

## Call for tenders

### UPU Ethics Office services

Bern, 4 January 2021

<b>Table of contents</b>		<b>Page</b>
1	Introduction	3
1.1	Profile of the UPU	3
1.2	Scope of the call for tenders	3
1.3	Background	3
1.4	Objectives	3
2	Terms and conditions	4
2.1	Confidentiality	4
2.2	Legal status of the Vendor	4
2.3	Use of the emblem, name and initials of the UPU	4
2.4	Collusive bidding, anti-competitive practices and any other similar conduct	5
2.5	Intellectual property	5
2.6	Privileges and immunities	5
2.7	Tax exemption	6
2.8	Language	6
2.9	Signature	6
2.10	Participation notification	6
2.11	Contact persons	6
2.12	Further inquiries and questions	6
2.13	Delivery of tenders and deadline	6
2.14	Evaluation procedure	6
2.15	Modification, suspension or cancellation of the call for tenders	7
2.16	Tentative schedule	7
3	Tender structure – Response format	7
3.1	Cover letter	8
3.2	Executive summary	8
3.3	Bidder information	8
3.4	Subcontractor information	8
3.5	Functional structure	8
3.6	Pricing structure	8
3.7	UPU General Terms and Conditions	8

3.8	Delivery and payment schedule	8
4	Service requirements	9
4.1	Mandate	9
4.2	Access to the Ethics Office	9
4.3	Duty to cooperate with the Ethics Office	9
4.4	Duration of services	9
4.5	Reporting	9
4.6	Additional information	9

## **1 Introduction**

### *1.1 Profile of the UPU*

The Universal Postal Union (UPU) was founded in 1874 in Berne, Switzerland, with the main goals of establishing a single postal territory for the reciprocal exchange of letter-post items and adopting common principles for the international postal service in a non-discriminatory manner. Currently comprising 192 member countries, the UPU became a specialized agency of the United Nations in 1948.

The main mission of the UPU is to stimulate the lasting development of efficient and accessible universal postal services of quality, in order to facilitate communication between the inhabitants of the world. It does this by guaranteeing the free circulation of items over a single postal territory composed of interconnected networks, encouraging the adoption of fair common standards and the use of technology, ensuring cooperation and interaction among stakeholders, promoting effective technical cooperation, and ensuring the satisfaction of customers' changing needs. The UPU is thus expected to play a major role in the continued revitalization of postal services.

Furthermore, the UPU facilitates the development of worldwide postal services by providing an information and communication technology framework that allows the designated operators<sup>1</sup> of UPU member countries to concentrate on the delivery of postal services to their customers. In this context, the UPU provides a global network with value-added services, as well as computerized applications for the management of international mail and international postal money orders.

### *1.2 Scope of the call for tenders*

This call for tenders concerns the provision of ethics-related services to the UPU for a period of four years, from 2021 to 2024.

### *1.3 Background*

In resolution A/RES/60/1 of 24 October 2005, the United Nations General Assembly asked the Secretary General to prepare a code of ethics and create an Ethics Office.

Following a recommendation formulated in the Report of the United Nations Joint Inspection Unit for 2008, the UPU Council of Administration created an Ethics Office in 2009, by adding this function to an existing post within the UPU International Bureau.

In line with a subsequent recommendation issued by the Joint Inspection Unit, the Council of Administration decided in 2011 to outsource the Ethics Office function to another institution within the UN system.

In 2014, the Council of Administration instructed the Director General of the UPU International Bureau to select a professional partner to deliver the services of the Ethics Office in accordance with UPU procurement rules.

### *1.4 Objectives*

The UPU seeks an independent consultancy firm to provide ethics-related services for a period of four years, from 2021 to 2024.

Essentially, the role of the UPU Ethics Office is to support the Director General in ensuring that UPU staff act in accordance with their missions and perform their duties in compliance with the highest standards of competence and integrity, as set out in the United Nations Charter, by establishing a culture of ethics, transparency and accountability within the UPU International Bureau.

