



## REQUEST FOR SERVICE No FSM-2022-06-08

Solidarity Fund PL (Contracting Entity) within the framework of the EU funded „EU4Skills” Programme and in accordance with art.4, point 8 of the law of the Republic of Poland of 29 January 2004 on public procurement invites interested experts to apply for a position/ assignment of:

### Capacity building expert for career orientation

#### 1.

#### Background information

The EU4Skills programme is a multidonor programme funded by the EU and its member states: Germany, Finland, Estonia and Poland. The aim of the programme is to assist the reform of TVET sector in Ukraine. Programme’s activities focus on modernization of the content of education and improvement of its quality as well as on the reform of VET governance.

Vocational education has been clearly designated in Ukraine as a regional responsibility, and both Regional Councils (elected bodies) and Regional State Administrations (executive bodies) now have the responsibility for developing strategies, allocating funding and ensuring operational management of regional VET systems. However, regional governments lack the experience, capacity and resources to not simply maintain the status quo but to introduce methods and approaches that would transform VET systems and institutions in line with the national reform principles, regional development priorities and the requirements of dynamically shifting regional economies and labour markets.

Solidarity Fund PL (SF PL) is a Programme’s partner organization and its work package under the EU4Skills Programme primarily focuses on strengthening capacities of the regions to manage their VET provision networks and on helping the regions to conduct evidence-based policies in the VET sector. This work package (referred later as “SF PL Work Package”) contains 5 major activities, namely:

2.11 – Development of Labour Market Intelligence System

1.2. – Development of 7 regional VET action plans

1.6. – Development of VET funding mechanism

1.7. - Development of VET budgeting mechanisms

2.10. – Support to development of career guidance service provision

Most of the abovementioned activities will be implemented in 7 focus regions of Ukraine. However, the models and solutions developed will also be promoted across the whole country.

Expert engagement under this assignment will be related to activity 2.10 – Support to development of career guidance service provision

Виконавець:





The vocational orientation and career counseling system in Ukraine, where it relates to the TVET system, is in its nascent stage. As a result of this, approximately 80% of secondary school graduates go to universities after graduating, and the VET student population has decreased almost twofold over the past several years. Formally, the State Employment Service is responsible for providing career orientation and counseling services (Order # 2 of the Ministry of Social Policy of Ukraine as of January 03, 2013), but its mandate is limited primarily to the unemployed.

During February 2020-April 2021, Solidarity Fund PL carried out several important activities under EU4Skills Programme that helped to build basis for career orientation in the educational system of Ukraine, namely:

- Career orientation contents were built into the educational standards and model curricula for grades 5-9
- National Concept paper have been drafted (as part of the New Ukrainian School programme)
- Textbook for career orientation for grades 1-4 was prepared
- On-line platform on career orientation has been designed and will be soon launched enabling provision of on line courses for teachers
- Agreements with 7 pilot regions were concluded to implement career orientation and counseling in selected schools

The Applicant under this assignment will contribute towards continuation of above mentioned work.

## 2.

### Indicative duties and responsibilities

- a) To assist the project in developing specific policies, legislation, regulations and other framework documents in the area of career orientation;
- b) To participate in the preparation of the textbooks, methodological tools and training materials for teachers
- c) Leading role in delivery of training and workshops for teachers in the area of career orientation

## 3.

### Duration of the assignment:

Up to 100 working days c.a. 1.07.2022-28.02.2023.

## 4. Maximum daily rate and information about price:

4.1. The maximum price for the service can be 190 euros per day.

4.2. The price PER DAY should be specified in EURO and rounded to two decimal places.

4.3. The price should include all costs incurred by the Contracting Authority as part of the service provided by the Applicant (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).

Виконавець:



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

## 5.

### Minimal requirements

- a) Higher education (at least bachelor level or equivalent)
- b) at least 5 years of previous experience in strategic public policy management of education and /or drafting legislation in the area of education in Ukraine
- c) at least 5 years of previous experience in co-operating with various stakeholders of Ukrainian educational system - including schools
- d) at least 1 year of experience in the career orientation implementation in Ukraine and/or career orientation policy planning in Ukraine
- e) fluency in Ukrainian. Fluency in English (at least C1).

Offers from service providers that do not meet the minimum criteria will be rejected for formal reasons.

## 6.

### Exclusions

In the procedure may participate Applicants

2.1. for which there are no exclusion grounds referred to in Art. 108 and 109 of the Public Procurement Law.

