



UPU | UNIVERSAL
POSTAL
UNION

Call for tenders

Consultancy services: enhancing postal references in international trade rules

6 February 2023

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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 operators¹ 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.

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 proposal in 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. The 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.

Bidders shall 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 submit a proposal in response to this call for tenders must contact the person(s) specified in section 2.14 below and may, if necessary, request additional information from the UPU in relation to this call for tenders.

¹ In accordance with article 2.1.6 of the UPU Constitution, 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.

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 alone shall be 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 shall represent and warrant 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.

2.3 *Scope of the call for tenders*

The purpose of this call for tenders is to analyze current business-to-business-to-consumer (B2B2C) market policy and to prepare recommendations and advice as to how to enhance postal references in international trade rules.

2.4 *Background*

The UPU has adopted a new trade inclusion vision for 2022–2025, based on the following pillars:

- Knowledge and research;
- Policy and advocacy;
- Capacity building and technical assistance.

The main outcomes expected of this vision are to:

- Raise the profile of Posts in trade inclusion;
- Enhance postal references in international trade rules;
- Prepare policies on the postal contribution in the implementation of national trade objectives;
- Develop partnerships with key players (e.g. international organizations, private sector) to assist member countries in the implementation of postal trade inclusion activities.

Trade inclusion concerns many segments of the postal network and supply chain, including physical, financial and electronic services, customs, airlines and security.

E-commerce cross-border traffic, and B2B transactions in particular, is facilitated through the application of international trade rules. The most notable of these are as follows:

- International Chamber of Commerce (ICC) International Commercial Terms, known as Incoterms®;
- United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) recommendations and models for trade facilitation and e-business;
- Digital Container Shipping Association (DCSA) rules.

The use of these international trade rules may improve the competitiveness of postal operators as e-commerce logistics operators, increase economic and trade benefits to member countries, and support the competitiveness of member countries' economies in general. Postal operators may be better able to meet the needs of e-commerce market users and wholly fulfil their role as trusted third parties. This is especially true in terms of the quality of delivery services, the provision of trade-related payment solutions, the application of DCSA rules, compliance with the obligations outlined in the Incoterms used, and implementation of UNECE integrated track and trace for multimodal transportation. If the UPU network complies with the requirements of global cross-

border trade, B2B operators will be more receptive to use of the postal network, especially those operators using maritime transport as their main channel for cross-border delivery.

It has also been observed that designated operators are substituting the UPU's end-to-end network by a combination of international cargo and domestic mail flows. This may render the UPU's standards and network less relevant for designated operators, thus resulting in a further decrease in international mail volumes. Therefore, the UPU's overall relevance is at stake; contingency plans need to be considered in order to maintain its stability and long-term alternatives sought to ensure the sustainability of the entire sector.

To this end, the use of cargo and charter flights could be introduced for the transportation of postal traffic (including a potential new B2B2C product) in unit load devices (i.e. containers), in compliance with the UPU documentation standards and the privileges of postal traffic. In addition, this enhanced interconnectivity could facilitate access to overseas warehouses in major destinations, providing the possibility of quicker last-mile delivery services as required by the market.

2.5 Objectives

The specific objective of this project is to analyze current B2B2C market policy and prepare recommendations as to how to enhance postal references in international trade rules, based on the outcomes of discussions with relevant international trade organizations.

The Vendor will be expected to deliver a report on these findings, including the aforementioned recommendations.

2.6 Use of 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 or in an associated 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.

2.7 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.

2.8 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.

2.9 *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.

2.10 *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 violations.

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).

2.11 *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.

2.12 *Language*

Bidders must submit all tender documents entirely in English.

2.13 *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.

2.14 Contact persons

Secretary of the Tenders and Procurements Committee
 Universal Postal Union
 International Bureau
 Weltpoststrasse 4
 3015 BERNE
 SWITZERLAND

E-mail: caa@upu.int

2.15 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 2.14 by 24 February 2023 at 16.00 CET.

Answers to questions submitted by Bidders, as well as any 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.

2.16 Delivery of tenders and deadline

All tenders must be submitted to the UPU by e-mail only at RFP-2023-002@upu.int with “RFP-2023-002-DPRM– Consultancy services: enhancing postal references in international trade rules” as the subject line.

The deadline for the submission of tenders is 10 March 2023 at 16.00 CET.

The UPU shall not take into consideration any tenders received after this date and time. Furthermore, it 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, and Bidders should not include the costs of preparing their tenders as a cost related to the provision of the services.

2.17 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 the specialized services and fulfilling the objectives set out in this call for tenders.

The UPU shall conduct its evaluation procedure with a view to determining as objectively as possible the tender that best meets its specific requirements. All tenders submitted shall be subject to an in-depth assessment, at the UPU’s sole discretion, in order to enable the UPU to engage the most appropriate service provider. Due consideration will be given to Bidders’ specific backgrounds, qualifications and experience in relation to the required services.

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

Tenders received by the UPU must address all aspects of this call for tenders, and Bidders should 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:

- Quality of the tender (according to the specifications herein);
- Proven experience of conducting technical analysis in the field of trade facilitation;
- Knowledge and experience of working on trade facilitation and postal projects;
- Price.

The winning tender will be selected based on the non-exhaustive list of criteria set out in section 4. Bidders should therefore consider how their tender corresponds with the criteria listed and clearly indicate this in their response document.

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.

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.

Bidders will be informed of the outcome of their tender as soon as possible after the UPU has made its final selection.

2.18 *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.