<sup>1</sup> In accordance with article 1bis.1.7 of the Constitution of the UPU, a designated operator is any governmental or non-governmental entity officially designated by the member country to operate postal services and to fulfil the related obligations arising out of the Acts of the Union on its territory.

## 2 Terms and conditions

Unless otherwise indicated in this call for tenders, the term "Bidder" shall refer to any person, company or legal entity submitting a response to this call for tenders. The term "Vendor" shall refer to any selected bidder.

### 2.1 Confidentiality

Bidders shall treat in strict confidence all information contained in this call for tenders and its attached documents that is not already publicly known or generally accessible, particularly any documentation marked as confidential and distributed by the UPU to Bidders as additional confidential tender documentation. Bidders shall prevent the disclosure or distribution of all such information to third parties and other entities and persons not expressly authorized herein. In case of doubt, these confidentiality provisions shall nevertheless be observed. All Bidders are obliged to observe these confidentiality provisions before, during and after the tender process. These provisions shall not affect the legal obligations of the UPU and Bidders to disclose information.

Bidders shall not use such information for any purposes other than those associated with this call for tenders. This call for tenders and all attached documents may be distributed or made available only to persons directly involved in the tender process on behalf of Bidders. If external agents or subcontractors are involved in the preparation of the tender documents, this must be indicated and their names provided in the participation notification (see section 2.10).

Bidders assume full responsibility for the compliance of their agents, consultants, employees and subcontractors, as well as any third parties involved on their behalf in this tender process, with these rules of confidentiality and shall be liable for any damages resulting from misconduct or unauthorized disclosure.

If a Bidder violates the confidentiality provisions contained herein, it shall be liable to pay a penalty to the UPU unless it can prove that no fault is attributable to it. This penalty shall not exceed 50,000 CHF per infringement. Payment of any such penalties shall not release Bidders from their obligation to observe these confidentiality requirements.

Bidders wishing to respond to this call for tenders must contact the person(s) specified in section 2.11 below and may, if necessary, request additional information from the UPU in relation to this call for tenders.

Without prejudice to the confidentiality provisions set out above, Bidders agree that the receipt of any such information may be subject to the prior signature of a non-disclosure agreement between the Bidder and the UPU, under conditions to be determined and communicated by the latter.

### 2.2 Legal status of the Vendor

The Vendor shall be regarded as having, in law, the legal status of independent contractor. The Vendor and its agents, consultants, employees and subcontractors (as authorized by the UPU) shall in no way be regarded as employees of the UPU. Such agents, consultants, employees and subcontractors of the Vendor shall not be entitled to any employment benefits from the UPU. The Vendor shall be solely responsible for due payment of all compensation owed to such agents, consultants, employees and subcontractors, including payment of any employment taxes, benefits, compensation and insurance. The Vendor represents and warrants that it will comply with all laws, rules and regulations required by the relevant authorities, including the appropriate withholding, reporting and payment of all necessary taxes.

The Vendor shall be liable for all work performed, including any acts or omissions, by its agents, consultants, employees and subcontractors.

The Vendor shall not assign, sublicense, subcontract, pledge or otherwise transfer or dispose of its tender, or any of the rights and obligations contained therein, without the prior written consent of the UPU.

### 2.3 Use of the emblem, name and initials of the UPU

Bidders shall not advertise or otherwise make public the fact that they intend to provide, are providing or have provided services to the UPU, or use the emblem, name or initials of the UPU in connection with their business for purposes of commercial advantage or goodwill, without prior and explicit permission from the UPU. Bidders shall take all reasonable measures to ensure compliance with this provision by their agents, consultants, employees and subcontractors.

#### 2.4 *Collusive bidding, anti-competitive practices and any other similar conduct*

Without prejudice to the provisions in sections 3 and 4 below, Bidders (including their agents, consultants, employees and subcontractors) shall not engage in any collusive bidding, anti-competitive practices or any other similar conduct in relation to:

- the preparation and submission of tenders;
- the clarification of tenders;
- the conduct and content of any negotiations, including final contract negotiations.

