

Call for tenders for subcontracting expertise – ETUC project on “Strengthening Workers’ Voices in cases of Insolvencies”

This is a call for a subcontractor to provide expertise as part of the implementation of the ETUC project on “Strengthening Workers’ Voices in cases of Insolvencies”.

In order to ensure a large visibility of this call for tender, the ETUC will publish the call on its website, on Friday 26 January 2018, and keep it online for 21 calendar days (deadline for submission of bids: Friday 16 February 2018).

1. Summary of the project and description of the objective

EU insolvency law is of great importance to the workforce across Europe and the trade union movement. Throughout Europe, and especially in times of crisis, workers are feeling the consequences of unfair insolvency rules that leave them dismissed without notice, prior consultation or payment of outstanding wages, redundancy or any other entitlements due to them. In 2015, the Commission announced a legislative initiative in the field of insolvency to provide a new regulatory framework on preventive restructuring and second chances. A proposal for a Directive on preventive restructuring and second chance was published on 22 November 2016.

In December 2016, the ETUC adopted a resolution on this issue, which very clearly sets-out the key points/demands of the ETUC regarding the priorities of protecting jobs, securing workers claims and ensuring more sustainable corporate behaviour. The ETUC resolution can be found here: <https://www.etuc.org/documents/etuc-position-protecting-workers-context-commission-proposal-directive-preventive#.WQIN29J96M8>

With this project, ETUC aims to reach the following objectives:

- Having a clear comparative overview of the existing Worker Participation rights in cases of bankruptcy and insolvency. This will imply producing an overview of the Legal frameworks but also of practices, focusing on 6 relevant countries, as well as studies of specific company cases.
- Setting-up a transnational network of labour related experts on insolvency law in order to develop advice and expertise for the trade union movement on this issue.
- Producing a useful tool for national-level ETUC affiliates to monitor and ensure a good transposition of the EC Directive on insolvencies, which is to be adopted in the second half of 2018. This will imply the production of a transposition guide for trade unions, to help them defend strong worker participation provisions in their transposition laws.

2. Methodology

The subcontractor will have to mobilise a transnational team of experts, in order to undertake a research (desk and field research) covering practices and legal frameworks of different EU member states, and to organise a number of workshops in different EU member states.

This transnational team of experts will work under the supervision of the ETUC, based in Brussels, and will be expected to attend a number of steering committee meetings in Brussels as well as the main project events: 1 network-building event, 3 experts' workshops and a final dissemination conference.

The written deliverables/documents will be drafted by the experts in English, and then translated into different languages after validation by the Project steering committee.

3. Tasks to be performed by the subcontractor

The sub-contractor will perform the following tasks:

1. Making a study on the formal legal frameworks (including insolvency law, labour law, worker participation rights) and informal practices regarding insolvencies and workers' participation in time of crisis at company-level, within 6 different European countries. These countries will include France, Germany, the Netherlands, and three other countries, to be determined in agreement with the project steering committee, reflecting the political and regional diversity of the EU. The study will address questions such as: what kind of influence do the workers representatives have? What kind of participation/contribution/veto in cases of (pre-) insolvency is possible?
2. Analysing relevant case studies and evaluating best practices on how to secure employment and earnings in times of crisis (facing insolvency), how to implement early warning systems and preventive restructuring measures, getting a second chance for the company with active contribution by the workforce and their representatives.
3. Setting-up, in close collaboration with ETUC, a transnational network of Trade Union related experts on insolvency law and preventive restructuring measures. This will involve the organisation of a network-building kick-off event in the starting phase of the project.
4. Organising and animating 3 experts' workshops in Paris, Berlin and Amsterdam. These will be small scale experts' workshops (approximately 15 / 20 participants each), for discussing the national and European frameworks and analysing chances and challenges for the workforce within preventive restructurings.
5. Organizing, in close collaboration with ETUC, a Final Dissemination Conference to merge the results and arrange the transfer of knowledge and perceptions.
6. Producing a trade union guide to support ETUC affiliates in monitoring the transposition of the insolvencies Directive in their national legislations.

4. Expertise, experience and skills required

Expertise required:

- In-depth expertise in insolvency law, labour law and worker participation rights;
- Proven experience of managing insolvency processes, and in particular the workforce/labour dimension related to these processes, will be considered a plus;
- Experience in working on European level projects;
- Experience in working with trade unions at both European and national level;

Skills required:

- Proven ability to carry out in-depth research on legal issues and understanding the links between European and national levels
- Proven research skills, including identifying stakeholders and conducting interviews
- High proficiency in English: ability to draft documents and make presentations in English.
- Ability to work within specified deadlines and to respect budgetary limits
- Availability to organise and participate in the project events schedules: a network-building kick-off event, 3 experts' workshops and a Final Conference.

