

# Introduction

This tender relates to the contract with the title “Senior Good Governance Consultant for EUACI’s support to Integrity Cities in Ukraine”.

The procurement procedure is subject to the laws of Denmark and the rules applicable hereunder.

The responsible unit has assessed that the contract does not have a certain cross-border interest.

The responsible unit has also assessed that the contract value is below the EU-threshold net of VAT.

# Responsible unit

The responsible unit for this procurement procedure is:

Official name: EUACI

Country: Ukraine

Town: Kyiv

Postal code: 01001

Postal address: 20, Velyka Zhytomyrska Street, Panorama Business Centre, 3rd Floor

Internet address: <https://euaci.eu/>

Contact person: Olena Ohorodnik, Senior Project Manager of Integrity Cities

E-mail: [oleoho@um.dk](mailto:oleoho@um.dk)

# Documents for submission of tender

The documents for submission of tender consist of the following:

* Invitation to tender (this document)
* Criteria and Method of Evaluation
* Notification of processing of personal data
* Draft Consultancy Agreement with appendices
  + Appendix 1 – Representatives and Subcontractors
  + Appendix 2 – Terms of Reference
  + Appendix 3A – Suitability
  + Appendix 3B – Contract Price
  + Appendix 3C – Services
  + Appendix 4A – Financial statement- and Audit instructions
  + Appendix 4B – Form for Financial Statement
  + Appendix 6 – Draft Addendum
  + Appendix 10 – Completion Letter
  + Appendix 11 - Declaration of Prior and Ongoing Involvement of companies and/or staff

# Object of the procurement

The objective of this particular assignment is to help partner cities ensuring the sustainability of the integrity tools developed with the support of the EUACI. Specifically, the success of the assignment will be assessed against progress made within the following output areas:

* Enhanced capacities for strategic planning and monitoring related to integrity. Development and implementation of the Municipal Integrity Plans for Integrity Cities and promoting their sustainability.
* Integrity assessment of selected Municipal Owned Enterprises (MOEs). City administrations have expressed the desire to enhance the control mechanism in MoE to provide more transparency and accountability in their activities.
* Development and implementation of risk minimization plans and implementation of elements of corporate governance of MOEs in Integrity Cities.
* Development and implementation of public analytical modules and dashboards regarding the functioning of communal enterprises, in particular new e-tool designed for MOEs.
* Evaluating and presenting results of the Integrity Assessments of MOEs.

The Senior Good Governance Consultant will be a technical resource person available to the EUACI, the partner cities and partners on the national level for the planning and implementation of activities in order to fulfil the objectives mentioned above.

# Timetable

The following timetable specifies the key milestones of the procurement procedure:

|  |  |
| --- | --- |
| **Date** | **Milestone** |
| 17.07.2024 | Invitation to tender is sent to the invited tenderers |
| 24.07.2024 | Deadline for the submission of questions, if any  (Questions submitted later than this date will as a main rule only be answered if it is possible to answer the questions no later than 4 days before the time limit for receipt of tenders) |
| 01.08.2024 at 14:00 | Time limit for receipt of tenders |
| 05.08.2024 | Notification of award decision (tentative) |
| 06.08.2024 | Signing of contract (tentative) |

All indications of time are according to local time for the responsible unit.

# Questions & Answers and Addenda

Questions regarding the documents for submission of tenders may be submitted in English via e-mail to the contact person mentioned in clause 2 above.

Tenderers shall refrain from contacting the responsible unit in any other way.

Tenderers are encouraged to submit all questions as soon as possible. The responsible unit reserves the right to not answer questions submitted later than 4 days before the time limit for receipt of tenders.

The responsible unit will send the questions and answers simultaneously and in anonymous form via e-mail to the invited tenderers.

If an amendment to the documents for submission of tenders is considered necessary, the responsible unit will send an addendum simultaneously via e-mail to the invited tenderers.

# Conditions for participation

## Exclusion grounds

In Appendix 3A, the tenderer must answer whether the tenderer is subject to exclusion grounds.

**Criminal convictions**

The tenderer will be excluded from the procurement procedure if the tenderer itself (the economic operator) or any person who is a member of the board, management or supervisory committee of the tenderer or who is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the tenderer has been convicted by final judgement or fined within the last 4 years for the actions listed in section 135(1) of the Danish Public Procurement Act.

**Unpaid overdue debt in relation to payment of taxes or payment of social security contributions**

The tenderer will be excluded from the procurement procedure if the tenderer has unpaid overdue debt of DKK 100,000 or more to public authorities in relation to tax, duties or social security contributions under Danish law or under the law of the country in which the tenderer is established, cf. section 135(3) of the Danish Public Procurement Act. However, a tenderer will not be excluded where the tenderer has agreed on a repayment scheme with the collection authority and that scheme is observed, cf. section 135(4) of the Danish Public Procurement Act, or where the tenderer provides guarantee of payment of the part of the debt which constitutes DKK 100,000 or more, cf. section 135(5) of the Danish Public Procurement Act.

**Conflict of interest**

The tenderer will be excluded from the procurement procedure if there is a conflict of interest due to its participation in the procurement procedure which cannot be mitigated effectively, cf. section 136(1)(1) of the Danish Public Procurement Act.

