



TENDER SPECIFICATIONS FOR SUBCONTRACTING

EXTERNAL EXPERT/RESEARCHER

EFBWW project Strategies for Targeted Information and Consultation in European Works Councils (STIC)

Grant agreement VS/2019/0047

Tender Specifications

1. Introduction

Directive 2009/38/EC lays down rights for the information and consultation of employee representatives in community-scale undertakings and groups of community-scale undertakings on transnational issues. The EFBWW supports workers' representatives in European Works Councils (EWC) from the building, building materials, cement and woodworking sectors through a network of EWC coordinators and by providing know how and expertise. This also enables the EFBWW to gain first-hand understanding of the difficulties and challenges that EWC representatives face in their role, as well as of the positive experiences and expectations they have for the future to further improve their capabilities and the outcomes of their work.

Information and consultation rights are the core of EWC work. However, far too often the procedures for information and consultation are underdeveloped and not fully taken advantage of. Consequently, many EWCs are reduced to minimal and formalistic information exchange with little added value to workers or the company. This can have different reasons which can be found for example in the lack of awareness of information and consultation rights at European level, in the limited understanding of the transnational nature of specific topics on the side of management and workers' representatives or due to cultural differences in industrial relations between member states. In order to overcome these differences it is important to foster a targeted approach to information and consultation that addresses transnational issues in a mutually beneficial way to benefit workers and companies.

One development in this area concerns a growing number of companies and groups of companies that show an interest in developing common approaches across the EU to issues that are traditionally dealt with at national level such as health and safety, demographic change, skills and qualifications, and subcontracting, which adds an increasingly transnational character to these issues that can have tangible consequences for the workforce in these companies. Accordingly workers' representatives have an interest in improving their cooperation across borders on such issues by using their rights to information and consultation more effectively. EWCs in particular should be involved in this process and serve as an existing forum for transnational cooperation between workers' representatives. The aim of the current project is to improve the capacity of trade union and workers' representatives in EWCs to engage in a meaningful information and consultation procedure at European level on a wider range of topics.

Previous EFBWW projects and other activities have been dedicated to some of the urgent challenges facing the building, building materials, cement and woodworking sectors in Europe today. One example of this comes from a previous EFBWW project, which studied the information and consultation process in case of mergers and acquisitions based on a case study in the building materials sector. The project identified a number of good practices that can be applied by workers' representatives in such situations. For user friendliness and accessibility these guidelines have been summarized in the Practical Guide on Information and Consultation for EWCs (Grant agreement VS/2014/0364).

The current project is intended to provide similar guidance on other topics such as health and safety, demographic change, skills and qualifications and subcontracting, by creating synergies with previous projects and by making them more accessible to EWC representatives by following a similar format of topical fact sheets, which have first been introduced in the previous project Practical Guide on Information and Consultation for EWCs, and which has already been applied in the project on the implementation and application of the European Public Procurement directive (Grant Agreement VS/2014/0566).

The project will provide accessible fact sheets with a view to the specific needs of EWCs taking account of their rights to Information and Consultation drawing on the following projects:

Health and Safety

- Working safer with construction machines (Grant Agreement VS/2015/0340)
- Mental Health in Construction (Grant Agreement VS/2017/0015)

Skills and Qualifications

- VET4LEC (Grant Agreement VS/2016/0404)
- BOLSTER UP 2 (Grant Agreement VS/2017/0365)

Demographic Change

- Empowering the integration of younger workers in the European Metal, Transport, Food, Services, Construction and Wood Industries (as part of the EU Social Agenda) (Grant Agreement VS/2014/0555)
- Demographic changes in the woodworking industry (Grant Agreement VS/2013/0305)

Subcontracting

- CROBOSOSU - Cross-border Social Fraud/Abuse in Social Security (Grant Agreement VS/2016/0238)

The Target group of the above-mentioned projects have been primarily national trade union organisations. Feedback from the EFBWW network of EWC coordinators suggested that these project outcomes could be better linked to the specific requirements of the EWC representatives. This is particularly the case with a view to the constant turnover in the composition of EWCs and the steady flow of newly elected EWC representatives that requires continuous support to assure that know how is maintained and to allow for continuity in the work of EWCs.

