

Guidelines for employee involvement in bids and tenders



1. Background and purpose

The University's policy on bids and tenders sets general principles and the framework for the University's approach to bids and tenders for work that has previously been done internally. The regulatory basis for tendering policy, etc., is referred to in the section below as the legal basis.

The regulatory basis provides that in certain areas, departments may themselves establish specific guidelines, among other things for the involvement of employees in bids and tenders. The aim of this appendix to the tendering policy is accordingly to set specific guidelines for employee involvement in bids and tenders for works where there are not already specific rules and guidelines in the regulatory basis.

2. Regulatory basis

The regulatory basis for how departments draw up bids and tenders is set forth with references as below. Two guidelines give more extensive and general descriptions of the tendering process: State Employer's Authority and CFU's *Guidance on employee influence and terms for tendering* describes how employees can be involved in the tendering process. The guidance also describes the various circulars, circular guidelines and agreements that constitute the regulatory basis. The Ministry of Finance guidance *Efficient tasking in the State sector* describes the interrelationship with the government's modernisation programme from 2003.

At the date for approval of these guidelines, the overall regulatory basis comprised the following.

- Efficient tasking in the State sector, Ministry of Finance 8 October 2003
- State Employer's Authority and CFU Guidance on employee influence and terms for tendering, November 2004.
- Ministry of Finance Circular 159 of 17 December 2002 on tendering and undertaking State sector operational and construction works.
- Ministry of Finance guidance on Circular 159 of 17 December 2002 (VEJ No. 9020 of 17 February 2003).
- Agreement of collaboration and Coordination Committees in state sector companies and institutions and guidance thereon, May 2008.
- Order on the legal status of employees in company takeovers, Ministry of Employment, 20 August 2002

3. The University's responsibilities

The University's responsibility associated with bids and tenders is to ensure that:

- There is always an overall reasoned plan for the areas that are to be put out to tender and the timescale, including when pre-tendering studies are to be implemented.
- Employees and the relevant coordination committees are involved as early as possible in the pre-tender phase so as to determine the requirements for undertaking the process.
- Throughout the entire process, management involve the employees in the unit affected by tendering. This means the time from drawing up the proposed timetable, throughout the entire analytical process, in the decision-making phase and the process of drawing up tender documentation and the framework for reassigning employees if it is decided that works should be put out to tender.
- In-house bids are to be made where appropriate. Tender documentation must show if in-house bids are to be made and employees must have been duly informed.
- Employees have the necessary skill-sets for making in-house bids, and that resources for external assistance have been allocated and/or discussions have been held with employees on achieving better solutions for the current situation.
- During the term of the contract (although no less than 1½ years) external contractors must be able to demonstrate compliance with the University of Copenhagen's HR policies, including specifically compliance with the mental and physical working environment policies.
- A contract is drawn up (an internal collaboration agreement) on undertaking the works in-house in accordance with the University's in-house bid if the latter has been chosen.

4. Role of Coordination Committees

HSU is to discuss and approve the tender policy and the guidance, guidelines and plans made pursuant to the policy. HSU's role is thus to discuss general issues and guidelines and possibly make decisions on these. Local coordination committees are to discuss and make decisions on specific tenders, including setting up working groups to draw up tender documentation and to prepare in-house bids, and also for any steering groups.

HSU has set up a team to monitor bids and tenders and this is to be included in discussions on bids and tenders policy so as to ensure that HR issues are taken into account.

5. Role of union representatives

Union representatives are to participate in discussions and decisions in the various coordination committees and possibly in working, project and steering groups. The rules provide for complete separation between the personnel participating in working, project and steering groups for a specific tender and those drawing up in-house bids for the same works.

6. Validity and termination

The guidelines take effect on adoption by HSU (Head Coordination Committee).

Termination must comply with the rules in the coordination committee's circular according to which either of the parties can give three months notice of termination of the established guidelines. Before

termination, the coordination committee is to endeavour to amend the present guidelines so as to make them satisfactory for the parties in the coordination committee.

Considered and adopted at the HSU meeting on 24 June 2009.



Ralf Hemmingsen
Rector and Chairman of the
General Collaboration Committee

and



Poul Erik Krogshave
Deputy Chairman of the
General Collaboration Committee