



The StuNed Scholarship Programmes

Tailor-Made Training (STUNED –TMT)

## 1. TENDER GUIDELINE

including

Rules for submitting a Proposal

Training number:	StuNedV/TMT 149
Training course title:	<b>Strengthening legal certainty and accountability on law enforcement in public procurement</b>
Deadline for submission Proposal:	31 <sup>st</sup> August 2021

## **1. Introduction**

The StuNed Scholarship Programme (StuNed) is demand-oriented scholarship programmes designed to foster organisational development. The StuNed is funded by the Netherlands embassy in Jakarta from the budget for bilateral development cooperation. The overall aim of the StuNed is to help alleviate qualitative and quantitative shortages of skilled manpower and to do so within the framework of sustainable capacity-building, directed towards reducing poverty in developing countries.

The StuNed -programme of tailor-made training modality aims to enhance the overall functioning of organisations by training groups of their staff members. In response to a request from a requesting organisation (RO), a tailor-made training course is designed to meet specific needs which the RO has identified by submitting an Expression of Interest (EoI). The programme enables staff to acquire specific know-how and skills.

Training providers interested in implementing the requested training course submit a proposal. In developing the proposal, the training provider is advised to have contact with RO.

Based on the information provided in the EoI, a Tender Evaluation Committee (TEC) will determine which proposal best matches the demand for training described in the EoI. Nuffic Neso Indonesia will base its decision to award the contract for the training course on the advice of the TEC.

## 2. Basic data

Title of the tailor-made training:	<i>Strengthening legal certainty and accountability on law enforcement in public procurement</i>
Requesting Organisation :	<i>National Public Procurement Agency or Lembaga Kebijakan Pengadaan Pemerintah (LKPP)</i>
Maximum budget:	<i>€ 50,000</i>
Language requested:	<i>English</i>
Training type:	<i>online</i>

### Brief description of the content of the training:

*LKPP is a national public procurement agency with main obligation is to develop strategic policies on public procurement, including to develop human resource and to provide legal assistance.*

*Public participation in overseeing procurement has been increasing. This positive trend is supported by the transparency driven by LKPP's electronic procurement system. However, because of a lack of understanding of the problems and regulations, some civil society organisations (CSOs) may wrongly criticise the procurement processes.*

*LKPP wants to ensure that the process of government spending can be conducted transparently and accountably but without creating unnecessary fear. Since LKPP is affected by the problems, they propose a tailor-made training in the Netherlands with the following gained knowlegde:*

- the conceptual demarcation on when and how an action can be responsible under the criminal law, private law, or administrative law;*
- handling the effective alternative dispute resolution in public procurement;*
- how the Netherlands develop and protect their procurement system through*

*To sustain the training result, LKPP would like to:*

- Provide a road map to adjust the lesson learned to be effectively operationalised in Indonesia*
- Develop effective administrative and judicial remedies in public procurement to prevent and recover the loss of public money, including to ensure asset recovery.*

The complete Expression of Interest (Eoi) written by the Requesting Organisation can be found in the tender document.

The amount indicated as the maximum possible budget is meant to cover expenses incurred by both partners: training provider and Requesting Organisation. However, both partners are also free to make their own additional contributions to the training.

### **3. Rules and criteria for Proposal**

This paragraph sets out the rules and criteria for the submission and the evaluation of the proposals.

#### **3.1. Criteria for submitting a proposal**

##### **3.1.1 Eligible Training Providers**

Dutch training providers operating in either the public or the private sector on either a profit-making or non-profit basis are invited to submit a proposal. These providers must meet the following criteria:

- be registered with the Netherlands Chamber of Commerce and/or the appropriate professional association and have its headquarters or a branch within the Netherlands;
- propose that it will be directly responsible for the preparation and management of the training, and not be acting as an intermediary;
- be financially sound to ensure continuity throughout the training;
- be experienced and able to show that the organisation has the capacity needed to manage an activity on the scale of the training course for which the tender is being submitted.

##### **3.1.2 Ineligible Training Providers**

Training providers are ineligible if they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended activities, or are involved in any other legal procedure of this type.

##### **3.1.3 Consortia**

A Dutch lead training provider may submit a letter of Interest either on its own or in a consortium with one or more consortium partner (sub-contractors). Consortium partners must meet the same eligibility criteria as the lead Dutch training provider. There are no restrictions on country of origin of the other consortium partners.

The members of the consortium have to sign and submit a consortium agreement, in which the tasks, responsibilities and legal obligations of the Dutch training provider and its consortium partners are defined. The Dutch training provider bears full responsibility for the contract and all training activities carried out by the consortium.

Once the deadline for submitting a proposal has passed, no more changes may be made to the composition of the consortium. **Members of a consortium may not submit an additional proposal, either on their own or as a member of another consortium. This is the principle of 'one bidder, one bid'.**

##### **3.1.4 Eligible training**

There is a limit on the size of the grant which Nuffic Neso Indonesia will award. The maximum amount is Euro 50,000. Additional resources funded from other sources may be added to the training.

Tailor made training is of a relatively short duration. Training should be implement in November 2021.

#### **3.2. Submission procedure for a proposal**

##### **3.2.1 Responding to a call for proposals**

Before the deadline indicated in the publication, providers submit their proposal along with the documentation stipulated in the tender guidelines.

##### **3.2.2 Proposals and supporting documents**

Proposal must be submitted using the prescribed format of StuNed proposal. The following supporting documents should accompany the LOI. If they are missing, the tender will not be considered. The documents that absolutely must be included are:

- documented proof that the provider is registered with the Chamber of Commerce and/or the appropriate professional association;
- the provider's most recent annual financial statements together with the auditor's report;
- in the case of a consortium: a signed and dated consortium agreement, specifying the tasks, responsibilities, and legal obligations of the tendering organisation and the partners in the consortium, indicating clearly which member is the lead organisation and thus bears responsibility for the contract.

