



This project is funded by the European Union

## Breaking the Silence:

Enhancing the whistleblowing policies and culture in Western Balkans and Moldova



REGIONAL ANTI-CORRUPTION INITIATIVE

### TENDER ANNOUNCEMENT

Tender Title:	The development of the content of public legal education on-line tool on whistleblowing
Duty Station:	Home-based
Eligibility:	Legal entities <sup>1</sup>
Language:	English
Contract type:	Framework Agreement
Contract Maximum Value:	16,000EUR
Application deadline:	February 28, 2022 (23.59 CET)
Starting date:	ASAP (not later than April 1, 2022)
Ending date:	June 30, 2022
Applications to be submitted to	<a href="mailto:vacancy@rai-see.org">vacancy@rai-see.org</a> (please indicate the position you are applying for in the email subject line)

#### 1. BACKGROUND AND JUSTIFICATION

Regional Anti-corruption Initiative (RAI) is an intergovernmental regional organization comprised of nine member countries from South East Europe (SEE): Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, North Macedonia, Romania and Serbia; and the observers: Poland, Georgia and Slovenia. Kosovo\* institutions are the beneficiary of RAI activities.

RAI's mission is to lead regional cooperation to support anticorruption efforts by providing a common platform for discussions through sharing knowledge and best practices. RAI acts as a regional hub through which governments of the region combine their efforts to help curb corruption in the SEE.

In April 2020, RAI Secretariat commenced implementation of the 3-year regional program titled '*Breaking the Silence: Enhancing the whistleblowing policies and culture in Western Balkans and Moldova*', funded by European Union (hereafter: the regional project). The project implementation period is April 2020 – March 2023. An overarching purpose of the project is to help RAI partners in the government and non-governmental sector to: 1. improve the disclosure channels and protection mechanisms for whistleblowers, by strengthening the legislative framework and institutional arrangements, 2. strengthen the capacity of civil society to support whistleblowing through public policy advocacy, public education, legal aid and other support to whistleblowers, and 3. enhance the public awareness, especially of youth, about the importance of whistleblowing in the fight against corruption and educate the public about

<sup>1</sup> Legal entities in accordance with the Nationality rule of PRAG.

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration on Independence

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whistleblower protection mechanisms. The following jurisdictions are beneficiaries of the regional project: Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia and Serbia.

In September 2021, RAI Secretariat released the [Gap Analysis of Whistleblower Protection Laws in the Western Balkans and Moldova](#) (hereinafter: Gap Analysis), which assessed the level of compliance of whistleblower protection laws in Project beneficiary jurisdictions with the [EU Directive on Whistleblower Protection](#) and [Council of Europe Recommendation on Whistleblower Protection](#).

As reflected in the Gap Analysis, both EU and CoE instruments, clearly stipulate that for whistleblower protection laws to make a difference, whistleblowers should be able to obtain information and advice on how to use their rights effectively and avoid inadvertently incurring liability or losing protection, because they do not understand laws' provisions and boundaries. To that end, RAI Secretariat in coordination with public institutions will develop an online tool for public legal education on whistleblower reporting channels and protection mechanism (hereinafter: PLE on-line tool), adapted to the whistleblowing legislative and institutional framework of each beneficiary jurisdiction. The PLE on-line tool will be made available in the languages of Project beneficiary jurisdictions to enable an increased reach to the citizens and potential whistleblowers.

Prior to the development of the PLE on-line tool, as a prerequisite, the Online Learning Management Solution (LMS) platform will be established by the RAI Secretariat. The PLE on-line tool will be made available to the public via the LMS platform on the RAI's web site, The development, publishing and distribution of the tool will enable multiplied and long-standing effects of the Project.

## **2. ASSIGNMENT**

Under this Framework Agreement, the contractor will provide expert support to RAI Secretariat in the development of the content of the PLE on-line tool. The PLE on-line tool will raise awareness about the whistleblower protection laws in Project beneficiary jurisdictions and help the public understand their rights and how the legal system works. In a simple and user-friendly manner, the PLE on-line tool will inform the public on:

1. the scope of whistleblower protection law of each Project beneficiary jurisdiction: Albania, Bosnia and Herzegovina, Kosovo\*, Moldova, Montenegro, North Macedonia, and Serbia: the type of wrongdoing that can be reported, who can file a whistleblower report, who is entitled to protection and similar;
2. whistleblower reporting channels in each beneficiary jurisdiction (internal, external, public), authorized internal and external bodies (with contact information) and persons responsible to handle whistleblower reports (where available);
3. the reporting procedure and requirements in each beneficiary jurisdiction (including forms and instructions where available);
4. the retaliation protection mechanisms and legal remedies in each beneficiary jurisdiction (responsible public institution(s) to provide protection from retaliation and decide upon a legal remedy, including the procedure and forms where available);
5. public institutions and/or CSOs which can provide legal assistance and other support to whistleblowers in each beneficiary jurisdiction, with contact information;
6. available resources (e.g. available on-line public information and education material on whistleblower protection) and other relevant information per whistleblower protection law of each beneficiary jurisdiction.

