

**Denmark-Copenhagen: Personnel and payroll services**

OJ S 61/2023 27/03/2023

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Ministry of Foreign Affairs of Denmark

National registration number: 43271911

Postal address: Asiatisk Plads 2

Town: Copenhagen

NUTS code: DK011 Byen København

Postal code: 1448

Country: Denmark

Contact person: Lars Finn Poulsen

E-mail: [larpou@um.dk](mailto:larpou@um.dk)**Internet address(es):**Main address: <http://um.dk/en/danida-en/>**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/1b1d65e6-952c-4cf6-a38a-e4e281bdc972/publicMaterial>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/1b1d65e6-952c-4cf6-a38a-e4e281bdc972/homepage>

Tenders or requests to participate must be submitted to the abovementioned address

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: <https://www.ethics.dk/ethics/eo#/1b1d65e6-952c-4cf6-a38a-e4e281bdc972/homepage>

**I.4. Type of the contracting authority**

Ministry or any other national or federal authority, including their regional or local subdivisions

**I.5. Main activity**

Other activity: Development assistance

**Section II: Object**

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**II.1. Scope of the procurement****II.1.1. Title**

Assistance with administration of bilateral advisers

Reference number: 2022-19639

### **II.1.2. Main CPV code**

79631000 Personnel and payroll services

### **II.1.3. Type of contract**

Services

### **II.1.4. Short description**

The procurement procedure concerns assistance with administration of bilateral advisers (Service C) directly employed by the Ministry of Foreign Affairs (MFA).

### **II.1.5. Estimated total value**

Value excluding VAT: 2 000 000,00 DKK

### **II.1.6. Information about lots**

This contract is divided into lots: no

## **II.2. Description**

### **II.2.2. Additional CPV code(s)**

63516000 Travel management services, 75211200 Foreign economic-aid-related services, 79211110 Payroll management services, 79420000 Management-related services, 79613000 Employee relocation services, 79997000 Business travel services

### **II.2.3. Place of performance**

NUTS code: DK011 Byen København

Main site or place of performance: The Consultant may be called for ad hoc meetings at the MFA in Copenhagen, with short notice.

### **II.2.4. Description of the procurement**

The Assignment concerns assistance with administration of bilateral advisers directly employed by the Ministry of Foreign Affairs (MFA, also referred to as the "Client"). For more than 40 years, the Danish Ministry of Foreign Affairs (MFA) has recruited and employed Danida advisers as part of Denmark's cooperation with developing countries. Since 2005, the MFA has outsourced the recruitment of bilateral long-term advisers to a private recruitment firm, selected through public tender for a defined period. The current contract expires in April 2023, and MFA is thus required to tender new contracts concerning recruitment of sector advisers (Service A), recruitment of bilateral advisers (Service B), and administration of bilateral advisers (Service C).

The present material has been prepared with a view to obtaining offers for future assistance for administration and management of bilateral advisers (Service C). Services A+B will be tendered as a separate framework agreement.

It is envisaged that during a 4-year period, the Consultant will manage approximately 8-10 bilateral advisers yearly on an ongoing basis. However, these numbers will vary over the years, as the number of secondments depends, inter alia, on the annual appropriations.

The purpose of the Assignment is to ensure efficient and timely administration of bilateral advisers to enable that well-qualified and competent experts are assigned to MFA's various engagements around the world. The allocation of advisers is an important instrument in implementing 'The World We Share' (MFA 2021), Denmark's strategy for development cooperation.

The objective of the Assignment is to ensure that the administration of qualified candidates for vacant posts in a professional and transparent process to enable that advisers contribute to Denmark's development goals. Advisers hold a wide range of professional backgrounds as academics, civil servants, consultants, etc. All advisers will be selected on the basis of their

personal and professional competencies in relation to the requirements described in each vacancy notice. MFA will be the appointing and deciding authority for all recruitments. It is essential for the MFA to obtain a solution that ensures a stable organisation with a high degree of continuity among the Consultant's key personnel and that the administration process supports the performance of the seconded bilateral advisers.

