

## **Agency for Support for BEREC (BEREC Office)**

**Call for tenders BEREC/2022/000007**

**Legal services for BEREC Office staff**

**Open procedure**

**TENDER SPECIFICATIONS**

**Part 2: Technical specifications**

## Contents

1	DESCRIPTION: WHAT DO WE WANT TO BUY THROUGH THIS CALL FOR TENDERS? .....	3
1.1	Purpose of the call for tender and short description of the services.....	3
1.2	Background and objectives .....	3
2	DETAILED CHARACTERISTICS OF THE PURCHASE.....	5
2.1	Detailed description of the services.....	5
2.1.1	Legal advice to staff for private matters (out-of-court assistance).....	5
2.1.2	Electronic brochures .....	5
2.1.3	Information sessions .....	6
2.2	Languages of the services .....	6
2.3	Place of delivery .....	6
2.4	Minimum requirements .....	7
2.4.1	Compliance with applicable law .....	7
2.4.2	Deadlines for the provision of legal advice to staff for private matters .....	7

## **1 DESCRIPTION: WHAT DO WE WANT TO BUY THROUGH THIS CALL FOR TENDERS?**

### **1.1 Purpose of the call for tender and short description of the services**

The purpose of this call for tenders is to conclude a single service framework contract (FWC) with an economic operator to ensure the provision of legal advice to the BEREC Office staff mainly in relation to their private life in Latvia and to provide information materials on specific subjects of legal nature, which could be used by the staff as a general guidance in addressing most common issues.

The services that are the subject of this call for tender, including any minimum requirements, are described in detail in section 2 of this document ‘Detailed characteristics of the purchase’.

### **1.2 Background and objectives**

The BEREC Office is an Agency of the European Union (EU) established by Regulation (EC) № 1211/2009 of the European Parliament and of the Council of 25 November 2009. The seat of the BEREC Office is in Riga, Latvia. The Protocol (No 7) on the privileges and immunities of the EU<sup>1</sup> applies to the BEREC Office and its staff.

The BEREC Office and the Government of the Republic of Latvia signed on 21 December 2020 a Headquarters Agreement<sup>2</sup>, which among others, also further details the rights of the BEREC Office staff, established with Protocol (No 7) on the privileges and immunities of the EU.

The BEREC Office recruits its staff from among the Member States of the EU on the broadest possible geographical basis based on their competences to perform the job, who may not necessarily be familiar with the legal environment in Latvia.

The BEREC Office currently hires temporary and contract staff covered by the Staff Regulations of Officials of the European Union (‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (‘CEOS’), seconded national experts (SNEs) seconded to the BEREC Office by public bodies of the EU Member States under Decision MB/2020/03 on the secondment to the BEREC Office of national experts and national

---

<sup>1</sup> OJ C 326, 26.10.2012, p. 266–272 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)

<sup>2</sup> [https://bereg.europa.eu/eng/document\\_register/subject\\_matter/bereg\\_office/others/9989-headquarters-agreement-between-the-agency-for-support-for-the-body-of-european-regulators-for-electronic-communications-and-the-government-of-the-republic-of-latvia](https://bereg.europa.eu/eng/document_register/subject_matter/bereg_office/others/9989-headquarters-agreement-between-the-agency-for-support-for-the-body-of-european-regulators-for-electronic-communications-and-the-government-of-the-republic-of-latvia)

experts in professional training<sup>3</sup>, and trainees on the basis of the Rules Governing the Traineeship Programme of the BEREC Office<sup>4</sup>.

Currently the BEREC Office has 47 staff members (temporary and contract agents and SNEs) coming from different EU Member States. The BEREC Office usually has around 8 trainees, who are not considered as staff but who may benefit from some of the services mentioned in section 2.

As not all BEREC Office staff members are well familiar with Latvian legislation and due to the fact that Latvian authorities and business are not familiar with the status of the BEREC Office staff, there is a need for legal assistance to the staff on various private matters related to their establishment in Latvia and their day-to-day life. Thus, the purpose of this call for tenders is to conclude a single framework service contract (hereinafter referred to as the “Contract” or the “FWC”) with a single tenderer (also referred to as the “Contractor”) who shall provide:

1. legal advice to BEREC Office staff mainly on their private life in Latvia;
2. preparation and/or presentation of information (in writing and/or orally) on specific subjects of legal nature, which could be used by the staff and/or trainees as a general guidance in addressing most common issues.