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### **Tasks and Deliverables:**

The contractor will perform and deliver the following:

1. Develop the PLE on-line tool content outline, including a brief description of each content section, to guide the drafting of standardized and individualized content of PLE on whistleblowing and whistleblower protection for each beneficiary jurisdiction, adapted to their legislative and institutional framework. The content outline will be developed in English language, based on consultations and approval by the RAI Secretariat. It should also include initial input for graphic designers on format and appearance of the tool.
2. Draft the individualized content of the PLE on whistleblowing and whistleblower protection for each Project beneficiary jurisdiction, in English language and the language of the Project beneficiary jurisdiction. The content of the PLE on whistleblowing and whistleblower protection for each Project beneficiary jurisdiction will be drafted based on the agreed upon standardized content outline (see item 2 above), research and analysis of relevant legislation (laws and bylaws) and relevant public information and education material, the required level of consultations with RAI Secretariat, public institutions and CSOs, and similar.
3. Provide necessary support to the expert team responsible for the LMS platform to transform the content of PLE on whistleblowing and whistleblower protection into a PLE on-line tool and align it with the requirements of the tool. The support will include, but is not limited to, advice on the best format for the presentation of various sections of the content of the PLE on whistleblowing and whistleblower protection and review of the content of the PLE on-line tool for accuracy and quality assurance purposes.
4. Midterm and final report on tasks performed and produced deliverables, along with description of challenges and suggestions how to overcome them, including through follow on activities.

### **Intellectual Property**

All work products under this assignment will be considered 'work made for hire' and consequently all intellectual property, including, without limitation, copyrights, patents, trade secret rights associated with any ideas, concepts, techniques, processes and works of authorship belong to RAI Secretariat.

### **3. SUPERVISION, REPORTING AND QUALITY CONTROL**

The Contractor will operate under the general supervision of the Head of RAI Secretariat and the immediate supervision of the Project Manager – Anticorruption Expert. The Contractor is expected to closely cooperate with the Project Officer, Chief Programme and Communications Officer, as well as Chief Finance and Operations Officer during the implementation of assignment.

All deliverables should be submitted to the Project Manager – Anticorruption Expert. The deliverables should be written in a concise and user-friendly language. Deliverables must be gender mainstreamed.

Proposed team members shall be engaged throughout the project implementation, and the Contractor cannot replace them, without RAI Secretariat's written approval.

The Contractor should ensure an internal quality control during the implementing of assignment. The quality control should ensure that the deliverables comply with the above requirements and meet adequate quality standards before sending them to RAI Secretariat. The quality control should ensure consistency and coherence throughout deliverables. It should also ensure that findings reported are duly substantiated and that solutions are supported by relevant judgment criteria.

#### 4. ACTIVITIES AND TIMEFRAME

The assignment will be performed during the period of 1 April 2022 – 30 June 2022.

Activity	End date/estimate
1. The development of the PLE on-line tool content outline, including a brief description of each content section, to guide the drafting of standardized and individualized content of PLE on whistleblowing and whistleblower protection for each Project beneficiary jurisdiction, in English language;	April 15, 2022
2. The development of the individualized (standardized) content of the PLE on whistleblowing and whistleblower protection for each Project beneficiary jurisdiction, in English language and the language of the Project beneficiary jurisdiction;	May 31, 2022
3. The provision of support to the expert team responsible for the LMS platform to transform the content of PLE on whistleblowing and whistleblower protection into a PLE on-line tool;	June 30, 2022
4. Preparation and submission of mid-term and final reports to the RAI Secretariat in English language.	May/June 2022 TBD

#### 5. BUDGET AND OTHER ARRANGEMENTS

The maximum value of the Framework Agreement is EUR 16.000<sup>2</sup>.

The contractor shall be responsible for all expenses related to delivery of the assignment, including, but not limited to: professional fees, travel (if necessary), written translation of the PLE content in the language of each beneficiary jurisdiction required for the delivery of the assignment.

