

**Call for Expert  
No FSM-2023-06-08**

Solidarity Fund PL (Contracting authority) within the framework of the “Democracy Support Programme 2023” and in accordance with the Procurement Policy in the Solidarity Fund PL (attached) invites interested experts (Contractors) to apply for a position/ assignment of:

**“Ukrainian Leading Expert at the Project of continued support for vocational education reform in Ukraine”**

**§1. Background information**

The aim of the project is to continue to support vocational education reform in Ukraine - for the reconstruction and development of the country. By the end of 2023, the project envisages, inter alia, 1) operationalization of the strategy document "Building skilled human capital for Ukraine's recovery 2023-27", 2) capacity building of partners in the use of best practices in the area of vocational education, 3) development of a detailed proposal for external support programmes and projects to continue vocational education reform in line with the above mentioned strategic document.

**§2. The tasks under planned assignment are as follows:**

- 2.1. participation in the strategic and operational planning of project activities in order to make the best use of Ukrainian experience and knowledge in the effective implementation of the Ukrainian vocational education reform programme;
- 2.2. expert supervision of the implementation of project activities.
- 2.3. provision of advice and expertise, based on Ukrainian and international experience of vocational education reforms;
- 2.4. scientific editing of own and other experts' reports prepared for the implementation of the programme
- 2.5. establishing and maintaining regular contacts with Ukrainian authorities at central, regional and local level as well as with other donors involved in supporting the process of vocational education reform;
- 2.6. Providing advisory activities and expert support to Ukrainian authorities at central, regional and local levels in the preparation of draft legislation, analyses, documents and reports, and public policies;

**§3. Duration of the assignment:**

Up to 90 working days c.a. 01.07.2023 – 30.12.2023

**§4. Maximum daily rate and information about price:**

- 4.1. The maximum price for the service can be 1200 PLN per day.
- 4.2. The price should be specified in PLN and rounded to two decimal places. The price should be given in total.

4.3. The price should include all costs incurred by the Contracting Authority as part of the service provided by the Contractor (taxes, compulsory social security, health and retirement contributions), as well as the costs of accommodation in Ukraine, food, insurance, local travel (unless travel is ordered separately by Contracting Authority), computer equipment, cellular communication and software (word processor / spreadsheet).

4.4. Settlements between the Contracting Authority and the Contractor will be conducted in UAH depending on the Contractor's place of tax residence and in relation to the current Euro exchange rate of the National Bank of Ukraine.

## **§5. Minimal requirements**

5.1. The Contracting Authority considers the requirements concerning technical or professional capacity to be fulfilled if the Contractor demonstrates that he has at his disposal 1 person (expert) who has a total of:

5.1.1 at least 5 years of experience in managing an international team of experts or in managing international projects/projects of an expert/consultancy nature;

5.1.2. experience in public policy programming - including the development of at least 5 policy documents and/or draft legislation, including at least 1 policy document/ draft legislation on vocational education;

5.1.3. at least 3 year's experience in the vocational education system in Ukraine (participation in the implementation of projects/projects on vocational education in Ukraine or working in the vocational education sector in a managerial position in the Ukrainian public administration dealing with this sector) in the last 10 years(2013-2023);

5.1.4. professional communication skills:

- in Ukrainian (level C2 according to the Common European Framework of Reference for Languages)
- English (level C1)
- in Polish (level B1).

5.2 The Contracting Authority may, at any stage of the procedure, consider that the economic operator does not possess the required abilities if the involvement of the economic operator's technical or professional resources in other economic undertakings of the economic operator may have a negative impact on the performance of the contract.

## **§6. Exclusion**

6.1. Subject to art. 110 item 2 of the Polish Procurement Law (PPL) Act, an Economic Operator shall be excluded from the procurement procedure:

- a) in relation to whom any of the circumstances indicated in art. 108 item 1 of the PPL Act occur,
- b) in relation to whom liquidation has been opened, bankruptcy has been declared, whose assets are administered by a liquidator or a court which has made an arrangement with creditors, whose business activity is suspended, or is in any other situation of this type resulting from a similar procedure provided for in the provisions of the place where that procedure was initiated, that is pursuant to Art. 109 par. 1 item 4 of the PPL Act.
- c) who is subject to exclusion from public procurement procedures on the basis of the Regulation of the Council of the European Union (EU) 2022/576 amending Regulation (EU) No. 833/2014

concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (Official Journal of the EU No. L 111 of 8.04.2022, p. 1) and the Act of 13 April 2022 on special solutions to counteract support for aggression against Ukraine and to protect national security.