2.2 Due to the EU-wide ban on the participation of Russian economic operators in contracts and concessions awarded in the Member States of the European Union, it is prohibited to award contracts to or with the participation of:

- a) a Russian citizen or a natural or legal person, entity or body having its registered office in Russia.
- (b) a legal person, entity, or body in which ownership rights directly or indirectly more than 50 % belong to an entity referred to in point (a) of this paragraph; or
- (c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph,

including a subApplicant, supplier or entity on whose capacity one relies within the meaning of the Public Procurement Directives if they account for more than 10% of the contract value. Legal basis: the Regulation of the Council of the European Union (EU) 2022/576 amending Regulation (EU) No 833/2014 concerning restrictive measures because 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 specific

solutions for countering support for aggression against Ukraine and serving to protect national security.

## 7.

### Place(s) of Assignment

Kyiv, Ukraine; online service is possible by the end of the war in Ukraine.

## 7a.

### Reporting

The Applicant shall provide to Solidarity Fund PL:

- Invoice (with detailed timesheet);

## 8.

### Criteria for selection of the Applicant (max. 100 points)

8.1. Criterion - Applicant's experience in strategic public policy management and /or drafting legislation in the area of education in Ukraine (max. 20 points)

The score will be assigned based on the below number of points which will be awarded for meeting one of the requirements specified below:

8.1.a. more than 10 years of experience in strategic public policy management of education and /or drafting legislation in the area of education in Ukraine – 20 points

8.1.b. from over 6 to 10 years of experience in strategic public policy management of education and /or drafting legislation in the area of education in Ukraine – 10 points

8.1.c. from 5 to 6 years of experience in strategic public policy management of education and /or drafting legislation in the area of education in Ukraine – 0 points

8.1.d. less than 5 years of experience in strategic public policy management of education and /or drafting legislation in the area of education in Ukraine – rejection of the offer

8.2. Criterion - experience in co-operating with various stakeholders of Ukrainian educational system (max. 15 points)

The score will be assigned based on the below number of points which will be awarded for meeting one of the requirements specified below:

8.2.a. more than 10 years of experience in co-operating with various stakeholders of Ukrainian educational system – 15 points

8.2.b. from over 6 to 10 years of experience in co-operating with various stakeholders of Ukrainian educational system – 10 points

8.2.c. from 5 to 6 years of experience in co-operating with various stakeholders of Ukrainian educational system – 0 points

8.2.d. less than 5 years of experience in co-operating with various stakeholders of Ukrainian educational system – rejection of the offer

### 8.3. Working knowledge of Polish (max. 5 points)

The score will be assigned based on the below number of points which will be awarded for meeting one of the requirements specified below:

8.3.a. knowledge of Polish at level B2 or higher – 5 points

8.3.b. knowledge of Polish below the level B2 – 0 points

### 8.4. Criterion: price of the services

8.4.a As regards the "price of the services", a tender will be scored based on the total price for contract completion which the Applicant proposes in its tender, to be calculated according to article 4 of the Request for Service

8.4.b The score for the "price of the services" criterion will be calculated according to the below formula:

$$P = P_{min} / P_{ext} \times 60 \text{ points}$$

where:

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

$P_{ext}$  - means the price of a given tender examined

$P$  - the number of points scored by the examined tender for the "price" criterion, rounded up to the nearest whole number.

8.5. The most advantageous tender will be the one with the highest number of points scored

## 9.

### Communication between the Contracting Entity and Applicants

9.1 The person authorised to contact the Applicants is: Adam Sauer

9.2 The procedure is handled in English or Polish, electronically via the tendering platform at [platformazakupowa.pl](https://www.platformazakupowa.pl): <https://www.platformazakupowa.pl/pn/solidarityfund>

9.2.1. Tenders and statements may be submitted in English if using the English template of the Application Form.

9.3. In order to reduce the time needed to answer any questions, the communication between the Contracting Entity and the Applicants regarding:

- submission of questions for the Contracting Entity regarding the contents of these Request;
- return of replies to the Contracting Entity's requests for submission/ correction/ supplementing/ explanation of statements, evidence or other documents and statements issued within the framework of the procedure;
- return of replies to other requests of the Contracting Entity as may be stipulated in the Public Procurement Law;
- submission of other motions, information or statements of the Applicant;
- submission of appeals/others;

will be carried out using the tendering platform ([platformazakupowa.pl](http://platformazakupowa.pl)) and the form called "Send a message to buyer (wyślij wiadomość do zamawiającego)". The date of effective submission (receipt) of any statement, requests, notice or information will be the date when the same is transmitted via tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl) by clicking the "Send message to buyer" button, upon which information will appear confirming that the message has been sent to the "buyer".