2.19 *Tentative schedule*

| | |
|--|-----------------------------------|
| Publication of call for tenders | 6 February 2023 |
| Deadline for submission of queries | 24 February 2023 at 16.00 CET |
| Deadline for submission of tenders to the UPU | 10 March 2023 at 16.00 CET |
| Estimated start of engagement | 31 March 2023 |

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, as well as the provisions of this section and the service requirements listed in section 4 below.

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);
- A statement that the Bidder's tender documents are valid for a minimum period of 120 days.

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*

Bidders shall provide an executive summary highlighting the most important aspects of their tender.

3.3 *Bidder information*

Bidders must provide the following information:

- A letter of confirmation of interest and availability, using their own template;
- An account of the company or individual's experience, including similar projects;
- References from three professional referees;

- A technical proposal, including:
 - a brief description of why the Bidder considers itself to be the most suitable consultant for the assignment;
 - a methodology setting out how the Bidder will approach and complete the assignment;
- A financial proposal (based on a daily fee) and payment details.

3.4 *Subcontractor information*

Bidders shall provide a list of any subcontractors to be directly involved in this call for tenders, and must specify the exact degree of these subcontractors' involvement in the provision of the services.

3.5 *Technical proposal*

Bidders shall submit a technical proposal addressing all of the requirements set out in section 4 (Service requirements). This proposal should outline the methodology, processes and timelines, as appropriate, that Bidders intend to implement in order to fulfil the objectives of this call for tenders.

3.6 *Budget and pricing structure*

Bidders shall quote an all-inclusive daily fee applicable throughout the contract period. The term "all-inclusive" shall be understood to mean that all costs that may be incurred by the Vendor in its completion of the assignment are factored into the daily fee stated in the proposal.

Bidders shall not include VAT in their pricing structure (see section 2.11 above). All pricing information shall be set out exclusively in Swiss francs (CHF).

3.7 *Delivery schedule*

The target dates for provision of the services are as follows:

Start date: 31 March 2023

End date: 31 July 2023 (four months)

3.8 *UPU General Terms and Conditions*

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

The final terms of any contract arising from this call for tenders 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.

4 Service requirements

4.1 *Description of the consultancy services*

The Vendor shall be expected to deliver the following services and activities:

- Analysis of the current B2B2C market policy
 - Analyze the relevant international trade rules and conduct discussions with international trade organizations (e.g. ICC, UN/CEFACT);
 - Prepare a report containing evidence-based findings and recommendations as to how to enhance postal references in international trade rules.

A kick-off meeting will be held to enable the Vendor to present its methodology, work plan and approach to organizing the work.

The results of the work will be examined and validated at each stage by the UPU International Bureau.

The Vendor will report to the UPU's Digital Policies and Trade Programme and will work closely with UPU partners.

4.2 Bidder requirements

Bidders shall demonstrate a record of good performance in similar activities (i.e. reference letters and/or work completion certificates). The business transactions and activities carried out by the Bidder must be compliant with the mandates and principles of the UPU.

4.3 Consultant requirements

Bidders not operating as an independent consultant should propose at least three individual consultants in accordance with the requirements specified in this call for tenders for the performance of the services and activities described herein. Bidders are required to provide the CVs and diplomas of the said consultants, as well as a letter of motivation and a brief write-up (maximum 1,000 words) of the consultants' approach and methodology with regard to the project, for further verification and evaluation by the UPU. The UPU shall have the right to reject a proposed consultant if the individual does not fulfil the UPU's requirements as defined in this call for tenders.

Bidders not operating as an independent consultant should describe any relevant procedures concerning the replacement of individual consultants if so requested by the UPU.

The proposed consultants must comply with the following criteria:

- Education: Master's degree in international trade, business administration, public policy, economics or a related discipline
- Experience:
 - Experience of trade facilitation and trade policy issues
 - Good understanding of ICC Incoterms 2020, UN/CEFACT recommendations and models, and DCSA rules
 - At least five years of experience of international trade rules, trade analysis and policy formulation
 - Experience in strategy and/or operations in the postal or logistics sectors or with related e-commerce organizations would be considered an advantage
 - Familiarity with publications related to international trade and/or trade rules
- Skills and capabilities:
 - Strong interpersonal and communication skills
 - Strong analytical, reporting and writing abilities
 - Ability to plan, organize, implement and report on work
 - Ability to work under pressure and to tight deadlines
 - Proficiency in the use of office IT applications and the Internet to conduct research
 - Outstanding communication, project management and organizational skills
 - Excellent presentation and facilitation skills
 - High level of integrity and ethical standards
 - Positive and constructive attitude to work
 - Sensitivity and adaptability with regard to culture, gender, religion, race, nationality and age
 - Fluency in English and/or French

4.4 Duration of services

The period of performance of the services to be provided by the Vendor will begin upon award of the contract and will end when all deliverables have been completed, with this period not exceeding 80 working days in total. Any requests for modifications or extensions shall be submitted to the UPU, and the Vendor will be contacted so that a review and discussions can be held. The Vendor must remain in contact with the UPU's Digital Policies and Trade Programme on a regular basis and be available to work at least 20 hours per week.

The Vendor will perform the majority of the work at its own premises and will be required to meet the UPU's team once per month for a status update. These status updates may be held as online meetings or at the UPU International Bureau, depending on the needs of the projects under development.

4.5 Additional information

Bidders shall describe any relevant procedures for ensuring the continuity of the services provided and for appropriate backup and retraining, as well as any relevant procedures pertaining to project management and communication.

Bidders shall also confirm that their tender covers all costs associated with the provision of the services referred to herein. No other fees shall be paid, with the exception of reimbursement of other unavoidable costs incurred for successful delivery of the services, which shall also be subject to the prior written consent of the UPU.

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.