6.2. The Contractor may be excluded by the Contracting Authority at any stage of the procurement procedure, including after the announcement of the results of the Procedure - at the stage of entity verification before signing the contract (presence on sanction lists, participation of Russian contractors, etc.).

### **§7. Reporting**

The Contractor shall provide to Solidarity Fund PL:

- timesheets
- Invoice
- monthly reports

**§8.** The Call for Expert (Zapytanie Ofertowe) is not a public procurement procedure within the meaning of the Public Procurement Law and does not form an obligation of the Foundation to accept any of the bids. The Foundation reserves the right to cancel the order without selecting any of the bids submitted.

### **§9. Payment terms**

The Contracting Authority will pay the remuneration on the basis of monthly reports and invoices within 14 working days of acceptance of the bill/invoice.

### **§10. Communication between the Contracting Authority and Contractor**

10.1. In the procurement procedure, communication between the Contracting Authority and Contractors shall take place via the purchasing platform <https://platformazakupowa.pl/>

10.2. The technical and organisational requirements for sending and receiving electronic documents, electronic copies of documents and statements and information transmitted using them are described in the Instructions for Economic Operators, <https://platformazakupowa.pl/strona/45-instrukcje>.

10.3. In the procurement procedure, electronic correspondence (other than the Contractor's bid and attachments to the bid) shall be sent electronically via <https://platformazakupowa.pl> using the "Send Message"/"Wyślij wiadomość" form. In all correspondence related to this procedure, the Contracting Authority and Contractors shall use the number of the notice (No. FSM-2023-06-08)

10.4 Electronic documents, statements or electronic copies of documents or statements shall be submitted by the Contractor via <https://platformazakupowa.pl>, in accordance with the Instructions for Contractors <https://platformazakupowa.pl/strona/45-instrukcje> , via the Send Message/"Wyślij Wiadomość" button as attachments.

10.5 The method of preparing electronic documents, statements or electronic copies of documents or statements must comply with the requirements specified in the Regulation of the President of the Council of Ministers of 31 December 2020 "On the method of preparing and transmitting information and technical requirements for electronic documents and means of electronic communication in a public procurement procedure or competition".

10.6. There shall be a limit on the volume of files or zipped folders for the entire bid or proposal to 1

GB with a maximum of 20 files or zipped folders.

10.7. The date on which the bid or application is submitted shall be the date on which it is submitted to the system by clicking on the Submit Bid (Prześlij ofertę) button in the second step and displaying a message that the bid has been submitted.

10.8 The link to the procedure is available on the operator's website platformazakupowa.pl.

10.9. In correspondence related to this procedure, contractors should use the procedure number: No. FSM-2023-06-08.

10.10. The Contracting Authority does not provide for a method of communication with Economic Operators other than by means of electronic communication.

10.11. The Contracting Authority shall not be liable for non-receipt by a Contractor of information connected with the conducted procedure, if a Contractor indicates in his bid an incorrect e-mail address.

## **§11. Description of the bid preparation method**

11.1 A bid shall be prepared in accordance with the requirements specified in the Call for Expert and shall include all required documents and statements.

11.2 Each Contractor may submit only one bid in these proceedings for the whole or a selected part of the contract. Submitting more than one bid shall result in rejection of all bids submitted by a contractor.

11.3 A Contractor shall bear all costs related to the preparation and submission of a bid.

11.4 Contractors shall be obliged to submit the following documents and statements:

11.4.1. The Application form (according to Annex No. 1) - if a bid is submitted by entities acting jointly, the names (companies) and exact addresses of all contractors submitting a joint bid shall be indicated.

11.4.2. Power of attorney to represent in the proceedings or to represent in the proceedings and conclude the agreement, in the case of contractors jointly bidding for the contract.

11.4.3. power of attorney to act on behalf of the contractor, if the documents constituting the application are signed by a person whose authorisation to represent the contractor does not result from the appropriate register or the central register and information on business activity.

11.5 The documents and statements referred to in item 11.4 shall be attached to the bid along with the files constituting the bid, in accordance with the instructions for Economic Operators: <https://platformazakupowa.pl/strona/45-instrukcje>.