5. Time schedule and reporting

The subcontractor will be asked to perform the above-mentioned tasks according to the following calendar.

Date	Venue	Type of event
March 2018	Brussels	Launch event: Network-building workshop / 1 st meeting of ETUC Steering Committee
February 2018 onwards		Start of the Study (desk-research, study visits in the 6 countries)
May 2018	Brussels	2 nd meeting of the ETUC Steering Committee (to discuss the 1 st findings of the study and to prepare the series of expert workshops)
June 2018	Paris	Expert Workshop #1 (+ Steering Committee) in collaboration with French affiliates of ETUC
November 2018	Berlin	Expert Workshop #2 (+ Steering Committee) in collaboration with DGB
January 2019	Amsterdam	Expert Workshop #3 (+ Steering Committee) in collaboration with FNV
March 2019		Completion of the trade union guide on the transposition of the insolvency directive
April 2019	Brussels	Final Dissemination Conference

Please note that the exact dates of the above-mentioned events may be subjected to slight changes and will be decided upon by the steering committee.

6. Payment

The total maximum budget available for the fees of the subcontractor is as follows:

Contract with ETUC	
Main activities and Meetings	
<ul style="list-style-type: none"> ▪ Desk research, country visits, interviews ▪ Drafting national reports and case studies ▪ Participating in the Steering Committee meetings, ▪ Organising and participating in the project events: a network-building kick-off event, 3 experts' workshops and a Final Conference. ▪ Producing a trade union guide on the transposition of the insolvency directive 	
Total budget for the Expertise	54 000 € (all taxes included)

The subcontractor will be remunerated in various instalments (advance and final payment). This amount covers the fees but does not include the travel and subsistence costs incurred for attending Steering Committee meetings, workshops and the study visits in the 6 EU countries. These will be covered by ETUC on the basis of EU rules & thresholds (see the EC table of maximum amounts per EU member state).

7. Selection criteria

The selection criteria are:

- Verifiable expertise, experience and skills, as required and described in part 4 of this call;
- Proven track record of ensuring the quality of written materials produced, both in terms of content and format (i.e. previous publications), in the relevant subjects specified in this call for tenders;
- Price not exceeding the amount stated above;
- Previous research/work undertaken in the field of insolvencies and workers participation at company-level

8. 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 be 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 of the 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 concerning the proposed methodology for delivering the tasks listed in part 3.

ii) Financial proposal

Prices of the financial proposal must be quoted in euros, including if the sub-contractor is based in a country which is 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 shall not include travel expenses and daily allowances for the attendance to the Steering Committee meetings and other project events (such as the workshops or Final Conference) which will be covered by ETUC on the basis of EU rules & thresholds.

The maximum amount available for this contract is EUR 54,000 (all taxes included).

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

9. 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.

10. Content and selection of the bids

This call for tenders will be published on the ETUC website on Friday 26 January 2018. Offers must be sent within 21 days of the date of publication, by Friday 16 February 2018. Offers must be sent to ETUC, in both formats: electronic (by e-mail to amartin@etuc.org) and as a paper copy (see contact details below).

Concerning the paper copy, 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 insolvency Project – not to be opened by the Mail Department" (Appel d'offres – à ne pas ouvrir par le service du courrier).

A committee will be formed comprising of representatives of the ETUC and the European Trade Union Federations involved in the project. One or more members of this committee will initial the documents, confirming the date and time of each bid. The committee members will sign the report on the bids received, which will list the admissible bids and provide reasons for rejecting bids owing to their failure to comply with the stipulations of the tendering process.

This committee will also evaluate the tenders 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:

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

Candidates must send their bid electronically – to the following e-mail address: amartin@etuc.org – as well as submitting a paper copy of their bid, either delivered by hand or by registered mail or special courier service to:

<p>ETUC</p> <p>Peter SCHERRER</p> <p>Deputy General Secretary</p> <p>International Trade Union House</p> <p>Boulevard du Roi Albert II, 5</p> <p>B – 1210 Brussels</p> <p>BELGIUM</p>
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For bids sent by registered mail, the postmark will serve as proof of the date of dispatch.