For the purposes of this call for tenders, collusive bidding, anti-competitive practices and any other similar conduct may include the disclosure to, or exchange or clarification with, any other Bidder of information (in any form), whether or not such information is confidential to the UPU or to any other Bidder, in order to alter the results of the call for tenders in such a way that would lead to an outcome other than that which would have been obtained through a competitive process. In addition to any other remedies available to it, the UPU may, at its sole discretion, immediately reject any tender submitted by a Bidder that, in the UPU's opinion, has engaged in any collusive bidding, anti-competitive practices or any other similar conduct with any other Bidder in relation to the preparation or submission of tenders, whether with respect to this call for tenders or other procurement processes conducted by the UPU.

#### 2.5 *Intellectual property*

This call for tenders and all its attached documents, including any content, forms, statements, concepts, projects and procedures explicitly or implicitly forming part of the call for tenders, constitute the exclusive intellectual property of the UPU. This call for tenders is communicated to the various Bidders with the sole purpose of assisting them in the preparation of their respective tenders. Any hard copies of this call for tenders shall be destroyed or returned to the UPU by unsuccessful Bidders at the request of the UPU.

#### 2.6 *Privileges and immunities*

Nothing in or relating to this call for tenders, the activities described herein or any potential agreements related thereto shall be deemed as a waiver, expressed or implied, of any of the privileges, immunities and facilities that the UPU enjoys as a specialized agency of the United Nations system, pursuant to the Swiss Host State Act and the Agreement on Privileges and Immunities of the United Nations (on Swiss territory), the Convention on the Privileges and Immunities of the Specialized Agencies (outside Switzerland), and any other conventions and laws recognizing and/or granting such privileges, immunities and facilities to the UPU and its officials (such as the International Organizations Immunities Act in the case of the United States of America).

Accordingly, the Vendor shall expressly acknowledge and agree that the property and assets of the UPU, including any archives, data, documents and funds belonging to the UPU or held by it (including, without limitation, the data/hosting environments and servers pertaining to or associated with the provision of the services, as well as any data or documents in any form belonging to or held by the UPU on behalf of UPU member countries and their designated operators), are inviolable and shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether through executive, administrative, judicial or legislative action. The Vendor shall immediately contact the UPU in the event of any attempt to violate or any violation of the UPU's privileges and immunities, and shall take all reasonable measures to prevent such a violation.

In the light of the UPU's status as a specialized agency of the United Nations (and without prejudice to the observance, by the UPU, of any sanctions established by the United Nations Security Council), Bidders shall expressly certify their legal and operational willingness and ability to provide the services on a non-discriminatory basis for the benefit of all eligible entities established and/or situated in the territory of any UPU member country, irrespective of the existence of diplomatic relations between a Bidder's country of incorporation and/or operation and any UPU member country (including its designated operators).

## 2.7 Tax exemption

Pursuant to article III, section 9, of the Convention on the Privileges and Immunities of the Specialized Agencies, the UPU is exempt from all direct taxes and from customs restrictions, duties and charges of a similar nature in respect of articles imported or exported for its official use.

Furthermore, as an intergovernmental organization and a specialized agency of the United Nations, the UPU is exempt from value-added tax (VAT) in Switzerland (OLTVA, article 22; *Instructions 2001 sur la TVA*, articles 574, 816 and others), as well as in other countries. Therefore, all prices shall be indicated in “net” form, without VAT or similar taxes.

## 2.8 Language

Bidders must submit all tender documents entirely in English or French.

## 2.9 Signature

Tender documents shall be signed by a representative (or representatives) duly designated and authorized to act on the Bidder’s behalf and with the authority to legally bind the Bidder and accept the terms and conditions of this call for tenders.

## 2.10 Participation notification

Upon receipt of this call for tenders, Bidders shall send confirmation of participation to the contact person(s) listed in section 2.11 below.

## 2.11 Contact persons

Secretary of the Tenders and Procurements Committee

Tel: +41 31 350 35 02

E-mail: [caa@upu.int](mailto:caa@upu.int)

## 2.12 Further inquiries and questions

Bidders must send any questions regarding the content of this call for tenders or any requests for clarification in writing to the contact person(s) listed in section 2.11 above by 22 January 2021.