Furthermore, EWC representatives and EFBWW coordinators indicated that thematic issues facing their sectors such as health and safety, demographic change, skills and qualifications and subcontracting are highly relevant to EWCs. From this learning experience the EFBWW concluded that it would bring an added value to draw on existing project results to formulate guidance for a targeted strategy towards information and consultation on relevant sector specific issues.

2. Goals of the project

The overall aim of the project is to improve the capacity of trade union and workers' representatives in EWCs to engage in a meaningful information and consultation procedure at European level on a wide range of topics including health and safety, demographic change, skills and qualifications and subcontracting. Some EWCs have already gained valuable experience in engaging on such issues with their respective company management. This typically contributed to building greater trust and a better working relationship between workers' representatives and management, which in turn is reflected in the overall performance of the EWC. Another observation that can be made in this context is that topics that are sometimes considered as soft issues such as health and safety can be a door opener for further engagement on potentially more controversial issues by establishing a foundation of trust between workers' representatives and management by demonstrating that they are willing and able to contribute to the company's development in a constructive manner.

The goal of the project is to draw on existing experience and issue specific know how of the EFBWW to provide guidance for EWC representatives on anticipating future challenges to

the company and the sector primarily with a view to health and safety, demographic change, skills and qualifications and subcontracting; the project will also look into why it makes sense to tackle these specific challenges in EWCs; how to convince management to provide information and consult workers' representatives on these issues; which information to request; and to provide examples of pragmatic and constructive solutions to draw on in the consultation procedure.

The target groups of the project can be divided first of all along sectoral lines. The topical themes will be catered to the different needs of EWCs in the building, building materials, cement and woodworking sectors. Secondly the project will provide a different set of tools for EWCs which have less experience in topical discussions with management and those who already established a good relationship with their management and hope to take it to the next level.

The project outcomes will be topical fact sheets on the issues of health and safety, demographic change (including attractiveness of the sector for women and young people), skills and qualifications (including digitalisation) and subcontracting. The experts will also draft an introduction to challenges and drivers of targeted information and consultation in EWCs.

Fact sheets are considered the best format in this context utilizing a familiar model that was already introduced in previous projects making the documents easily accessible and navigable.

The topics for this project application were determined by the sector specific discussion within the EFBWW and the needs of EWC representatives with which the EFBWW is in contact through its network of EWC coordinators.

3. Project activities

Project planning

The project will be accompanied by a steering group that will consist of a balanced geographical and gender representation of EFBWW affiliated trade unions and an EFBWW coordinator. The EFBWW secretariat will coordinate the project.

An external expert/researcher will be engaged for desktop research and to process previous project outcomes with a view to catering to the specific needs of EWCs, conducting interviews with experts and to compile the topical fact sheets for targeted information and consultation in EWCs.

3.1. Main activities:

July 2019 – February 2020 – Research and compiling of the fact sheets

Once the expert/researcher has been selected he/she will commence the research and begin to compile the draft “topical fact sheets for targeted Information and Consultation in EWCs”. The EFBWW will provide contacts to expert interviewees to facilitate the research.

The fact sheets will include:

- Introduction: Drivers and Obstacles to targeted information and consultation on topical themes in EWCs
- Three Sector specific fact sheets on health and safety
- fact sheet on subcontracting
- fact sheet on demographic change including attractiveness of the sector for women and young workers
- fact sheet on skills and qualification (including digitalisation)

Documents:

- Two Progress Reports by expert/s to steering group and EFBWW co-ordinator (September 2019 and December 2019)
- Draft topical fact sheets for targeted Information and Consultation in EWCs

March 2020 – Review of fact sheets

EFBWW coordinator, steering group will review the draft guide to enable expert/s to develop the final version for the sectoral seminars and further dissemination.