**Distortion of competition**

The tenderer will be excluded from the procurement procedure if there is a distortion of competition as a result of its direct or indirect involvement in the preparation of the procurement procedure which cannot be mitigated, cf. section 136(1)(2) of the Danish Public Procurement Act.

**Provided incorrect information, retained information or been unable to provide required documents**

The tenderer will be excluded from the procurement procedure if the tenderer within the last 2 years has provided incorrect information, retained information or has been unable to submit additional documents in relation to the exclusion grounds stated in section 135(1 or 3) of the Danish Public Procurement Act, and, if relevant, in section 137(1)(2 or 7) of the Danish Public Procurement Act, the fixed minimum requirements for suitability stipulated in sections 140-144 of the Danish Public Procurement Act or selection in section 145 of the Danish Public Procurement Act, cf. section 136(1)(3) of the Danish Public Procurement Act.

**Guilty of grave professional misconduct**

The tenderer will be excluded from the procurement procedure if, in the exercise of its business, the tenderer has committed serious neglect which gives rise to doubt as to the integrity of the tenderer, cf. section 136(1)(4) of the Danish Public Procurement Act.

**Insolvency**

The tenderer will be excluded from the procurement procedure if the tenderer within the last 2 years has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the tenderer are being administered by a receiver or by court, if the tenderer has entered an arrangement with creditors, where the commercial activities of the tenderer have been discontinued, or where the tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the tenderer is registered, cf. section 137(1)(2) of the Danish Public Procurement Act.

# Submission of tender

## Submission via e-mail

Tenders must be submitted via e-mail to the contact person mentioned in clause 2 above.

Tenders cannot be submitted by any other means.

## Language

Tenders must be submitted in English.

## Contents of the tender

The tenderer may only submit one tender. If the tenderer submits more than one tender, the contracting will only take the latest submitted tender into consideration.

The tender must comprise the following:

* Completed Appendix 1 - Representatives and Subcontractors
* Completed and signed Appendix 3A – Suitability
* Completed Appendix 3B – Contract Price
* Completed and signed Appendix 3C – Services
* Completed and signed Appendix 11 – Declaration of Prior and Ongoing Involvement of companies and/or staff

The tenderer should ensure that its tender contains all necessary information and allows for the draft service agreement to be signed without prior negotiations.

If the tender contains more than one version of the same document, the responsible unit will only take the latest version (according to the properties of the document) into consideration.

While observing the principles of administrative law on impartiality and the prohibition against protection of irrelevant interests, the principle of financially sound administration, the principle of equal treatment and the principle of proportionality, the responsible unit may request tenderers to supplement, specify or complete tenders by submitting relevant information or documentation, where the information or documents submitted in tenders are incomplete or incorrect, or where specific documents are missing.

## Time limit for receipt of tenders

Tenders must be received by the contact person no later than:

01.08.2024 at 14:00

The time limit for receipt of tenders is according to local time for the responsible unit.

## Reservations

The responsible unit will reject tenders with reservations.

Tenderers are, therefore, encouraged not to include reservations, prerequisites or standard terms and conditions in their tenders.

If a tenderer identifies provisions in the procurement documents which prevent the tenderer from submitting a tender without reservations, the tenderer is encouraged to submit a question, cf. clause 6.

## Variants

The tenderer is not allowed to submit variants (alternative tenders).

# Award

## Most economically advantageous tender

The most economically advantageous tender will be identified based on the criteria and method described in the document Criteria and Method of Evaluation.

## Notification of award decision

The tenderers will be notified simultaneously via e-mail of the decision made by the responsible unit on the award of contract.

Notification of the award decision does not mean that a contract has been entered into or will be entered into. The contract is not final until it is signed.

Irrespective of the notification of the award decision, all tenderers are still bound by their tenders until the expiry of the deadline set out in clause 9.

# Minimum time frame during which the tenderer must maintain the tender

The tenderer must maintain the tender (the tenders shall remain valid and open for acceptance by the responsible unit) for a period of 2 months from the time limit for receipt of tenders.

# Processing of personal data

In connection with this procurement procedure, the responsible unit can receive personal data from the tenderers. This is mainly due to the tenderers having to submit CV’s in connection with the submission of tender.

The rules on the processing of personal data are laid down in the EU General Data Protection Regulation (GDPR) and the Danish Supplementary Data Protection Act (Act no. 502 of 23 May 2018).

The EU General Data Protection Regulation is available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&qid=1528371080950&from=EN>

The Danish Supplementary Data Protection Act is available at:

https://www.datatilsynet.dk/media/6894/danish-data-protection-act.pdf

In order to ensure that that persons who are the subject of the responsible unit’s processing of information are notified thereof, the tenderer is obliged to provide all persons whose personal data are included in the tender documentation with the information stated in the Notification of processing of personal data.

# Remuneration

The tenderer shall bear all costs incurred in relation to the procurement procedure.

# Cancellation of the procurement procedure

The responsible unit reserves the right to cancel the procurement procedure, without incurring liability towards any tenderer and without the tenderers being entitled to claim any compensation.

The responsible unit will notify the tenderers simultaneously via e-mail if the procurement procedure is cancelled.