Answers to questions submitted by Bidders, as well as additional information and updates relevant to this call for tenders, shall be published on the UPU website at [www.upu.int/en/Universal-Postal-Union/Procurement](http://www.upu.int/en/Universal-Postal-Union/Procurement).

## 2.13 Delivery of tenders and deadline

On an exceptional basis, in view of the current situation relating to the ongoing COVID-19 pandemic, all tenders must be submitted to the UPU by e-mail **ONLY** at [RFP-2021-01@upu.int](mailto:RFP-2021-01@upu.int), with “RFP-2021-01-DIRCAB – Ethics Office services” as the subject line.

The deadline for the submission of tenders is 15 February 2021 at 16.00 CET (UTC+1).

The UPU shall not take into consideration any tenders received after this date and time. Furthermore, the UPU shall not accept any tenders sent to any e-mail address other than that specified above or sent by any other means.

There shall be no charge to the UPU for the preparation and submission of tender documents by Bidders.

## 2.14 Evaluation procedure

The objective of the UPU’s evaluation process is to ensure the selection of a qualified, reliable and experienced Vendor capable of providing specialized consultancy services and fulfilling the objectives set out in section 1.4 above.

The UPU shall conduct its evaluation procedure, at its sole discretion, with a view to determining as objectively as possible the tender that best meets its specific requirements, based on its assessment of the tenders received in relation to the requirements defined herein.

The prescribed structure of tenders, as set out in sections 3 and 4 below, is mandatory for all Bidders. The UPU shall not take into consideration any tenders that do not fulfil the aforementioned mandatory criteria.

Tenders received by the UPU must address all aspects of this call for tenders, and Bidders must identify any aspects where they envisage modifications being necessary or consider elements to be missing.

Tenders shall be evaluated on the basis of the following criteria, in descending order of importance:

- i Quality of the tender (according to the specifications herein);
- ii Knowledge and experience of the Bidder and its team and/or consultant(s), as applicable to the subject matter;
- iii Price.

The deliberations of the UPU Tenders and Procurements Committee (TPC) are strictly confidential. The TPC shall submit a report on its evaluation of the tenders received to the Director General of the UPU International Bureau, together with its final recommendation, for his assessment and authorization.

- / Bidders shall accept the UPU General Terms and Conditions for the Provision of Services (Annex 1). The final terms of any resulting contract shall be defined by the UPU and accepted by the Vendor. Contract negotiations shall commence only after the final selection of a Vendor by the UPU. Bidders will be informed immediately after the UPU has made its final selection.

The UPU is not bound to accept the lowest tender and reserves the right to accept all or part of a tender. In awarding the contract, account will be taken of both the overall costs of the work and of the nature and quality of the services to be provided. The UPU reserves the right to negotiate prices and terms and conditions of contract after receipt of tenders.

#### *2.15 Modification, suspension or cancellation of the call for tenders*

The UPU reserves the right, at its sole discretion and at any time before the conclusion of the tender process (i.e. at any time prior to the signature of the relevant contract with the Vendor), to modify, suspend or cancel all or part of this call for tenders.

#### *2.16 Tentative schedule*

Publication of call for tenders	4 January 2021
<b>Deadline for submission of tenders to the UPU</b>	<b>15 February 2021 at 16.00 CET (UTC+1)</b>
Estimated start of engagement	April 2021

### **3 Tender structure – Response format**

All information provided by Bidders must be fully compliant with the terms and conditions set out in section 2 above.

Moreover, the requirements stipulated in this call for tenders must be addressed in their entirety, according to the structure defined below and following the sequence and numbering provided in this section. The UPU shall evaluate all Bidder responses in accordance with the structure defined herein.

### 3.1 *Cover letter*

Bidders shall submit a cover letter including:

- A statement that the Bidder has read, understands and accepts all provisions of this call for tenders;
- The Bidder's name, telephone number, postal address and e-mail address, and the name(s) of its representative(s).

