



TENDER SPECIFICATIONS

External expertise for the project “FELM” - Better Functioning of the European Construction Labour Market

(Project ref. VS/2021/0011)



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1 Introduction

1.1 FIEC

Created in 1905, FIEC is the European Construction Industry Federation, representing via its 33 national Member Federations in 29 countries (25 EU, Switzerland, Norway, Ukraine and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as 'global players', carrying out all forms of building and civil engineering activities. It represents the employers in the EU sectoral social dialogue for the construction industry.

1.2 EFBWW

The European Federation of Building and Wood Workers (EFBWW) is the European Industry Federation that represents the workers in the construction industry, the building materials industry, the wood and furniture industry and the forestry industry. The EFBWW has 76 affiliated unions in 34 countries and represents a total of 2.000.000 members. It represents the workers in the EU sectoral social dialogue for the construction industry.

1.3 The objectives of the project

The main objective of the project is to assess European labour market challenges linked to the increased number of third country national companies and workers on the European labour market of the construction industry. The construction social partners need more insight to determine if they want to engage in joint actions and to see which additional compliance and/or policy measures are required at national and/or European level.

The project will have a twofold focus on:

- The businesses' challenges
- The workers' challenges

The project should produce a broad and detailed picture on how third country companies and workers access the European labour market. Therefore, the project will also focus on Public Procurement tendering, migration practices, and posting practices. Within the existing EU legislative framework, several legal instruments will be assessed. Examples are: the Public Procurement Directive 2014/24/EU, the Posting of Workers Directives 2014/67 and 2018/957, the migration of non-EU workers such as the Intra corporate Transferees Directive 2014/66/EU and the Employers Sanctions Directive 2009/52/EC and the seasonal workers Directive 2014/36/EU.

The project will conduct a study based on desk-top research, direct interviews, and a fact-finding mission. The available information will be completed with several case studies.

The project should result in possible joint social partner recommendations on how to improve the functioning of the European construction market in line with the Multiannual work program of the European social partners of the construction industry (See annex 1).

This project was launched in the framework of the EU sectoral Social Dialogue and is co-financed by the European Commission (DG EMPL) (See annex 2 – project description).



2 Tasks of the external expert(s)

The tasks for the external experts can either be conducted by a single expert or by two experts in which case one expert will focus on the business challenges while the other will focus on the workers' challenges. In the latter case, the two experts will have to work in close cooperation throughout the whole project.

More specifically, the expert(s) will undertake the following tasks:

(1) STUDY

- Draw up an empirical study on how many non-EU construction companies are currently active on the European construction market and analysing and describing how they have access to the EU construction market. The data will be broken down by country of destination, country of origin, construction activity and contract type where possible.
- Draw up an empirical study on how many non-EU construction workers are currently employed in the EU. These data, too, will be broken down further.
- Make a critical analysis of the European legal framework and, where necessary, of the national legislative, administrative and practical framework allowing the employment of third country workers.
- Formulate recommendations to tackle the problems observed at European level, with due respect to the national industrial relations systems and their autonomy.

(2) SPECIFIC CASE STUDIES

- Draw up six case studies covering non-EU companies working in the European construction sector, non-EU workers employed in the European construction sector, and non-EU workers posted from one EU country to another EU country.

(3) INTERNAL DISCUSSIONS AND EVENTS

- Assist the project management and the steering group with the organisation and implementation of two European seminars:
 - a. A seminar for the EFBWW and FIEC affiliates only with the aim to discuss, amend and approve the findings and the potential recommendations drawn up by the expert(s).
 - b. A seminar with a wider target audience, including other European employers' and workers' federations, European policymakers, the ETUC and Business Europe, and experts, to present and discuss the findings and the proposed actions.



(4) POSSIBLE CONCLUSIONS AND RECOMMENDATIONS

- Assist the project management and the steering group with the drafting, revising, and presentation of the possible joint social partner conclusions and recommendations at all stages of the project implementation.

All tasks of the expert(s) will be undertaken in close cooperation and under the supervision of the project management and the steering group consisting of representatives of the affiliates of FIEC and EFBWW.

3 Time schedule

The project will last 24 months starting on 1/6/2021. All the tasks foreseen have to be undertaken within this time schedule.

4 Contract

A contract between EFBWW and the selected service provider will be signed and will take into consideration the financial regulations of the European Commission.

The selected service provider must not conclude any subcontract without the written prior consent of the EFBWW. Any such subcontract must contain “back to back” obligations as well as the interdiction of further sub-contracting. EFBWW will submit to the selected service provider a draft contract, which includes “back to back” obligations from the Grant Agreement signed between the European Commission and EFBWW, also in the relationships service provider-subcontractors.

5 Payments

The payments to the selected service provider will be made by the EFBWW according to the following instalments :

- 30% at the signature of the contract
- 20% after the first seminar
- 20% after the second seminar
- 30% after finalisation of the final report.

Payments shall be made based on detailed invoices, once the tasks have been performed and the results of the work have been accepted by FIEC, the EFBWW, and the European Commission.



6 Selection criteria

The service provider will be selected on the basis of the following criteria (as mentioned in the public procurement directive 2014/24/EU, Article 58):

- a) suitability to pursue the professional activity;
- b) economic and financial standing;
- c) technical and professional ability.

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

7 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. Price (30%)
- 2. Expertise in labour market issues related to third country companies and workers and the construction labour market (30%)
- 3. Experience with similar projects (20%)
- 4. Previous working experience with the social partners of the construction industry (10%)
- 5. Language (EN) and communication skills (10%).

Considering that this project is co-financed by the European Commission, it will not be possible to award the contract to a bidder whose tender exceeds the amount approved by the European Commission for this task, i.e., 52,500 Euros.

Note: the travel and accommodation costs for the expert(s) for participating in the Steering Group meetings, in the seminars, in the final conference and in the possible face to face interviews will be reimbursed to the selected service provider by EFBWW separately (within the limits of the European Commission's rules) on the basis of original proofs of expenses provided to the EFBWW/FIEC. Such costs should therefore NOT be taken into account in the price submitted to this call for tenders.

8 Content of the tenders

All interested parties must at least present the following requirements:

- a) the proposed structure and methodology for achieving the objectives of the project and the tasks foreseen;
- b) the detailed offer/prices;
- c) a *curriculum vitae* of the person(s) involved;
- d) examples of similar initiatives undertaken.

Tenderers can present suggestions/proposals/innovative solutions for achieving the goals of the project.

The content of the tender presented must correspond to the specifications indicated in the award criteria here above (points 1 to 5).



9 Evaluation procedure

The economically most advantageous tender will be identified by the assessment of each award criterion on a scale between 0 and 10 (10 being the top score). These results will then be added using the relative weight of each criteria as indicated in % in item 7 here above.

10 Submission of tenders

Interested parties should send their bid:

a) either by registered mail posted **no later than Tuesday 31st August 2021** (date as postmark), to the following address:

**EFBWW
f.a.o. Thilo Janssen
Rue Royale 45/1
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 4 p.m. on Tuesday 31st August 2021** to the same address.

c) or via electronic mail to tjanssen@efbww.eu, **not later than 4 p.m. on Tuesday 31st August 2021**.

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, the EFBWW secretariat will sign a receipt stamped on the date of reception, which will serve as proof of delivery.

11 Additional information

Any request for additional information must be sent in writing to EFBWW at the following address:

• fleus@efbww.eu

or

• EFBWW, Rue Royale 45/1, 1000 Brussels, Belgium

The response(s) will be sent to all tenderers by electronic mail at the same time.