11.6 The documents or statements referred to in clauses 11.4.1 to 11.4.3 shall be prepared in electronic form. It is **recommended** to affix a electronic signature with IP and data, EPUAP signature or trusted signature to the documents in accordance with the instructions for Contractors: <https://platformazakupowa.pl/strona/45-instrukcje> .

11.7 After completing and signing the bid, the Contractor shall encrypt the bid with the decryption available on the platformazakupowa.pl system website, according to the instructions for Contractors:

<https://platformazakupowa.pl/strona/45-instrukcje>. Once the 'send bid' (“Prześlij ofertę”) option is selected, coding will take place automatically in the system.

11.8. Any information constituting a business secret within the meaning of the Act of 16 April 1993 on Combating Unfair Competition, which the Contractor reserves as a business secret and in respect of which the Contractor reserves that it may not be disclosed to other participants in the proceedings, shall be submitted in a separate place in step 1 of the bid submission intended for placement of business secrets. It is recommended that each document containing a business secret be placed in a separate file. Along with submitting this information, the Contractor shall be obliged to demonstrate compliance with the prerequisites specified in Article 11(2) of the Act of 16 April 1993 on Combating Unfair Competition. It is recommended that the justification for reserving information as a business secret should be formulated in a manner allowing for its disclosure. The Contracting Authority shall not disclose information constituting a company secret within the meaning of the provisions on counteracting unfair competition, if the Economic Operator, not later than on the deadline for submission of bids, reserved that it cannot be disclosed and demonstrated that the reserved information constitutes a company secret. It is recommended that the justification referred to above be formulated in a manner allowing it to be made available to other participants in the proceedings.

11.9. Electronic documents, statements or electronic copies of documents or statements shall be submitted by a Contractor via the Communication Form as attachments according to the instructions for Contractors: <https://platformazakupowa.pl/strona/45-instrukcje>.

11.10. If a Contractor submits an electronic document in a compressed data format, affixing a qualified electronic signature to the file containing the compressed data shall be tantamount to certifying by the Contractor that all electronic copies of documents contained in the file are compliant with the original, except for copies certified respectively by another economic operator competing jointly with it for the award of the contract, by an entity on whose capacity or situation the Contractor relies, or by a subcontractor.

## **§12. Place and deadline for submitting bids**

12.1 The Contractor shall submit an offer (Bid) using the Bid Submission Form available at [www.platformazakupowa.pl](http://www.platformazakupowa.pl).

12.2 The method of submitting a bid/application, including encrypting the bid, is described in the Instructions for Contractors: <https://platformazakupowa.pl/strona/45-instrukcje>.

12.3 The bid/application shall be accompanied by Annex No. 1 to the Call for Expert (Application Form) - in electronic form, and then encrypted together with the files constituting the bid according to the Instructions for Contractors: <https://platformazakupowa.pl/strona/45-instrukcje>.

12.4 A Contractor may, before the deadline for submission of bids, withdraw a bid or proposal via the Bid or Proposal Form. As a contractor's bid or proposal is encrypted, it cannot be edited. Amending a bid or application is understood as submitting a new bid and withdrawing the previous one, but this must be done before the closing date for the submission of bids in the procedure

12.5 A Contractor may not effectively amend or withdraw a submitted bid after the deadline for submission of bids.

12.6 Bids must be submitted by the deadline of **28.06.2023 at 11:00 (CEC)**.

12.7 The date on which the bid or proposals are submitted shall be the date on which they are submitted to the system by clicking on the Submit Bid (Prześlij Ofertę) button in the second step and displaying a message that the bid has been submitted

12.8 The Contracting Authority will reject any bid submitted after the deadline for submission of bids.

12.9 The opening of the bids will take place on **28.06.2023 at 11:05 (CEC)**.

12.10. The opening of bids shall be carried out by using the mechanism for decrypting bids on [www.platformazakupowa.pl](http://www.platformazakupowa.pl)

12.11. After the opening of bids, the Contracting Authority will post information on [www.platformazakupowa.pl](http://www.platformazakupowa.pl) regarding:

- 12.12.1 the amount the Contracting Authority intends to allocate to finance the contract;
- 12.12.2 the companies (natural persons) and addresses of Contractors who submitted bids within the deadline;
- 12.12.3 the price.

### **§13 Examination of Bids**

13.1 In the course of examination and evaluation of bids, the Contracting Authority may demand explanations from the Contractors regarding the contents of the submitted bids.

