

05 DECEMBER 2016

DIHR. REF. 15444

TENDER NOTICE CONDITIONS FOR SUPPORT TO ORGANISATIONAL DEVELOPMENT – ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

1 INTRODUCTION

The Danish Institute for Human Rights (DIHR) hereby invites interested parties to submit a tender compliant with this tender material for the contract for support to organisational development of the Asia Pacific Forum of National Human Rights Institutions (APF).

DIHR will conclude a contract with one contractor.

This tender material elaborates the tender advertisement published at www.udbud.dk, cf. annex 1.

This tender is advertised as a public announcement according to Part IV of the Danish Act on Public Procurement (Udbudsloven). Part IV regulates public-sector procurement below the threshold which have a certain cross-border interest. This advertising duty arises from section 1 of Executive order on advertising of public procurements below the threshold which have a certain cross-border interest and on the use of electronic means of communication in invitations to tender under parts II and III of the Danish Act on Public Procurement (Executive order no. 1643 of December 15, 2015).

2 CONTRACTING AUTHORITY

The Contracting Authority for the contract is:

Danish Institute for Human Rights (DIHR)
Wilders Plads 8K
1403 Copenhagen K

Central business registration (CVR) no. 34 48 14 90

The contact point for the tender is:

The project coordinator, nhri.eu@humanrights.dk

All contact to DIHR has to be in writing, by e-mail, and in English. If there are any inconsistencies between DIHR's written or verbal statements, the written statements will always prevail.

3 TENDER MATERIAL

The complete tender documents consist of this tender notice conditions and the following annexes:

Annex 1: Advertisement at www.udbud.dk

Annex 2: Project description

Annex 3: DIHR Agreement template and its annexes

Annex 4: Declaration

4 DESCRIPTION OF THE ASSIGNMENT

DIHR manages an EU-funded project (grant) that aims to ensure that APF gain acknowledgement as key international human rights stakeholders and act as regional networks of National Human Rights Institutions (NHRIs).

DIHR and APF therefore now look for external expertise that can help support and guide DIHR and APF during the implementation of the envisaged project, and can contribute with new and innovative approaches to organisational development.

DIHR and APF have formulated a framework for a project that reflects APF's priorities. However, a concrete implementation plan and preferred methodology are neither developed nor chosen. Furthermore, some priorities require specific content expertise. Below is a summary of the envisaged project.

- In 2015, APF developed a Monitoring, Evaluation and Reporting (MER) framework that monitors the impact of the advice, support and network activities organised and facilitated by the secretariat, and measures the impact of those activities. APF member NHRIs have expressed a need to have similar capacity developed within each individual NHRI, to support the follow-up on their national efforts, to share experiences and to monitor their own impact. Another purpose is also to share knowledge, experience, expertise

and lessons learned on MER within the existing network. APF members furthermore request tools and training within the area of Monitoring and Evaluation (M&E) for their members.

As APF is a membership-driven network, the APF favours proposals that focus on network-driven activities and that lead to the projects' objectives and goals (annex 2).

The project is further described in annex 2.

The tenderer must provide a lead expert and 1–3 additional experts for the purpose of achieving the outputs.

The total budget for the project is €125,000 (ex VAT), including the consultancy fee.

For more information, please see:

www.asiapacificforum.net

www.humanrights.dk/projects/nhrieu-capacity-project

4.1 ESTIMATED CONTRACT VALUE

The estimated contract value is €75,000 (excl. VAT) allocated for consultancy fees.

4.2 CONTRACT PERIOD AND DEADLINES

The contract period is expected to start from the signing of the contract (estimated to be signed before December 31, 2016) and to last for a maximum of two years. The contract period will not be extended.

The work is expected to start immediately after the signing of the contract. Exact deadlines for implementation of the contract must be agreed between the parties after signing the contract.

DIHR and APF expect February and March 2017 to be very intense in terms of workload and therefore the tenderer needs to be able to allocate considerable time for those two months.