The Consultant shall handle all practical issues that may arise in connection with posting of seconded bilateral advisers e.g., inform the recipient organisation and the relevant Danish embassy, training, briefings, security clearance, health screening, contract, salary administration, pension, tax issues, insurance, vaccinations, application for visa, transportation, moving of goods, travel accounts, and handle possible extension of contracts. The Consultant shall, as part of the Services, ensure good ongoing cooperation with the MFA and the Danish Energy Agency (DEA) as well as with the Danish authorities and embassies involved in relation to the individual administrative processes. As there will be contracts, negotiations and ongoing processes, as well as multiple stakeholders, the Consultant must be able to provide careful, operational, flexible and strategic management of the Service with a strong intercultural understanding.

The Consultant shall administer the bilateral advisers who the MFA currently has employed as well as all future employed bilateral advisers during the Contract Period. The Consultant shall carry out all relevant and normal HR aspects.

The salary of the bilateral advisers is individual and under the tax exemption rules in the Danish Tax Law §33a (Ligningsloven: LBK no. 1735 dated 17 August 2021). The Consultant must, accordingly, administer the bilateral advisers' employment conditions in accordance with these specific rules and be familiar with taxation issues.

#### **II.2.5. Award criteria**

Criteria below

Cost criterion - Name: Price / Weighting: 30%

Cost criterion - Name: Quality / Weighting: 70%

#### **II.2.6. Estimated value**

Value excluding VAT: 2 000 000,00 DKK

#### **II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 24

This contract is subject to renewal: yes

Description of renewals:

The Agreement includes an option for a (Phase 2) with a duration of 24 months. The decision to extend the Agreement for a further 24 months will be taken during the second half of 2024.

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **II.2.11. Information about options**

Options: no

#### **II.2.13. Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds:  
no

#### **II.2.14. Additional information**

### **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions for participation**

#### **III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

In Part III.A-C of the ESPD, economic operators must answer whether they are subject to exclusion grounds.

An economic operator is excluded from the procurement procedure if the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein has been convicted by final judgement or fined within the last 5 years for any of the exclusion grounds relating to the criminal convictions listed in section 135(1) of the Danish Public Procurement Act.

An economic operator is excluded from the procurement procedure if it has unpaid overdue debt of DKK 100,000 or more to public authorities in relation to payment of taxes and payment of social security, cf. section 135(3) of the Danish Public Procurement Act. An economic operator is, however, not excluded where the economic operator has agreed on a repayment scheme with the collection authority and that scheme is observed, cf. section 135(4), or where the economic operator provides guarantee of payment of the part of the debt which constitutes DKK 100,000 or more, cf. section 135(5).

An economic operator is excluded from the procurement procedure if it is subject to any of the exclusion grounds listed in sections 136(1)(1) and 136(1)(2) of the Danish Public Procurement Act.

An economic operator is excluded from the procurement procedure if it within the last 3 years has been subject to any of the exclusion grounds listed in sections 136(1)(3-4) and 137(1)(2) of the Danish Public Procurement Act.

An economic operator is not required to answer whether it is subject to purely national exclusion grounds, cf. Part III.D of the ESPD.

An economic operator is excluded from the procurement procedure if the economic operator is established in a country which is entered on the EU list of non-cooperative jurisdictions for tax purposes and which has not adopted the Government Procurement Agreement (GPA) or other trade agreements that oblige Denmark to open its market for public contracts for tenderers established in the country in question, cf. section 134 a of the Danish Public Procurement Act.

The contracting authority can accept the following documentation in relation to the exclusion grounds in sections 135(1), 135(3) and 137(1)(2) of the Danish Public Procurement Act (in order of priority):

(1) Extracts from the relevant register or similar documents issued by a competent judicial or administrative authority or certificates issued by the competent authority in the country referred to as documentation that the tenderer is not subject to the grounds for exclusion stipulated in sections 135(1), 135(3) and 137(1)(2);

(2) A declaration on oath (only if such extracts, certificates or similar documents are not issued in the country where the economic operator is established, or where the documentation does not cover all the grounds for exclusion stipulated in sections 135(1), 135(3) and 137(1)(2) entirely);

(3) A solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country where the economic operator is established (only if there is no provision for declarations on oath in the country where the economic operator is established). Thus, the contracting authority cannot accept e.g. a solemn declaration made before a notary if there can be issued a certificate by the competent authority in the country where the economic operator is established. Moreover, the contracting authority cannot accept self-

declarations or similar declarations issued by the economic operator or the person concerned as documentation in relation to the exclusion grounds.