13.2 The Contracting Authority shall correct in the bid:

- obvious typing errors,
- obvious calculation errors, taking into account the accounting consequences of the corrections made,
- other errors consisting in inconsistency of the bid with the Request for Bid, not resulting in significant changes in the contents of the bid,
- immediately notifying thereof the Economic Operator whose bid has been corrected.

13.3 In the case referred to in item 13.2 of the Request for Quotation, the Contracting Authority shall set an appropriate time limit for the Contractor to agree to the correction of the error in the bid or to contest its correction. Failure to respond within the set time limit shall be deemed as consent to correct the mistake.

13.4 The Contracting Authority shall reject a bid if:

- 13.4.1. it has been submitted after the deadline for submission of bids;
- 13.4.2. it has been submitted by a contractor:
  - a) subject to exclusion from the procedure or
  - b) does not meet the conditions for participation in the procedure or
- 13.4.3. its contents are inconsistent with the terms and conditions of the contract;
- 13.4.4. it has not been prepared or submitted in compliance with the technical and organisational requirements for preparation or submission of bids by electronic means of communication specified by the contracting authority;
- 13.4.5. it has been submitted in the conditions of an act of unfair competition within the meaning of the Act on Combating Unfair Competition of 16 April 1993;
- 13.4.6. it contains an abnormally low price or cost in relation to the subject matter of the contract;

- 13.4.7. it contains errors in calculating the price or cost;
- 13.4.8. a contractor has, within the designated time limit, challenged the correction of the error;
- 13.4.9. a contractor has not consented in writing to an extension of the time limit for being bound by a bid;
- 13.4.10. a contractor has not given written consent for his/her bid to be selected after the expiry of the bid validity period;
- 13.4.11. its acceptance would be detrimental to public safety or a vital interest in the security of the State and this safety or interest cannot be guaranteed otherwise;

#### 14 Criteria for evaluation of bids

14.1 The Contracting Authority will evaluate bids that have not been rejected on the basis of the following bids evaluation criteria:

Lp.	Name of the criterion	Weight of the criterion
1	experience of the person appointed to carry out the contract in managing an international team of experts or in managing international projects/projects of an expert/advisory nature	20
2.	experience of the person appointed to carry out the contract in programming public policies	15
3.	experience of the person appointed to carry out the contract in the vocational education system in Ukraine (participation in the implementation of projects/projects on vocational education in Ukraine or working in the vocational education sector in a managerial position in the Ukrainian public administration dealing with this sector) within the last 10 years (2013-2023);	25
4.	Price of the Service	40

14.2 Points will be awarded on a scoring scale of a total of 100 points for all criteria according to the following breakdown:

14.2.1 Criterion: **Experience of the person appointed to carry out the contract in managing an international team of experts or in managing international projects/projects of an expert/consultancy nature:**

Evaluation will be carried out as follows - the following number of points will be awarded for meeting one of the requirements specified below:

- a) more than 20 years of experience of the person appointed to carry out the contract in the aforementioned area - 20 points
- b) 16-20 years of experience of a person designated to perform the above-mentioned contract - 15 points
- c) 10-15 years of experience of a person appointed to perform the above-mentioned contract - 5 points

d) less than 10 years of experience of a person designated to perform the above-mentioned contract - 0 points

e) less than 5 years of experience of a person appointed to implement the above-mentioned scope of contract - rejection of the bid for formal reasons.

#### **14.2.2 Criterion: experience of the person appointed to carry out the contract in public policy programming.**

Evaluation will be carried out as follows - the following number of points will be awarded for meeting one of the requirements specified below:

a) experience in developing more than 15 policy documents and/or draft legislation, including at least 1 policy document/project legislation in the field of vocational education - 15 points.

b) experience in drafting 10-14 strategy documents and/or draft legal acts, including at least 1 strategy document/project legal act in the field of vocational education - 10 points.

c) experience in the development of less than 10 strategy documents and/or draft acts, including at least 1 strategy document/project act in the field of vocational education - 0 points.

d) lack of experience in preparing at least 5 strategic documents and/or draft legal acts, including at least 1 strategic document/project legal act in the scope of vocational education - rejection of the offer for formal reasons.