5 TENDER PROCEDURE

All interested tenderers may submit a tender, however DIHR wishes to enter into cooperation with experienced contractors. Prior to

evaluating the tenders submitted, DIHR will assess if the required documentation in relation to exclusion and the tenderer's professional/technical eligibility has been submitted.

Which of the tenderers is awarded the contract will be decided after a concrete evaluation of the submitted tenders against the *award criteria*, listed under the heading *award criteria*.

6 EXCLUSION AND ELIGIBILITY

6.1 THE TENDERER

The name of the tenderer, and consequently the person legally responsible and accountable to DIHR, must be stated clearly in the tender.

6.2 CONSORTIA

In case of a combination of tenderers (a consortium), the information in section 6.4 must be submitted for each individual member of the consortium.

A consortium can only, together, submit the maximum number references, if DIHR has requested a maximum of references under section 6.5. item 1. The consortium, as an entity, is, however, only required to fulfil any minimum requirements in the tender notice conditions.

The identity of the contact point authorised to bind the consortium must be clear in the tender.

Tenderers in a consortium are jointly and severally liable to DIHR with regard to the contents of the tender and the performance of the contract. If a consortium is awarded the contract, each member of the consortium is required to provide a statement that it is jointly and severally liable to DIHR with regard to the contents of the tender and the performance of the contract.

The use of sub-contractors does not constitute a consortium.

6.3 SUB-CONTRACTORS

If the tenderer is using sub-contractors or sub-suppliers to carry out the assignment or part of it, their names have to be clearly stated in the tender and the tenderer must indicate which part of the assignment they are going to perform.

The tenderer is responsible and accountable for any work performed by the sub-contractors or sub-suppliers. Consequently, the tenderer is not required to submit separate documentation for their general eligibility.

6.4 DECLARATION OF EXCLUSION

The tenderer must sign and submit a declaration that the tenderer has no unpaid, outstanding debt to the public sector and is not covered by any exclusion grounds (Annex 4).

6.5 TECHNICAL AND PROFESSIONAL ELIGIBILITY

The tenderer must document relevant and extensive experience with the performance of similar projects. In order to do that the tenderer must submit:

- 1) A maximum of 3 references from 2014-16, documenting the tenderers experience with networks and organisational development and *preferably* in the Asia Pacific region (or in a similar context). The references have to showcase the tenderer's previous experience with similar projects as the tender. Each reference of maximum one A4 page must include the following information:
 - a. A short description of the project/assignment and its relevance to this tender, including what kind of networks of similar organisations were addressed
 - b. A description of the countries/region where the assignment was carried out
 - c. The size of the project/assignment in terms of contract value and period
 - d. The name of responsible person(s) that carried out the project/assignment on behalf of the tenderer
 - e. The name of client and the contact person with the client.
- 2) One CV for the lead expert using Europass CV: <https://europass.cedefop.europa.eu/documents/curriculum-vitae>. The name of the lead expert must be clearly indicated.

- 3) One to three CVs for other proposed experts using the Europass CV under item 3. The name of the backup expert(s) must be clearly indicated.

DIHR reserves the right to check information in the submitted CVs and the reference list by contacting the client.

The tenderer may refer to experience of a sub-contractor or sub-supplier to comply with the minimum requirement under item 2.

7 AWARD CRITERIA

The contract will be awarded based on the criterion of *best price–quality ratio*.

Tenders that fulfil the minimum requirements for technical and professional eligibility, cf. 6.5, and submitted by a compliant tenderer will be included in the evaluation.