Economic operators can identify the relevant documentation using the online platform e-Certis: <https://ec.europa.eu/tools/ecertis>

Economic operators are encouraged to submit all necessary documentation as early as possible.

### **III.1.2. Economic and financial standing**

List and brief description of selection criteria:

In Part IV.B of the ESPD, the economic operator must fill in its average yearly turnover for the last 2 financial years available (where the economic operator can present annual reports).

If the economic operator consists of a group of economic operators (e.g. a consortia or joint venture) or if the economic operator relies on the capacity of other entities, each involved economic operator or entity must submit a completed ESPD.

When an economic operator is participating in the procurement procedure together with others (e.g. a consortia or joint venture) or if the economic operator relies on the economic and financial standing of other entities, the participating economic operators or the entities referred to are subject to joint and several liability for the performance of the contract.

The contracting authority can accept annual reports or excerpts hereof or relevant statements from a bank or certified accountant as documentation in relation to the economic and financial standing.

When an economic operator is participating in the procurement procedure together with others or when an economic operator relies on the economic and financial standing of other entities, the economic operator must also provide statements of support or other documentation proving that the economic operator has access to the necessary economic and financial standing. The statements of support must establish a legal obligation for the party concerned and state that the involved economic operators or entities are subject to joint and several liability for the performance of the contract.

Economic operators are encouraged to submit all necessary documentation as early as possible.

Minimum level(s) of standards possibly required:

The economic operator is required to have an average yearly turnover of minimum DKK 4.000.000 for the last 2 financial years available.

When the economic operator is participating in the procurement procedure together with others (e.g. a consortia or joint venture) or if the economic operator relies on the capacity of other entities, it is required that the participating economic operators or the economic operator and the entities referred to altogether meet the selection criteria.

### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

In Part IV.C of the ESPD, the economic operator must fill in a list of maximum 5 contracts entered into, ongoing or finalized within the last 3 years.

The number of performed contracts is determined based on all submitted ESPDs (i.e. from all involved economic operators in a group of economic operators and/or other supporting entities).

If an economic operator has listed more than 5 contracts, the contracting authority will only read and assess the 5 most recent contracts listed (first based on end date, and then based on start date).

Each listed contract should include the following information:

- (1) a description of the contract (nature and quantity of services from the economic operator and how they compare to the description of this procurement),
- (2) amount (remuneration received by the economic operator for the performance of the services),
- (3) start date (date of conclusion of the contract),
- (4) end date (date of completion of services), and
- (5) recipient (name and contact information).

If the economic operator consists of a group of economic operators (e.g. a consortia or joint venture) or if the economic operator relies on the capacity of other entities, each involved economic operator or entity must submit a completed ESPD.

When an economic operator is participating in the procurement procedure together with others (e.g. a consortia or joint venture) or if the economic operator relies on the technical and professional abilities of other entities, the specific parts of the contract must be performed by the economic operators or entities with the required technical and professional abilities.

When an economic operator is formed by a group of economic operators or relies on the technical and professional abilities of other entities, the economic operator must also provide statements of support or other documentation proving that the economic operator has access to the necessary technical and professional abilities. The statements of support must establish a legal obligation for the party concerned and state the parts of the contract to be performed by the party concerned.

The contracting authority reserves the right to contact the recipients of services or require statements from the recipients, confirming that the economic operator has performed the listed contracts, as documentation in relation to the technical and professional ability.

Economic operators are encouraged to submit all necessary documentation as early as possible.

Minimum level(s) of standards possibly required:

The economic operator is required to have performed (entered into, ongoing or finalized) minimum one (1) contract within the field of administration of posted staff for clients comparable to the Ministry of Foreign Affairs of Denmark (e.g. a European institution/agency or international organisation) within the last 3 years.

When the economic operator is participating in the procurement procedure together with others (e.g. a consortia or joint venture) or if the economic operator relies on the capacity of other entities, it is required that the participating economic operators or the economic operator and the entities referred to altogether meet the selection criteria.