#### **14.2.3 Criterion: experience of the person appointed to carry out the contract in the vocational education system in Ukraine (participation in the implementation of projects/projects on vocational education in Ukraine or working in the vocational education sector in a managerial position in the Ukrainian public administration dealing with this sector) within the last 10 years (2013-2023);**

Evaluation will be carried out as follows - the following number of points will be awarded for meeting one of the requirements specified below:

a) more than 5 years of experience in the vocational education system in Ukraine (participation in the implementation of projects/projects concerning vocational education in Ukraine or working in the vocational education sector in a managerial position in the Ukrainian public administration dealing with this sector) within the last 10 years (2013-2023) - 25 points.

b) less than 5 years' experience in the vocational education system in Ukraine (participation in the implementation of projects/projects concerning vocational education in Ukraine or working in the vocational education sector in a managerial position in the Ukrainian public administration dealing with this sector) within the last 10 years (2013-2023) - 0 points.

c) lack of at least three year's experience in the vocational education system in Ukraine (participation in the implementation of vocational education projects/projects in Ukraine or working in the vocational education sector in a managerial position in the Ukrainian public administration dealing with this sector) within the last 10 years (2013-2023) - rejection of the offer for formal reasons.

#### **14.2.4 Criterion: price of the service**

a) Under the criterion "price of the service", the offer will be evaluated on the basis of the total price for the performance of the contract calculated in accordance with Chapter 4 of the Call for Expert, as provided by the Contractor in its bid.



b) The scoring under the criterion "price of service" will be calculated according to the formula:

$P = P_{min} / P_{bid} \times 40$  points

where:

$P_{min}$  - means the lowest price proposed

$P_{bid}$  - denotes the price of the examined bid

$P$  - the number of points awarded to the examined offer in the criterion of price, rounded up to a full number.

14.3 The offer with the highest number of points shall be selected as the most advantageous one.

14.4 The maximum number of points an offer may receive in the offer selection criteria is 100 points.

### **§15 Bid selection and contract.**

15.1 The bid receiving the highest number of points will be selected as the most advantageous.

15.2 A contract will be signed with the selected contractor.

15.3 The Contractor whose bid was selected as the most advantageous shall be informed by the Contracting Authority about the place and date of signing the contract.

15.4 Prior to concluding the contract, the Contractor shall provide all information necessary to complete the content of the contract at the request of the Contracting Authority.

15.5 If a bid submitted by the Contractor competing jointly for the award has been selected, the Contracting Authority may demand that a contract governing the cooperation of these Contractors be signed before the contract is concluded.

15.6 If the Contractor whose bid was selected as the most advantageous evades entering into a contract, the Contracting Authority may re-examine and evaluate bids from among the bids of the remaining Contractors or cancel the procedure.

15.7 Persons representing the Contractor at the contract signing shall present documents confirming their mandate to represent the Contractor, if such mandate does not result from the documents attached to the bid.

15.8 If a bid of contractors jointly tendering for the contract has been selected, the contractors shall appoint a proxy to conclude the contract.

15.9 Information on the result of the procedure for the selection of the Contractor shall be communicated to bidders via electronic communication on [www.platformazakupowa.pl](http://www.platformazakupowa.pl).

### **§16 Procedure of appeal**

16.1. Potential Contractor, who submitted a bid, has the right to appeal against the decision on awarding the contract or against the decision on exclusion from the procedure.

16.2. The appeal, together with a statement of reasons, may be submitted within 2 working days from the announcement of results of the Procurement Procedure

16.3. The submission of an Appeal should be made electronically via [www.platformazakupowa.pl](http://www.platformazakupowa.pl) ("send message"/"wyślij wiadomość" button).

16.4. Upon receipt of an Appeal, the head of the Contracting Authority shall appoint a Procurement Committee with a different composition than the Committee which evaluated the bids in the first instance. The new Procurement Committee shall re-evaluate the bids. The re-evaluation of bids shall be final, and no further appeal shall be allowed against the decision made on the basis of the work of the Commission.

#### **§17 Information obligation of the Personal Data Protection**

Pursuant to Article 13 of Regulation (EU) No 679/2016 of the European Parliament and of the Council of 27 April 2016, hereinafter referred to as (RODO), and the Act of 25 May 2018 on the protection of personal data (Journal of Laws 2018, item 1000 as amended) hereinafter referred to as (PDPA), we inform you that:

17.1 The administrator of the personal data collected as a result of the call for expert is the Fundacja Solidarności Międzynarodowej with its registered office in Warsaw, address: Mysłowicka 4 Street, 01-612 Warsaw (hereinafter referred to as Data Administrator).

13.2 Information on the processing of personal data by the Foundation is contained in the Privacy Policy available on the Foundation's website: <https://solidarityfund.pl/polityka-prywatnosci-fsm/> .