The following sub-criteria will apply:

- 1) Price (20%)
 - 2) Project Implementation Proposal and Methodology (50%)
 - 3) Competences and experience (30%)
- 1) Price (20%):** Consultancy fee based on an hourly rate (excl. VAT). The tenderer must state in its tender the applicable consultancy fee for the assignment, based on an hourly rate.
- 2) Project Implementation Proposal & Methodology (50%):** The tenderer must submit a project paper, maximum 8 pages, that describes the proposed method for implementing the assignment and a concrete project proposal. The paper must describe:
- a. A project implementation proposal not extending 5 pages. The project proposal's ability to support the project's indicators are key in the assessment (see annex 2). The project proposal must cover these following six areas:
 - i. Deliverables
 - ii. Activities
 - iii. Milestones

- iv. Timeline
 - v. Budget for entire action, including the suggested activities and own fees, broken into hours/daily and hourly/daily rates. The total budget cannot exceed the total budget for the action (€125,000).
 - vi. A role and responsibility section; i.e. how the tenderer, besides own input, expects to use DIHR's expertise while implementing activities that benefit APF.
- b. A method paper not extending 3 pages, that explains:
- i. The tenderer's proposed organisational development approach and its experience with this method
 - ii. A suggested process, including how it wants to support APF during the process
 - iii. How it secures ownership to APF
 - iv. The tenderer's analytical approach and how the tenderer documents findings.

3) Competence – Relevant qualification and experience (30%):

DIHR will assess the candidate's experience and capacity by reviewing the following two documents:

- 1) CVs for the proposed experts, using Europass CV: <https://europass.cedefop.europa.eu/documents/curriculum-vitae>
 - a. All proposed experts are expected to have a relevant educational background, e.g. business development, law, social science, and political sciences.
 - b. The lead expert is expected to have at least 15 years of work experience with networks and organisational development.
 - c. The lead expert must have extensive experience with the proposed methodology and managing similar processes as proposed in the project proposal and method paper.
 - d. Other experts must have extensive experience working with at least one of the expertise areas that the tenderer suggests in the method paper and project proposal.
 - e. It is an asset if experts have experience from the relevant geographical region.

- f. It is an asset if the experts have experience with human rights, in particular national human rights institutions or similar institutions.
 - g. The experts are required to be fluent in English (written and oral). Another relevant language to the region is an asset, e.g. Arabic.
- 2) A description of three cases that showcase the tenderer's previous experience with similar projects, cf. 6.5, item 1.

DIHR will use these cases to assess the tenderer's experience in the geographical region and with comparable projects/assignment. It will be an added value if the tenderer has previous experience with human rights projects, organisational development of National Human Rights Institutions or similar institutions, network of national human rights institutions or similar institutions.

8 GENERAL CONDITIONS

The tenderer must submit its tender based on this tender document. Only the compliant tenders will be considered.

The final contract will be based on the attached draft contract, cf. annex 3.

8.1.1 Deadlines

The tender has to be submitted to DIHR, no later than 19 December 2016 at 17:00 CET (Central European Time zone).

Tenders must be submitted by email to nhri.eu@humanrights.dk, with the headline "Tender for APF" and must be submitted in English.

All tenders received in time will be opened when the closing date for tenders expires. The tenderer will not be permitted to attend the opening of the tenders.

Tenders received after the closing date for tenders will not be considered. The tenderer is responsible for ensuring that the tender is received in due time and in the correct form.

A submitted tender must remain open for acceptance for up to three months after the expiry of the closing date for tenders (period of validity).

The period of validity ends when a contract is signed with the successful tenderer (not when the award decision is notified), cf. annex 3.

8.1.2 Minimum Requirements to the Tender

The tender must include the following:

- I. A cover letter that includes a clear statement of the legal person, consortium or person submitting the tender
- II. A signed Declaration, cf. annex 4.
- III. A description of three company cases that showcase the company's previous experience with similar projects as the tender, cf. 6.5.1
- IV. CVs for proposed experts using this template: <https://europass.cedefop.europa.eu/documents/curriculum-vitae>, cf. 6.5.2 and 6.5.3
- V. The project implementation proposal, cf. 7.2.a, maximum 5 pages
- VI. A method paper, cf. 7.2.b., that describes the proposed methodology - maximum 3 pages.

The tender must contain all information and documentation asked for. DIHR reserves the right to assist in resolving formal mistakes and minor outstanding issues in the submitted tenders, while respecting the principle of equal treatment. DIHR can refuse to consider incomplete tenders, or tenders with formal mistakes and missing information.