The contract value shall be fixed and output-based price regardless of potential extension of the specified duration.

The contractor shall be home-based.

Payments will be done upon completion and approval of the tasks/deliverables and as per below deliverables produced and the corresponding percentages:

Task No. <sup>3</sup>	Required deliverables	Payment (% of total contract amount)
1	The development of the PLE on-line tool content outline, including a brief description of each content section, to guide the drafting of standardized and individualized content of PLE on whistleblowing and whistleblower protection for each Project beneficiary jurisdiction in English language;	25%
2	The development of the individualized (standardized) content of the PLE on whistleblowing and whistleblower protection for	50%

<sup>2</sup> Exclusive of VAT for legal entities registered in BiH.

<sup>3</sup> Corresponding to Section 3.

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	each Project beneficiary jurisdiction, in English language and the language of the Project beneficiary jurisdiction;	
3,4	<ul style="list-style-type: none"> <li>- The provision of support to the expert team responsible for the LMS platform to transform the content of PLE on whistleblowing and whistleblower protection into a PLE on-line tool;</li> <li>- Submission final report to the RAI Secretariat in English language.</li> </ul>	25%

## 6. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

### I. Legal entity

- Over the past thirty-six (36) months prior to the submission deadline of this Tender, the applicant and the individual members of his team, has successfully completed at least one service contract in the related fields, such as public education content development in the area of anti-corruption, whistleblower protection laws and institutional frameworks in Project beneficiary jurisdictions, related whistleblower protection laws - labour law, data protection law, freedom of access to information law and other human rights law;
- The applicant has a minimum of two (2) staff employed on a permanent basis in the field related to this contract;
- Demonstrated experience in conducting similar assignments in the SEE region, including, but not limited to:
  - Experience in the development of public legal education materials in the anticorruption field;
  - Experience working on educational on-line tools will be considered an advantage;
  - Demonstrated experience in working with different stakeholders: government institutions, public officials, international organizations, and civil society (including the youth groups) in Project Beneficiary jurisdictions;
  - Expert level experience working with international organizations or bodies with anticorruption competences;

### II. Education (a mandatory requirement for Team Leader):

- University degree in Law, Criminal Justice, Political Science or Security studies is preferred.

### II. Experience and skills for the team members:

- At least 3 years of professional experience in anticorruption working with government institution, civil society or international organization in Project beneficiary jurisdictions
- Solid knowledge of whistleblower protection laws and institutional frameworks in Project beneficiary jurisdictions;
- Knowledge of labour law, data protection law, freedom of access to information law and other human rights law, as they relate to whistleblower protection will be considered an advantage;
- Familiarity with the political, social, economic and security landscape in South East Europe;
- Demonstrated analytical and writing skills with ability to articulate concise and substantiated outputs in the field of anti-corruption;
- Fluency in English and languages of Project beneficiary jurisdictions is required;
- Preference will be given to teams comprised from individual experts coming from project beneficiary jurisdictions.

III. Values:

- Demonstrates integrity, fairness and high ethical standards.
- Demonstrates professional competency and is conscientious and efficient in meeting commitments, observing deadlines and achieving results.
- Displays sensitivity and adaptability to culture, gender, nationality, race, religion and age.

IV. Competencies:

- Ability to develop and maintain partnerships, internally and outside the organization;
- Be able to act proactively and to respond positively, creatively, and constructively to changing situations and new demands;
- Have strong organizational skills and be capable of initiative and innovation;
- Work well independently and in teams to achieve collective goals through active participation;
- Ability to integrate gender mainstreaming and human rights policies.

## 7. APPLICATION REQUIREMENTS

**Eligibility** - Legal entities represented by a group of individuals. Legal entities eligible to participate in tender in accordance with the Nationality rule of PRAG.

Interested Legal entities must submit the following documents/information in English to demonstrate their qualifications:

1. Legal entity background information (all scanned originals), including:
  - a. Proof of registration (can be in local language),
  - b. List of permanently employed personnel (signed by an authorized legal entity representative),
  - c. Legal entity profile inclusive of the list/description of similar assignments implemented in the last 36 months;
2. Technical proposal outlining methodology/workplan for the assignment with activities and detailed timeline, with indicated specific role of each team member, as well as the plan for ensuring internal quality control.
3. CVs of each expert/team member to be engaged in the implementation. The team leader/entity representative should be indicated.
4. Information on availability/commencement date;
5. Signed Statement of Exclusion (Annex 1);
6. Declaration on honour/Certification signed by the legal entity representative (Annex 2 of this Tender Announcement)

## 8. EVALUATION OF APPLICATIONS

RAI applies a fair and transparent selection process that takes into account both the full technical qualification of all applicants as well as the performance at the interview. The contract will be offered to the applicant whose offer has been evaluated and determined as: responsive/compliant/acceptable, and having received the highest score during the evaluation based on the criteria defined below.

