 20 working days for strand 1 of the project: EWC conference 2015**

- Assisting the ETUC secretariat in animating a preparatory workshop in view of the Annual EWC conference and with special focus on the upcoming review of the EWC Recast Directive / providing input to the workshop and the conference
- Desk research on the review of the EWC recast, the – good or bad - implementation of the “new rules” and preparation of a study/background document on the basis of telephone interviews with EWC members and/or EWC coordinators
- Drafting an EWC Conference leaflet, (8 pages)
- Drafting a study for the EWC recast review (50 pages max) by the end of the project

### **An estimated 30 working days for strand 2: Restructuring**

- Assisting the ETUC secretariat in the preparation and animation of the Summer School on restructuring (suggestions on speakers / gathering background material on the basis of existing database information or other sources)
- Preparing a 20 pages discussion paper on trade union strategies for restructuring + producing a short version as a leaflet (8 pages, EN/FR)
- Elaborating a concept for the production of four video spots and collaborating with the video production team in charge of producing the video spots

---

<sup>1</sup> References to “expert” in the text are synonymous to “subcontractor”

highlighting 4 company cases (four 2-day trips are foreseen for company visits to produce the video spots)

**An estimated 10 working days for strand 3: Board Level Representation**

- Assisting in the ongoing work of the ETUC reflection group on Board Level Representation with the view on a new overarching European framework on information, consultation and board-level representation (in close cooperation with the ETUI experts)
- Drafting a short leaflet summarizing the main reflection for distribution to a broader audience

**An estimated 25 working days for strand 4: Information and consultation**

- Preparation of a questionnaire and conducting telephone interviews as support for the ETUC secretariat during the two stage social partner consultation on the three I&C directives
- Elaboration of a newsletter for ETUC affiliates (2 editions)
- Elaboration of a leaflet on key demands for lobby activities

**III. Expertise , experience and skills required**

Sound expertise is required on the following issues:

- Expert knowledge of information, consultation, board-level representation, EWCs
- Particular expertise in the field of restructuring at sectorial and/or company level and knowledge about the EU political debate with regard to the topic of restructuring;
- Ability to identify and integrate analyses of current workers' participation issues faced by trade unions' organisations in the EU countries;
- Good understanding of the trade union movement and ETUC.

Sound experience is required in the following areas:

- Producing high-quality written material, for wide dissemination, in the fields of restructuring and worker participation at company-level,
- Formulating and carrying out a tailored methodology in order to run interactive EU workshops and realise comparative EU research;
- Running and animating EU workshops on the theme of information, consultation, board-level representation, EWCs, and in particular restructuring;
- Successful track record of delivering in similar projects run over a 12+ month period, with EU institutions and/or European social partners.

Skills required:

- Proven research and presentation skills;
- Report drafting skills (in English);
- Ability to work within specified deadlines and to respect budgetary limits;

- Ability to work in a multicultural context and understanding of different industrial relations culture & traditions;
- Good administration and project management skills.

#### **IV. Time schedule and reporting**

The subcontractor will be asked to work from **March 2015 to 31 March 2016 (the end date of the project eligible duration)**. The subcontractor will be responsible for submitting all the deliverables foreseen in the project methodology within the 31 March 2016.

#### **V. Payment**

The total maximum budget available for the expertise fees is the following:

| <b>Contract with ETUC</b>  |  |
|--|--|
| <b>Main activities and Meetings</b>  |  |
| <b>Strand 1: 20 days</b><br><b>Strand 2: 30 days</b><br><b>Strand 3: 10 days</b><br><b>Strand 4: 25 days</b> |  |
| <b>Expertise</b>   | <b>€</b>                                     |
| Daily Expertise cost 600€<br>x 85 days   | <b>51,000 €</b><br><b>all taxes included</b> |

This budget does not include the travel and subsistence costs of the experts for attending the different project events or conducting the case study. These costs will be covered separately by the ETUC (on the basis of the project budget and of the EU rules & thresholds).

The subcontractor will receive an advance payment, after signature of the service contract, and a final payment, after submitting all the final deliverables.