If submitted tenders contain too many references, cases or pages, DIHR reserves the right to contact the tenderer in order to adjust accordingly, with a deadline specified by DIHR.

8.1.3 Language

All documents (tenders, supporting documentation, annexes, etc.) must be submitted in English.

8.1.4 Contract

The contract will be signed using the DIHR agreement template (annex 3). The contract will determine obligations and rights between DIHR and the successful tenderer. The contract's general conditions cannot be changed.

A tenderer's own terms and conditions will not be included in the contract agreement, regardless of whether the tenderer submit its terms and conditions together with the tender, when signing the contract, when invoicing or when implementing the project.

8.1.5 Annulment

DIHR reserves the right to annul the tender process and not award a contract if there is an objective reason for doing so, without incurring liability to any tenderer and without the tenderers being entitled to claim any compensation. The annulment can be done until the contract has been signed by DIHR and the successful tenderer. The annulment notice will be sent to all tenderers, accompanied by a reason for the annulment. DIHR will possibly restart the procurement process thereafter.

8.1.6 Expenses related to the tender phase

Tenders are developed and submitted at tenderer's own risk and expense. DIHR cannot reimburse any costs or losses a tenderer may have in relation to the tender. The submitted tenders and all related documentation will not be returned to the tenderer.

8.1.7 Alternative tenders

No alternative tenders may be submitted.

8.1.8 Reservations

It is not possible to make reservations regarding fundamental elements of the tender notice material. If such a reservation is made, the tender will be regarded as non-compliant and be rejected. What are considered to be fundamental elements is subject to a concrete assessment by DIHR. Reservations related to price, deadlines and contract are always considered fundamental.

Any reservations not related to or described in the tender documents, will (if possible) be price-determined by DIHR and added to the

tenderer's proposed price. DIHR reserves the right not to include additional reservations.

All reservations must be clearly stated by the tenderer. Any reservations are made at the tenderer's risk. It is therefore recommended that the tenderer seek to have any unclear points resolved before submitting the tender.

8.2 QUESTIONS AND CORRECTIONS

In case there are unclear points in the tender notice material or if further information is required, questions may be addressed in writing by email. DIHR must, according to the principle of equal treatment, treat all tenderers equally, which includes that DIHR must share these questions and answers during the tender process.

Questions can be submitted in writing to nhri.eu@humanrights.dk

Questions will be answered in writing and questions, answers and any corrections will be published anonymously at www.humanrights.dk

Any questions sent less than six days before the expiry of the deadline for submission of the tender, cannot expect an answer unless the question is insignificant and does not concern the implementation of the project.

It is the tenderer's responsibility that questions, answers and corrections are received by the tenderer. The responsibility for non-compliant or inadequate tenders caused by the failure to take into account published corrections lies with the tenderer only.

8.3 CONFIDENTIALITY, SECRECY AND ACCESS TO PUBLIC DOCUMENTS

The tenderer must observe unconditional secrecy to confidential information that the tenderer might receive as part of the tenderer's submitted tender'.

All tender documents, including submitted tenders, could be regarded as documents falling within the Danish legislation on access to information. According to the Danish Complaints Board for Public Procurement, DIHR may, depending on circumstances, be required to grant access to submitted documents upon request from other

tenderers. The assessment of these conditions will include whether the tenderer clearly has indicated that some information in the submitted tender is confidential.

If the tender includes information that a tenderer may wish to have exempt from access to public documents in order to protect commercial interests, the tenderer should state that clearly when submitting the tender.

However, DIHR is obliged to allow public access to documents, to the extent required by the applicable Danish legislation.

8.4 TIME SCHEDULE

The procurement process is implemented according to this time plan:

December 5, 2016	Request for Tender announced at www.udbud.dk
December 12, 2016	Deadline for questions, cf. section 8.2
December 19, 2016	Deadline for submission of tenders
December 22, 2016	Expected date for awarding contracts
December 23, 2016	Expected date for contract signing
January 5, 2017	Expected date for implementation start

All dates above are at 17:00 CET (Central European Time zone).
Please note that deviations from the anticipated timetable may occur.