9.4 The Contracting Entity will provide Applicants with information electronically via the tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl). Information concerning answers to questions, a changed specification, a tender submission / opening dates will be posted by the Contracting Entity on the tendering platform, in "Announcements" section. Correspondence which (according to the applicable regulations) is addressed to a particular Applicant will be transmitted electronically via the tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl) to that Applicant.

9.5 Being a professional actor the Applicant is required to check announcements and messages directly on the tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl) as may be published there by Contracting Entity, because the notice system may fail or a notice may be put in the SPAM folder.

9.6 the Contracting Entity specifies the necessary hardware and software requirements that enable the performance of work on the tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl), namely:

- 9.6.1. permanent access to the Internet, with guaranteed bandwidth of at least 512 kbps;
  - 9.6.1.1. a PC or MAC computer with the following configuration: min. 2 GB Ram, Intel IV 2 GHZ processor or higher, one of the following operating systems: MS Windows 7, Mac Os x 10 4, Linux, or higher versions;
  - 9.6.1.2. any web browser installed, and in the case of Internet Explorer at least version 10.0;
  - 9.6.1.3. Javascript enabled;
  - 9.6.1.4. Adobe Acrobat Reader (or other software supporting .pdf file formats) installed;
  - 9.6.1.5. [platformazakupowa.pl](http://platformazakupowa.pl) webservice encryption uses TLS 1.3 protocol;
  - 9.6.1.6. The time of receipt of data by the tendering platform will be the date and the exact time (hh:mm:ss) generated based on the local server time synchronised with the clock of the Polish Central Office of Measures (GUM).

9.6.2. By joining this Request for Service procedure, the Applicant:

- 9.6.2.1. accepts the terms of service of the tendering platform ([platformazakupowa.pl](http://platformazakupowa.pl)) which are in the *Rules and Regulations* document available on the tendering platform in the Rules and Policies section, and acknowledges them as binding;
- 9.6.2.2. knows and follows the Tender/Request Submission Instructions available under [this link](#).

9.7. The Contracting Entity is not liable for any tender submitted inconsistently with the user instructions of the tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl), in particular in the event where the Contracting Entity will read the contents of the tender before the tender submission deadline (for example, once a tender has been submitted using the "Send a message to the buyer" section). Such tender will be considered by the Contracting Entity *a commercial offer* and not included in the procedure.

9.8. The Contracting Entity hereby informs that the user instructions of the tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl) which concern, in particular but not limited to, user log in, submission of requests for clarification of the Specifications, submission of tenders and other actions as may be pursued within the framework of this procedure via the tendering platform at [platformazakupowa.pl](http://platformazakupowa.pl), can be found in "Supplier Instructions" section on the tendering platform at <https://platformazakupowa.pl/strona/45-instrukcje>

9.9. In the public contract procedure, electronic correspondence (except for the tender of the Applicant and its appendices) will be carried out electronically via a dedicated form which is available on the tendering platform. The exchange of correspondence using this form cannot be encrypted.

9.10. Applicants will submit electronic documents, statements or electronic copies of the documents or statements via the communication form in attachments.

9.11 The maximum size of files sent through the dedicated forms used for the purposes of: submission, change, withdrawal of a tender or a request, and for the communication, is 150 MB.

9.12. In the correspondence relating to this procedure, Applicants are advised to make reference to this procedure number: FSM-2022-04-03

9.13 The Contracting Entity does not allow any other methods for communication with Applicants than the electronic means of communication already referred to in these Specifications.

9.14. The Contracting Entity is not liable in the event the Applicant does not receive certain information related to the procedure upon communicating an incorrect e-mail address in the Applicant's tender.

## 10.

### Place and date for application submission and opening

10.1. Applicants will submit their applications, change or withdraw them via the tendering platform, in electronic form.

10.2. A Application Form can be signed with a qualified electronic signature, trusted signature or certified/electronic personal signature OR hand-writing signature, scanned and attached.

10.3 The Contracting Entity accepts the use of the following formats: .pdf, .doc, .xls, .jpg (.jpeg), .odt, with emphasis on .pdf. If data compression is needed, the Contracting Entity will accept .zip or .7z formats.