- Proof reading
- Review of content
- Review of design and reader accessibility

Documents:

- Final version of topical fact sheets for targeted Information and Consultation in EWCs

March 2020 – Steering Group Meeting 2

Preparation of the second steering group:

- Agreement on the structure of the seminars, content, local contacts and organisational questions
- Preparing an agenda for the seminars
- Assessing whether changes have to be made to the fact sheets

After the second steering group meeting:

- Preparation of the seminars
- Contacting possible speakers and institutions to be invited
- Translation of the fact sheets into other languages
- Proofreading of the additional language versions
- Running additional dissemination activities

Documents:

- Invitation and agenda for the second steering group meeting
- Description of the three regional seminars, including a list of invitees, draft program and invitation
- Translated versions of the fact sheets

June 2020 – Sectoral Seminar 1 – Wood Sector in Brussels

This 1 ½ day seminar will take place in Brussels

The target group of the seminar will be EWC representatives from the wood/woodworking sector

- 30 participants
- Venue: Brussels
- Working languages: 5 languages depending on the participants
- Presentation of the fact sheets
- Establishment of contacts between workers' representatives from different Member States and different companies
- Exchange of experience and best practice between EWC representatives
- Initiate practical activities both on sector and on company level
- Documents: topical fact sheets for targeted Information and Consultation in EWCs and dissemination of relevant EFBWW project outcomes

September 2020 – Sectoral Seminar 2 – Building sector in Brussels

This 1 ½ day seminar will take place in Brussels

The target group of the seminar will be EWC representatives from the Building sector

- 30 participants
- Venue: Brussels
- Working languages: 5 languages depending on the participants
- Presentation of the fact sheets
- Establishment of contacts between workers' representatives from different Member States and different companies
- Exchange of experience and best practice between EWC representatives
- Initiate practical activities both on sector and on company level
- Documents: topical fact sheets for targeted Information and Consultation in EWCs and dissemination of relevant EFBWW project outcomes

October 2020 – Sectoral Seminar 3 – Building Materials sector in Brussels

This 1 ½ day seminar will take place in Brussels

The target group of the seminar will be EWC representatives from the Building materials sector

- 30 participants
- Venue: Brussels
- Working languages: 5 languages depending on the participants
- Presentation of the fact sheets
- Establishment of contacts between workers' representatives from different Member States and different companies
- Exchange of experience and best practice between EWC representatives
- Initiate practical activities both on sector and on company level
- Documents: topical fact sheets for targeted Information and Consultation in EWCs and dissemination of relevant EFBWW project outcomes

November 2020 – Sectoral Seminar 4 – Cement sector in Brussels

This 1 ½ day seminar will take place in Brussels

The target group of the seminar will be EWC representatives from the Cement sector

- 30 participants
- Venue: Brussels
- Working languages: 5 languages depending on the participants
- Presentation of the fact sheets
- Establishment of contacts between workers' representatives from different Member States and different companies
- Exchange of experience and best practice between EWC representatives
- Initiate practical activities both on sector and on company level
- Documents: topical fact sheets for targeted Information and Consultation in EWCs and dissemination of relevant EFBWW project outcomes

3.2. Follow up activities:

December 2020 – Steering Group meeting 3

Preparation of the steering group meeting:

- Evaluation of the sectoral seminars
- Draft final report

The steering group meeting will focus on the following aspects:

- Overall evaluation of the project activities
- Discuss proposals for further dissemination, cooperation and follow up activities
- Discussion of the draft final report

After the last steering group meeting:

- Reporting to the European Commission
- Dissemination activities at European and Member State level

Documents:

- Invitation and agenda for the steering group meeting
- Draft evaluation report on the whole project
- Plan for follow-up activities
- Draft final report to the European Commission
- Running additional dissemination activities

4. Subject matter of the contract

The subject matter of the contract between the EFBWW and the external expert/researcher will be for the expert/researcher to:

- 1) establish a conceptual and methodological framework for the collection of data and carry out preparatory desk-top research relevant for the project and process previous project outcomes with a view to catering to the specific needs of EWCs;
- 2) conduct interviews with experts;
- 3) review the collected information and requests for changes with a view to clarifying the data, supplementing them or harmonizing their presentation
- 4) compile the topical fact sheets for targeted information and consultation in EWCs on the issues of health and safety, demographic change (including attractiveness of the sector for women and young people), skills and qualifications (including digitalisation) and subcontracting;
- 5) revise the translations (the translations will be done externally) with a view to ensuring clarity and good readability of the information presented
- 6) draft an introduction to challenges and drivers of targeted information and consultation in EWCs;
- 7) Report to the steering group and EFBWW co-ordinator on the progress made
- 8) Assist in the preparation, organisation, discussions and follow-up of the foreseen steering group meetings;
- 9) Assist in the preparation, organisation, discussions and follow-up of the foreseen Sectoral seminars;

5. Guidance regarding performance of the tasks and regarding the methodology

Performance of the tasks will have to be carried out within the contract period specified in the contract European Commission-EFBWW and with due regard to the order indicated in the description of the above-mentioned tasks and the schedule of the project activities.

6. Methods of work

The general supervision and evaluation of the project will be carried out by the steering group, coordinated by the EFBWW project coordinator. The Coordination group will be composed of representatives from the EFBWW affiliates.

During the project the steering group will meet 2 times. Additional meetings could be foreseen.

The European coordinator will attend all the meetings of the steering group.

7. Time schedule and reporting

The schedule of activities is laid down in the above-mentioned description, which could be modified by the steering group.

The European coordinator shall finalize the project within a maximum period in line with Commission instructions.

8. Contract

The Contract between EFBWW and the external expert/researcher will be based on a standard contract taking into consideration the financial regulations of the European Commission and obliging the expert/researcher to respect the obligations laid down in the contract European Commission-EFBWW.

The successful expert/researcher will submit to the EFBWW a draft contract EFBWW-expert which includes “back to back” obligations from the contract European Commission-EFBWW also in the relationships consultant-subcontractors.

9. Payment

Payment shall be made on the basis of invoices, once the tasks have been performed and the results of the work have been accepted by the steering group.

10. Selection criteria

The consultant will be selected on the basis of the following criteria (as mentioned in the public procurement directive 2004/18, Articles 45, 47 and 48):

- a) personal situation of the tenderer
- b) economic and financial standing

c) technical and/or professional ability

Tenders failing to satisfy all the criteria will be excluded from the further procedure.

11. Award criteria

The contract will be awarded to the bidder whose bid represents the economically most advantageous tender taking into account the following criteria:

1. expertise on the issues focused upon in the project description (40%)
2. project management and organizational capabilities (20%)
3. previous working experiences with national trade unions (20%)
4. language and communication skills (20%)

12. Content of the tenders

All interested parties are invited to present their:

- a) comments and solutions on the proposed structure of the project;
- b) comments and solutions on the proposed conceptual and methodological framework for the collection of data;
- c) detailed offer/prices

13. Evaluation procedure

The economically most advantageous tender will be identified by the evaluation of each award criterion on a scale between 0 and 10. These results will be counted using the relative ponderation indicated in % behind the award criteria.

14. Submission of tenders

The tender must be sent or delivered in duplicate, under a sealed cover. The envelope should be marked "*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 and the sender must sign across the tape.

Interested parties should send their bid :

a) either by registered mail posted no later than **21 June 2019** (date as postmark), to the following address :

EFBWW
Thilo Janssen
Rue Royale 45/1 (1st floor),
1000 Brussels
Belgium

b) or delivered by hand, i.e. by delivery in person or by an authorised representative (including private courier services) not later than 2 p.m. on 21 June 2019 to the same address.

Late delivery will lead to the exclusion of the tender from the award procedure for this contract.

For tenders submitted by private courier services and hand delivered requests, EFBWW secretariat will sign a receipt stamped on the date of reception, which will serve as proof of delivery.