#### **VI. Selection criteria**

##### **Subcontractor**

The offers will be examined against the following criteria:

- Ability to propose a tailored methodology to produce high-quality written outputs (reports, policy papers, leaflets) on topics related to corporate restructuring and worker involvement at company-level;

- Ability to propose a tailored methodology to prepare and support the organisation of genuinely interactive events (such as an EWC Conference, a Summer School, workshops) preferably in line with the methodologies developed during recent projects undertaken by ETUC or European Trade Union Federations;
- Proven track record of ensuring the quality of written materials prepared, both in terms of content and format (i.e. previous publications) on one or more of the following themes: corporate restructuring, workers' participation, EWCs, information, consultation, board-level representation with a European perspective;
- Expert knowledge of industrial relations systems at EU level, workers' participation, EWCs, information, consultation, board-level representation;
- Ability to identify and integrate analyses of current issues faced by governments, employers and trade unions related to the topics mentioned above;
- Evidence of extensive experience in running and animating interactive EU seminars on one or more of the following themes: corporate restructuring, workers' participation, EWCs, information, consultation, board-level representation;
- Project management experience;
- Successful track record of similar project management experience is essential, involving +12-month duration, with EU institutions and/or European stakeholders (social partners, NGOs, etc.);
- Ability to conduct meetings and draft documents in English;
- Good administration skills;
- Respect of the budgetary and time constraints.

## **VII. Form, structure and content of the tender**

Tenders must be written in English. They must be signed by the tenderer or his duly authorised representative and perfectly legible so that there can be no doubt as to words and figures. Tenders must be clear and concise and assembled in a coherent fashion.

Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

All tenders must include at least two sections:

### **i) Technical proposal**

The technical proposal must provide all the information needed for the purpose of awarding the contract, including:

- Specific information covering the technical and professional capacity as required in particular:
  - Description of relevant professional experience with emphasis on the specific fields covered by the invitation to tender;
  - Detailed curriculum vitae of key coordinator and/or possible other team members;

- A selection of the main works and/or articles published by all the experts involved, in relation to the relevant subjects specified in this tender.
- Specific information covering each of the selection criteria listed in part VI and the work plan and tasks identified in part II.

## **ii) Financial proposal**

Prices of the financial proposal must be quoted in euros, including the countries which are not in the euro-area. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.

Prices must be fixed amounts and not include travel expenses and the accommodation & subsistence costs for attending the different meetings or conducting the case studies (which will be covered by ETUC on the basis of the available budget and of EU rules & thresholds).

The maximum amount available for this contract is EUR 51,000 euros all taxes included (VAT, etc).

Prices shall be fixed and not subject to revision during the performance of the contract.

## **VIII. Award Criteria**

The contract will be awarded to the tender offering the best value for money, taking into account the specific objectives, requirements and selection criteria of the tender. The principles of transparency and equal treatment will be respected with a view to avoiding any conflicts of interest.

## **IX. Content and selection of the bids**

Offers must be sent within 21 days of the date of publication of this call for tender on the ETUC website, by **3 March 2015**. Offers must be sent to ETUC (see contact address below).

To ensure confidentiality, bidders must submit their offer in a double envelope. Both envelopes must be sealed and the inside envelope shall not only bear the name of the department for which it is intended (see below), but also the words "*Tender – not to be opened by the Mail Department*" (Appel d'offres – à ne pas ouvrir par le service du courrier). If self-adhesive envelopes are used, they must be sealed with adhesive tape crossed by the signature of the sender.

A committee will be formed comprising three representatives of the ETUC Secretariat. One or more members of this committee will initial the documents, confirming the date and time of each application. The committee members will sign the report on the



applications received, which will list the admissible applications and provide reasons for rejecting bids owing to their failure to comply with the stipulations of the selection process.

This committee will evaluate the applications that have been deemed admissible. An evaluation report and classification of participation requests will be drawn up, dated and signed by all the members of the evaluation committee and kept for future reference.

This report will include:

- The name and address of the contracting authority, the purpose and value of the contract;
- The names of any excluded candidates and the reasons for their rejection;
- The names of candidates selected for consideration and the justification for their selection;
- The names of candidates put forward and justification of their choice in terms of the selection or award criteria.

The contracting authorities will then make their decision.

All candidates must either deliver their bid by hand or submit them by registered letter to:

|   |
|---|
| <p><b>ETUC</b><br/>Claudia Menne<br/>Confederal Secretary<br/>International Trade Union House<br/>Boulevard du Roi Albert II, 5<br/>B – 1210 Brussels<br/>BELGIUM</p> |
|---|

For requests sent by registered mail, the postmark will serve as proof of the date of dispatch.