10.4 Formats: .rar .gif .bmp .numbers .pages are not accepted. Submission of documents using such files will be deemed ineffective.

10.5. Application encryption will be applied via the tendering platform.

10.6 Documents in a foreign language (except for English and Ukrainian) will be submitted together with their translation into Polish or English or Ukrainian.

10.7. The Applicant may change or withdraw its application via the tendering platform before the application submission deadline. The method for changing and withdrawing applications is described in the [Supplier Instructions](#) available at the tendering platform.

10.8. Applicants will not be able to effectively change or withdraw their applications after the application submission deadline.

10.9. Applications need to be submitted **by 29 June 2022, at 10:00 p.m. CET.**

10.10. The effective date of submission will be deemed to occur on such day when a application form becomes uploaded to the tendering platform by clicking on "place offer" button and uploading the files.

11.11. The Contracting Entity will reject applications submitted after the submission deadline.

11.12. Applications will be opened **at 10:05 p.m. CET on 29 June 2022.**

11.13. Applications will be opened by using a tender decryption mechanism, which is available for use by the Contracting Entity on the tendering platform, in Offers section, by executing the decryption command.

11.14. Where applications are opened using the IT system but a breakdown of that system prevents applications from being opened by the deadline, which the Contracting Entity has set, the applications will be opened immediately after such breakdown is remedied.

11.15. The Contracting Entity will notify about the change of the application opening date via the website dedicated to the procedure.

11.16. After the application submission deadline and before the application opening date, the Contracting Entity will announce via the tendering platform the amount of funding which the Contracting Entity allocates to the contract.

11.17. Immediately after application opening, the Contracting Entity will post the following information on its own website ([www.solidarityfund.pl](http://www.solidarityfund.pl)) as well as in "Announcements" section of the tendering platform:

11.18.1 business names (full names of individuals) and addresses of the Applicants who submitted applications by the deadline;

11.18.2 prices proposed in the tenders

## 11.

### TENDER EXAMINATION

11.1 During the examination and evaluation of tenders, the Contracting Entity may demand further explanations from Applicants/applicants concerning the content of their tenders.

11.2. The Contracting Entity will correct in tender:

11.2.1. obvious editorial errors,

11.2.2. obvious calculation errors, including effects of their correction,

11.2.3. other errors involving inconsistency of a tender with the Specifications but not resulting in significant change of its contents;

- with immediate notification for the Applicant/applicant whose tender has been corrected.

11.3 In the event referred to in Section 11.2.3 of the Request, the Contracting Entity will grant the Applicant an appropriate time limit to consent to such error correction of the tender or to object against it. Failure to reply within the prescribed time limit will be deemed the consent to such error correction.

11. 4. The Contracting Entity will reject a tender if:

11.4.1. submitted after the tender submission deadline;

11.4.2. submitted by a Applicant who:

a) is eligible to be excluded from the procedure, or

b) does not meet the conditions for the Participation; or

11.4.3. inconsistent with the regulations of the Law;

11.4.4. invalid according to other regulations;

11.4.5. its content does not comply with the terms of the contract;



- 11.4.6. prepared or submitted otherwise than in compliance with the technical and organisational requirements for preparation or submission of tenders via electronic means of communication, which are set out by the Contracting Entity;
- 11.4.7. submitted as a result of an unfair competition offence (referred to in Unfair Competition Act of 16 April 1993);
- 11.4.8. containing an extremely low price or cost considering the object of the contract;
- 11.4.9. submitted by a Applicant who has not been invited to tender;
- 11.4.10. containing errors in the calculation of the price or the costs;
- 11.4.11. the Applicant has objected to an error correction (referred to Article 223 (2)(3) of the Law) within a prescribed time limit;
- 11.4.12. the Applicant has not consented in writing to an extension of the tender period;
- 11.4.13. the Applicant has not consented in writing to the selection of its tender after the expiry of the tender period;
- 11.4.14 its adoption would undermine the public security or an significant national security interest that cannot be guaranteed otherwise;

## 12.

- 12.1. Information on the outcome of the procedure will be published on Solidarity Fund PL web-site (English version) [www.solidarityfund.pl](http://www.solidarityfund.pl) as well on the [www.platformazakupowa.pl](http://www.platformazakupowa.pl)
- 12.2. Please be advised that by submitting an application you agree to share the content of the application with other applicants who could submit an appropriate request to the SF PL (except for personal data, which will be anonymized and separate part of the application marked as business secret, if appropriate).