### **III.2. Conditions related to the contract**

#### **III.2.2. Contract performance conditions**

The winning tenderer is to perform the contract in compliance with the Danida Anti-Corruption Policy and the principles of the UN Global Compact.

Economic operators can find more information on:

<http://um.dk/en/danida-en/about-danida/Danida-transparency/anti-corruption/>

<https://www.unglobalcompact.org/what-is-gc/mission/principles>

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## **Section IV: Procedure**

### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Open procedure

#### **IV.1.3. Information about a framework agreement or a dynamic purchasing system**

#### **IV.1.8. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

#### **IV.2. Administrative information**

#### **IV.2.2. Time limit for receipt of tenders or requests to participate**

Date: 25/04/2023 Local time: 14:00

#### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

#### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English

#### **IV.2.6. Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 6 (from the date stated for receipt of tender)

#### **IV.2.7. Conditions for opening of tenders**

Date: 25/04/2023 Local time: 14:01

Information about authorised persons and opening procedure: Economic operators will not be allowed to witness the opening of tenders.

### **Section VI: Complementary information**

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#### **VI.1. Information about recurrence**

This is a recurrent procurement: no

#### **VI.2. Information about electronic workflows**

Electronic invoicing will be accepted

Electronic payment will be used

#### **VI.3. Additional information**

The tender procedure is governed by Danish law and the rules applicable hereunder.

An English translation of the Danish Public Procurement Act is available on: <https://www.kfst.dk/media/54435/the-public-procurement-act.pdf>

Access to the procurement procedure requires online registration.

Guidance (in Danish and English) on the use of the tendering system can be found at:

<https://mercell.atlassian.net/servicedesk/customer/portal/3/article/177996038?src=1869524006>

Local time in section IV is according to Central European Time (CET) in Denmark.

Economic operators may only submit one application or tender.

Economic operators must submit a European Single Procurement Document (ESPD) as preliminary evidence that the economic operator is not subject to exclusion grounds and that the economic operator fulfils the requirements for economic and financial standing and technical and professional ability.

When the economic operator is participating together with others or if the economic operator relies on the capacity of other entities, each participating economic operator must provide a separate ESPD.

In the tender, economic operators must submit a completed and signed statement regarding Article 5k(1) of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Council Regulation (EU) No 2022/1269 of 21 July 2022. The contract cannot be awarded to a

tenderer subject to Article 5k(1) of Council Regulation (EU) No 833/2014 of 31 July 2014, as amended by Council Regulation (EU) No 2022/1269 of 21 July 2022.

Before the contracting authority decides to award the contract, the tenderer, which the contracting authority intends to award the contract to, must present documentation of the information provided in the ESPD.

If an economic operator is entered on an official list of approved economic operators or has an equivalent certificate (e.g. under a national (pre)qualification system), the economic operator may refer to the list in question or present a certificate issued by the competent authority instead of documentation of the information provided in the ESPD.

When an economic operator is participating in the procurement procedure together with others, the economic operator must present a joint statement from all the participating economic operators which identifies the member of the group who can act as an agent on behalf of the group with mandate to establish a legal obligation on behalf of the group in relation to the contracting authority.

Prior to the signing of the contract, the tenderer, which the contracting authority has awarded the contract to, must present statements of availability from all non-permanent staff (e.g. project specific consultants or freelance consultants).

This contract has not been divided into lots, cf. section II.1.6), due to market and economic considerations, and the contracting authority has tendered a framework agreement regarding recruitment of sector advisers and bilateral advisers (Services A+B) in a separate procurement procedure.

Economic operators will not receive remuneration for their participation in the procedure.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: Klagenævnet for Udbud

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: [klfu@naevneneshus.dk](mailto:klfu@naevneneshus.dk)

Telephone: +45 72405600

Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

##### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

Actions regarding the procedure (e.g. decisions regarding award of contract) must be submitted within 45 calendar days from the day after the publication of a contract award notice in the Official Journal of the EU.

Complaint guidelines (in English) can be found at: <https://naevneneshus.dk/media/9802/complaintguidelines.pdf>

##### **VI.4.4. Service from which information about the review procedure may be obtained**

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

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

Telephone: +45 41715000

Internet address: [www.kfst.dk](http://www.kfst.dk)

**VI.5. Date of dispatch of this notice**

22/03/2023