### 3.2.3 Further information

Up to ten days before the deadline for submitting the proposal, Nuffic Neso Indonesia will answer questions about the tender. These questions, indicating clearly that they refer to the call for proposals, can be sent to either of the following:

E-mail: [tmt\\_stuned@nesoindonesia.or.id](mailto:tmt_stuned@nesoindonesia.or.id)

Answers that might be helpful to other providers will be sent to them as well, anonymously.

### 3.2.4 Submitting the proposal

Providers should submit by email their proposal and supporting documents in **pdf file** to:

E-mail: [tmt\\_stuned@nesoindonesia.or.id](mailto:tmt_stuned@nesoindonesia.or.id)

### 3.3.5 Acknowledgement of receipt

All providers will receive an acknowledgment of receipt of their proposal.

## **3.3. Evaluation of Proposals**

### 3.3.1 Examination of administrative compliance

Nuffic Neso Indonesia examines the proposals to make sure they meet the administrative requirements:

- The proposal contains all the mandatory supporting documents. If any are missing, the proposal will not be considered.
- The proposal was received on time.
- The proposal has been written in English.

### 3.3.2 Information regarding decisions

Providers will be informed in writing of all decisions made regarding their proposal. The decision to reject a proposal will be based on one or more of the following criteria:

- The proposal was received after the deadline.
- The proposal is incomplete or otherwise fails to comply with the administrative requirements.
- The provider or one or more of its consortium partners is ineligible.
- The provider's organisational capacity is inadequate.
- The proposal is ineligible.
- The provider failed to attain the minimum score required to qualify.
- The provider submitted more than one proposal. This applies to all consortium partners.
- The proposal received a lower score than one or more competing proposals.

Nuffic Neso Indonesia's decision to reject a proposal is final. No appeal is possible.

### 3.3.3 Tender Evaluation Committee

Proposals that meet the administrative requirements will be evaluated by a Tender Evaluation Committee (TEC), which is consisted representative of Nuffic Neso Indonesia and Requesting Organisation.

As soon as possible after receiving the proposals, Nuffic Neso Indonesia forwards the copies of all of the proposals that meet the formal requirements, together with the score sheet for the set of proposals in question. Incomplete proposals are not sent to the TEC members, although they are informed of the submission.

### 3.3.4 Assessment of the proposals

The proposals are assessed in terms of both technical quality and price. Nuffic Neso Indonesia's score sheet and set of criteria are used to help the TEC to determine which training proposal best matches the demand for training. Each committee member makes his or her own independent assessment, in the following area:

- Purpose and Relevance
- Implementation
- Sustainability
- Proposed budget

Each provider is given a score for each of these criteria. A provider must obtain a minimum average (of the TEC members) score of 60, otherwise its proposal will not be considered. The scores on the individual TEC-member score sheets are added together to give a final score.

### 3.3.5. Financial round

The budget of the winning proposal will be reviewed before the grant is awarded.

### 3.4. **Timeframe**

Steps	Date:
1. Starting the Call for proposals	July 2021
2. Nuffic Neso Indonesia will answer questions until	20 August 2021
3. Closing date for submission of proposals	31 <sup>st</sup> August 2021
4. Assessment of proposals by the TEC	First to second week of September 2021
5. Financial round of the winning proposal	Third to fourth week of September 2021
6. Grant awarded by Nuffic Neso Indonesia	Early October 2021
7. Training implementation	November 2021

## 4. Glossary

RO	Requesting Organisation, means the organisation from Indonesia that applies for a tailor-made training.
Call for Tenders	A Dutch organisation has to be selected to provide the training formulated in the Expression of Interest (Eol). This is done through a public tender procedure which begins with a published notice or call for tenders.
Consortium	If two or more organisations wish to submit a joint training proposal in response to a call for tenders, they form a consortium and sign an agreement in which the roles, responsibilities and legal obligations of each partner are clearly indicated. One of the partners acts as the lead organisation. The lead organisation which must be a Dutch organisation bears full responsibility for the contract and will act as the contract partner.
Demand	The demand is articulated by the requesting organisation, in the format of Eol.
Scholarship	Nuffic Neso Indonesia awards StuNed scholarships to the staff members of the requesting organisation who will take part in the training.
Eol	An eligible requesting organisation writes an Eol indicating its training needs. This Eol becomes the basis for the call for tenders.
Logical framework	The Logical Framework is a tool for helping those who prepare and implement tailor-made training to better structure and formulate their ideas and to present them in a clear, standardized way. Using indicators, the framework describes the training objectives, activities, outputs and expected results in measurable terms. This document is a useful companion to the budget and facilitates planning, monitoring and evaluation.
Training proposal	This proposal explains how the provider will implement the training, based on the Eol and communication with the contact person of RO.
Training Provider	The Dutch organisation(s) acting on its/their own or leading a consortium that submit a proposal are offering to provide a particular service for a particular price. They can therefore be called providers.
Tender	Dutch organisations who would like to conduct a particular course of tailor-made training submit a tender to Nuffic Neso Indonesia. This includes a training proposal and an indication of the price the organisation would charge for its services.
TEC	The Tender Evaluation Committee (TEC) consists of a Nuffic-Neso Indonesia programme officer and a representative of the RO. The TEC evaluates all proposals submitted by providers seeking to conduct a particular course of training.
Tender procedure	The procedure begins with the call for tenders. It continues with the selection of proposals and ends with the selection of a winning proposal by the Tender Evaluation Committee.