## 13.

### Personal Data Protection Obligations

- 13.1. According to Article 13 of Regulation (EU) 679/2016 of the European Parliament and of the Council of 27 April 2016 ("GDPR") as well as the Personal Data Protection Act of 25 May 2018 ("Act", Polish Official Journal: Dz.U. 2018.1000, as amended), we would like to inform that:
- 13.2. The personal data controller for the data collected subsequently to the tender procedure which is carried out under the Law of 29 January 2004 is: Solidarity Fund PL, registered office in Warsaw (ul. Mysłowicka Street, 01-612 Warszawa), hereinafter "Controller". Solidarity Fund PL based in Warsaw has appointed a person in charge of ensuring compliance with the data protection legislation, who can be contacted via email at [iod@solidarityfund.pl](mailto:iod@solidarityfund.pl)
- 13.3. The personal data is processed based on GDPR Article 6(1)(c) for the purpose related to the public procurement based on the basic procedure, pursuant to Article 275(2) of the Public Procurement Law of 11 September 2019 (Polish Official Journal: Dz.U. 2019. 2019).
- 13.4. Recipients of the personal data will be persons or entities to whom tender procedure documents will be made available based Article 18 and Article 74 of the Law of 11 September 2019.

- 13.5. The personal data collected in this tender procedure will be processed towards the objectives and the legal basis of their processing (the Law) for a period of 5 years from the end of the contract award procedure, and if the effective term of the agreement will exceed 5 years, then the data archiving period will include the entire duration of the agreement.
- 13.6. The obligation to disclose the data is a statutory requirement specified in the regulations of the Law and related to the participation in the public contract procedure. The consequences of failing to disclose the data as required will stem from the Law.
- 13.7. No decisions will be made by us with regard to the data collected by applying any automated means, according to GDPR Article 22.
- 13.8. In relation to the personal data processed in this procedure, you have the right to:
- 13.8.1. access your data (request its copy). The right can be exercised by sending an e-mail to: [iod@solidarityfund.pl](mailto:iod@solidarityfund.pl)
- 13.8.2. rectify your data (update it). Updating the data will not cause deletion of any data from before the update, as required in order to maintain the consistency of data processed by the Controller for a specific purpose. The right can be exercised by sending an e-mail to: [iod@solidarityfund.pl](mailto:iod@solidarityfund.pl)
- 13.8.3. request erasure of personal data (to be forgotten) that concerns you. This right will be exercised by the Controller insofar as it is not legally required to retain the data, and therefore process it, despite the request of a data subject to be forgotten. In such case, the legal basis for the processing will be an act of law (the Law), hence according to Article 17(3)(b) the above right does not apply.
- 13.8.4. restrict the processing of the personal data by the Controller, however subject to certain events referred to in GDPR Article 18(2).
- 13.8.5. object against the processing, by indicating a special reason. Please be informed that the above right will be implemented by the Controller only if a given action does not contradict the applicable legal regulations obliging the Controller to process the data. The above right does not apply as the legal basis for the processing is GDPR Article 6(1)(c).
- 13.8.6. move the data based on GDPR Article 20. That right does not apply as it is technically impossible to implement it.
- 13.9. The Applicant declares that it has complied with the notification obligations provided for in GDPR Article 13 or Article 14 in relation to the data of individuals whose personal data has been directly (if employees or collaborators) or indirectly (if third parties) obtained and disclosed in order to enable pursuing the public contract based on this procedure.
- 13.10. Detailed 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>.

## 14. Appeal Procedure

- 14.1. the Potential Applicant has the right to appeal against the decision to Award the Contract or against the decision of exclusion from the Procurement Procedure
- 14.2. The appeal, together with the justification, may be submitted within 2 working days of receiving information on the result of the Proceedings for the Contract conducted in the form of Request for



Service or on the decision to exclude from the procedure in the mode of II.6. of the Policy. An appeal shall be deemed to be sent in electronic form to the address provided in the Request for Service announcement.

14.3. After receiving the Appeal, the President of the Solidarity Fund PL appoints the Tender Committee in a composition other than the Committee which assessed the bids in the first place. The new Tender Committee re-evaluates the offers. The reassessment of the offers is final, and the decision made on the basis of the work of the Commission is not subject to further appeal.

Виконавець:

