

CALL FOR EXTERNAL EXPERTISE

DEVELOPING TRANSPORT WORKERS' EXPERTISE FOR FAIR TRANSPORT AND STRONG UNIONS (VS/2021/0030)

Pillar 1- Posting of Workers

1. Background

In order to stay relevant for the workers, trade unions need to be up to date with ongoing policy, industry and technological developments. It is especially true in the transport sector, where on one hand we see social issues caused i.a. by the misuse and misinterpretation of the Posting of Workers Directive, and on the other, the urgent need to 'green' the transport modes. In addition, some transport sectors, logistics in this case, experience significant expansion while trade union coverage in the sector remains low, which effectively limits social dialogue.

The shortcomings of the transport sector became especially visible in the context of COVID-19 pandemic, when i.a. posted workers suffered from unclear rules on applicable labour and social laws, and logistics workers worked under extreme pressure to satisfy increased demand, while being highly exposed to health risks.

This is why the ETF will be developing a project on the above mentioned issues, with the aim of equipping its affiliates with know-how and practical tools that they can use in their everyday work at national and local level. It will strengthen the capacity of unions to deal with changes and will foster their cooperation at the European level.

The project is based on four pillars: building legal expertise on posting of workers in the EU and strategies for trade union involvement in addressing its shortcomings, mapping the logistics sector and establishing an organising strategy, developing trade union response and engagement in the climate action and finally, trade union study visits.

In order to deepen the knowledge of the ETF affiliates, the first three pillars will be implemented with the involvement of external experts. The fourth pillar will be based on the exchange of good practices between the ETF's largest affiliates and young trade union representatives from the countries with lower trade union coverage. Each pillar will allow for creating networks of the ETF affiliates.

The pillar on posting of workers aims to improve knowledge of the ETF affiliates and enhance their coordination in addressing the issues stemming from the misuse of the relevant Directives.

The pillar on posting of workers will be implemented through a set of four meetings between the ETF affiliates from the concerned Member States, with the support of the legal expert. The aims of these meetings will be to analyse the legislation in place and how this is implemented, where there are areas for improvement, and how trade unions can become more involved in ensuring that the regulations are respected. Since the ETF does not have the necessary legal expertise, external experts will be contracted to analyse the legislation in place and conduct research into how posting of workers' regulations and other legislation can be used to eradicate social dumping.

2. Purpose of the Contract

The external expert is needed due to limited in-house specific expertise, by the ETF, in terms of research and analysis of such a vast topic.

3. Tasks to be performed by the expert

3.1 Description of tasks

The expert has to perform the following tasks:

Task	Description
Task 1	Provide a user-friendly analysis of the application of the posting rules to 4 transport sectors to be selected by the Project Management Team; the analysis will also include application of posting rules in relation to temporary agency work, subcontracting and other business models or forms of employment specific to the selected sectors
Task 2	Starting from the most recurrent social dumping practices in the selected sectors (to be indentified together with the ETF staff in charge with the sectors in question), identify EU legal instruments complementary to posting, which can address these illegal practices
Task 3	Compile a list of jurisprudence on posting in transport - list of court cases accompanied by a brief description
Task 4	Develop a number (to be determined) of sector-specific cases, focused on infringement of posting rules
Task 5	Present a full-fledged report to the ETF, doubled by policy recommendations

3.2 Guidance and indications on tasks execution and methodology

As already indicated above, the expert will be working under the close guidance of the project management team and the project manager for the posting of workers pillar.

4. Expertise required

The tenderer shall prove their expertise with examples of their work. The contract will only be awarded to tenderers that can prove that they fulfil the following criteria:



- fluent in English (both oral and written)
- sound background in EU social aquis, particularly on posting of workers, temporary agency work and social security
- knowledge of transport and the specificities of its individual sectors, and of its highly mobile labour patterns
- expertise in developing user-friendly materials & report
- extensive writing skills
- respect of budgetary constraints

The expert can be an individual, an organisation or a consortium made up of several entities.

5. Time schedule and reporting

The expert will be asked to work 50 days, spread out to cover the all phases of the project. The expert is expected to work for the project from May 2021 (signature of the contract) until February 2023, to include attending four dedicated events. In as much as direct meetings will be possible, travel, accommodation and subsistence costs for journeys will be reimbursed according to EU rules.

A preliminary breakdown of working schedule may be as follows:

<i>Responsible staff & expert</i>	<i>Detailed description</i>
PHASE 1: Preparation	
Project Management Team (PMT), relevant ETF members of staff & selected expert	✓ Plan the expert work throughout the duration of the project
PHASE 2: Execution	
Expert, under the guidance of the relevant ETF member(s) of staff	✓ Execute Tasks 1 to 4 as described above
PHASE 3: Follow-up and reporting	
Expert, under the guidance of the relevant ETF member(s) of staff	✓ Execute Task 5 as described above

6. Payments and standard contract

The expert will receive an advance and final payment following the EU rules and upon receipt of a correct invoice. Payments will be made in three phases:

- 30 per cent upon signing of the contract;
- 35 per cent after the organisation of the 4th workshop;
- 35 per cent after the completion of the work.

A standard contract template can be received upon request.

7. Price

The maximum budget available (covering all taxes including VAT¹) is €30,250 (thirty thousand two hundred and fifty euro). This amount does not include travels, hotel and subsistence costs that will be covered by the ETF separately, in case direct meetings are organised.

8. Selection criteria related to the financial and technical capacity of the bidders

A proof of sound finances can be requested by the bidder.

9. Award criteria related to the quality of the bids received

The contract will be awarded to the tenderer whose offer represents the best value for money - taking into account the following criteria:

Criterion	Description	Value
Quality and expertise	Proven expertise in: <ul style="list-style-type: none">- EU social social aquis, particularly on posting of workers, temporary agency work and social security- transport and the specificities of its individual sectors, and of its highly mobile labour patterns- developing a reader-friendly report in the designated policy areas	50 per cent
Approach, clarity	Structured and open approach	30 per cent
Language	Ability to write and speak in clear and concise English	20 per cent
TOTAL		100 per cent

It should be noted that the contract will not be awarded to a tenderer who receives less than 70% on the Award Criteria.

10. Content and presentation of the bids

a) Content of the offers

The offer must indicate how candidates meet the criteria listed above, as well as indicate the total price of the consultancy.

Individual candidates

¹ services delivered from outside of Belgium are subject to Belgian 21 per cent VAT which must be considered as included in the total price

In case of offers submitted by individual candidates, a CV should be attached.

Organisations

In case of offers submitted by organisations, a list of the organisation's activities in fields relevant for the tasks to be performed should be attached, as well as the CVs of the people who will be involved in the project.

References should also be provided.

Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include sub-contractors in addition to the members of the group. In case of joint tender, all members of the group assume joint and several liabilities towards ETF for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for ETF for administrative and financial aspects as well as operational management of the contract.

After the award, ETF will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

b) Presentation of the offers

The offers, including a CV, must be sent by e-mail to: **Cristina Tilling** at c.tilling@etf-europe.org

c) Deadline

The deadline for offers is on **Monday, 10 May 2021**.