Top 3 candidates (with highest number of points in the technical evaluation) will be considered for an interview.

Evaluation criteria

- Technical evaluation (documents-based) – 70%:
  - Legal entity background information – qualifying criteria (no points to be assigned)
  - CVs of expert/team members to be engaged in the implementation – 35%
  - Technical proposal outlining methodology/workplan for the assignment with activities and detailed timeline, with indicated specific role of each team member, as well as the plan for ensuring internal quality control - 25%
  - Previous experience - evidence and description of previous similar assignments delivered in the past 3 years – 10%
- Interview – 30%.

**9. ADDITIONAL INFORMATION**

All additional questions regarding this tender announcement can be submitted via e-mail with a clearly indicated tender you are referring to in the subject of the message, to the following email address: [vacancy@rai-see.org](mailto:vacancy@rai-see.org). All questions shall be submitted in English.

Questions may be sent not later than five days before the deadline for the submission of the applications. Answers will be provided not later than three days before the application deadline. All questions and answers that may be relevant to other applicants as well will be published on the RAI Secretariat website. Information on senders will not be disclosed.

**10. HOW TO APPLY**

Full applications with supporting documents shall be sent by midnight of February 28, 2022 (23:59 CET) by email to RAI Secretariat ([vacancy@rai-see.org](mailto:vacancy@rai-see.org)). Applications submitted by other means (e.g. by fax, via post, in person) shall not be considered.

Tender Title needs to be indicated in the email subject line.

Late and incomplete applications will not be taken into consideration. Due to the large number of applications, we receive, we are able to inform only the candidates who are short-listed for an interview.

RAI is committed to achieving workforce diversity in terms of gender, nationality and culture. Women-owned entities are encouraged to apply.

All applications will be treated with the strictest confidence.

**Annex 1**

**Statement of Exclusion**

**<As part of their application, each legal entity must submit a signed declaration using this format. >**

We have examined and accept in full the content of the dossier for <OPEN CALL TITLE>. We hereby accept its provisions in their entirety, without reservation or restriction.

This application is valid for a period of <....> days from the final date for submission of tenders.

**We are not in any of the situations** excluding us from participating in procurement procedure, namely;

- we are not bankrupt or being wound up, or having our affairs administered by the courts, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- we have not been convicted of an offence concerning our professional conduct by a judgment of a competent authority;
- we have fulfilled obligations relating to the payment of social security contributions and the payment of taxes
- we have not been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organization, money laundering or any other illegal activity

If required, we can provide the proof usual under the law of the country in which we are established that we do not fall into these exclusion situations.

.....  
<LEGAL ENTITY AUTHORIZED  
REPRESENTATIVE (signature, full name,  
function, legal entity stamp>



**Annex 2**

**Declaration on honour/Certification**

**To be completed and signed by the person legally authorised to sign on behalf of the legal entity.**

Hereby, I, the undersigned,

- certify that all information contained in this application is correct to the best of my knowledge and that I am aware of the content of the annexes to the application;
- certify that the applicant/team members are not under formal investigation, nor has been sanctioned by any national authority for engaging or having engaged in proscribed practices, including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice;
- certify that I have read the RAI Code of Conduct<sup>4</sup> and will abide by it during the implementation of the grant;
- understand that if I provide incorrect information or withhold relevant information, I am likely to be suspended from the tender procedure;
- understand and accept to sign the Agreement with RAI Secretariat and accept the responsibility for its implementation.

By signing this declaration on honour, I accept all the conditions set out in the Tender Announcement related to the call under which I apply.

Done at: [CITY]

Date:

Name and position:

Signature:

Stamp of the applicant organization (if applicable)

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<sup>4</sup> As prescribed in RAI Office Policies Manual- [http://www.rai-see.org/php\\_sets/uploads/2019/11/20191002-1-Office\\_Policies\\_Manual-Adopted-Clean-Version-FINAL.pdf](http://www.rai-see.org/php_sets/uploads/2019/11/20191002-1-Office_Policies_Manual-Adopted-Clean-Version-FINAL.pdf)