The cover letter shall be signed by a representative (or representatives) duly designated and authorized to act on the Bidder's behalf and with the authority to legally bind the Bidder and accept the terms and conditions of this call for tenders, and shall also include a confirmation of such authorization by the Bidder.

### 3.2 *Executive summary*

The Bidder shall provide an executive summary highlighting the most important aspects of its tender.

### 3.3 *Bidder information*

Bidders must provide the following information:

- Company structure, locations/subsidiaries;
- Financial data (turnover, profit, etc.);
- Partners and equity holders of the company;
- Company history;
- Market position and share in relevant markets.

### 3.4 *Subcontractor information*

Vendors may not assign, sublicense, subcontract, pledge or otherwise transfer or dispose of their services, or any of the rights and obligations contained in the relevant contract with the UPU, without the prior written consent of the UPU.

The approval by the UPU of the engagement of any subcontractor shall not relieve the Vendor of any of its obligations or responsibilities concerning the work performed by such subcontractors.

### 3.5 *Functional structure*

Bidders must provide a response to all of the requirements set out in section 4 below (Service requirements).

### 3.6 *Pricing structure*

The UPU wishes to receive a fixed offer established on an annual basis. Bidders shall not include VAT in their pricing structure (see section 2.7 above). All pricing information shall be set out exclusively in Swiss francs (CHF).

### 3.7 *UPU General Terms and Conditions*

Bidders shall include a statement of acceptance of the UPU General Terms and Conditions for the Provision of Services, attached hereto for reference.

### 3.8 *Delivery and payment schedule*

The delivery and payment schedules should be proposed by Bidders in their pricing structures, and must be agreed with the UPU.

## **4 Service requirements**

### *4.1 Mandate*

- a The main functions of the Ethics Office are to:
- Develop standards, training programmes and awareness campaigns on ethics, in coordination with the relevant Directorates, including the provision of training for International Bureau staff in this area in English and French;
  - Direct the management of the International Bureau so that the rules, policies, procedures and practices of the UPU reinforce and promote the qualities of integrity prescribed in the United Nations Charter;
  - Provide staff with confidential advice and guidance on matters of ethics (e.g. conflicts of interest);
  - In close cooperation with the supervisory and human resource services, act as a reference body in efforts to make staff members aware of ethical standards, the conduct expected of them, and the policies, strategies and programmes established for human resources development;
  - Submit an annual report on its activities.
- b The Ethics Office does not replace any existing mechanisms available to staff for resolving grievances.
- c The Ethics Office will keep confidential records of the advice that it provides to staff.
- d With regard to its advisory functions as set out above, the Ethics Office may not be compelled by any UPU staff member or body to testify about facts or matters brought to its attention.
- e The Ethics Office may be consulted on matters of principle in cases where its particular expertise, views and experience may be useful.

### *4.2 Access to the Ethics Office*

- All staff are informed of the procedure for bringing matters of concern to the attention of the Ethics Office.
- No person who brings a matter to the attention of the Ethics Office or who provides information to it will be the subject of reprisals as a result of that action.

### *4.3 Duty to cooperate with the Ethics Office*

All International Bureau Directorates and staff will cooperate with the Ethics Office and provide access to all records and documents requested by it as part of its mandate, with the exception of medical records, which are not available without the express consent of the staff member concerned, and internal audit files, which are strictly confidential. Except in cases where the appellant objects, reports of the Joint Appeals Committee are normally sent to the Ethics Office.

### *4.4 Duration of services*

The services are scheduled to commence in April 2021 for a total contract term of four years.

### *4.5 Reporting*

The Ethics Office will provide an annual report to the Director General and, through his intermediary, to the Council of Administration. The report will include a review of the Ethics Office's activities and any evaluations or assessments relating to those activities. The Ethics Office may also comment on any legislative texts, policies, procedures and practices that have come to its attention and make any recommendations as appropriate.

### *4.6 Additional information*

Bidders may include any additional information that they deem necessary or relevant in order for the UPU to gain a clear and detailed understanding of the services being offered.