On a yearly basis, the BEREC Office’s objective is to provide each the staff covered by the CEOS (‘statutory staff’) and the SNEs with a possibility to have approximately 2h of legal advice or consultation on out of court cases related to their private life or family life.

Other legal services in the interest of all categories of staff (including trainees), such as preparation of brochures, collective information sessions or other similar may also be ordered during the duration of the FWC.

The exact volumes and value of the services will be determined in each specific contract, which will be signed as implementation of the FWC.

---

3

[https://bereg.europa.eu/eng/document\\_register/search/?reference\\_number=&title=secondment&contents=&category\\_id=&date\\_from=&date\\_to=&search=1board/9025-decision-of-the-management-board-of-the-agency-for-support-for-bereg-concerning-the-secondment-to-the-bereg-office-of-national-experts-and-national-experts-in-professional-training](https://bereg.europa.eu/eng/document_register/search/?reference_number=&title=secondment&contents=&category_id=&date_from=&date_to=&search=1board/9025-decision-of-the-management-board-of-the-agency-for-support-for-bereg-concerning-the-secondment-to-the-bereg-office-of-national-experts-and-national-experts-in-professional-training)

<sup>4</sup> [https://bereg.europa.eu/eng/bereg\\_office/traineeship/rules/](https://bereg.europa.eu/eng/bereg_office/traineeship/rules/)

## **2 DETAILED CHARACTERISTICS OF THE PURCHASE**

### **2.1 Detailed description of the services**

The services, which will be provided within the scope of the FWC include the following:

#### **2.1.1 Legal advice to staff for private matters (out-of-court assistance)**

The legal advice to staff will include the provision of consultations to the BEREC Office statutory staff and SNEs on private matters they face in the areas governed by Latvian laws, such as Civil law, Consumer law, Tax law, Real estate law, Administrative law, Labour law, Headquarters Agreement between the BEREC Office and the Government of the Republic of Latvia, etc.

The legal advice may be required for issues related to: opening a bank account, internet and telephone subscriptions, real estate purchase or rent, family related issues, tax and fiscal matters including international aspects, successions, security accidents, insurance issues, reputational damages against the staff members, violation of staff privacy and data, criminal offences against the staff, etc. The list is not exhaustive and it rather gives an indication of the matters for which legal advice could be sought.

Majority of the services to be provided under the contract are planned to be simple consultations/follow-up of cases which shall be handled by Junior Lawyer with review by Senior Lawyer, while complicated cases shall be handled by Senior Lawyer or Partner depending on the complexity of the case.

The maximum deadlines for the provision of legal advice to the staff is defined in point 2.4.2.

#### **2.1.2 Electronic brochures**

Upon request by the BEREC Office, the Contractor shall prepare and submit to the BEREC Office electronic brochures, preferably in pdf and MS word, approximately 10 – 15 pages each, covering legal provisions and some practical information on various topics of interest of the BEREC Office staff or the trainees, e.g. renting / buying a property in Latvia, concluding contracts for service delivery, family laws, registration at the immigration authorities or any other public bodies in Latvia, access to healthcare services, schooling in Latvia, etc. (non-exhaustive list).

The brochures should be compliant with the BEREC Office's visual identity, which will be provided to the contractor together with the respective specific contract/order form<sup>5</sup>.

As a general rule the BEREC Office will acquire the ownership of the results as defined in the draft FWC, all pre-existing rights incorporated in the results, if any, should be licensed to the BEREC Office.

The scope and delivery time of the electronic brochures shall be agreed with the BEREC Office in the specific contract and, as a general rule, should not exceed 45 days from the date the signature of the specific contract.

### **2.1.3 Information sessions**

Upon request by the BEREC Office, the Contractor shall provide information sessions to debrief BEREC Office staff on the legal matters indicated in points 2.1.1. and 2.1.2 or other legal matters of common interest to several staff members or the trainees. The information sessions shall be organised as a general rule at the BEREC Office's premises.

## **2.2 Languages of the services**

In general, all services under the Contract shall be provided in English and Latvian. Exceptionally, subject to an agreement between the BEREC Office and the contractor, services may be provided in other languages (for example, Russian).

## **2.3 Place of delivery**

Some services shall be provided at BEREC Office premises (Riga, Latvia) and some by email or phone (in case a BEREC Office staff member requests a reply to be sent by e-mail or answered by phone instead of a consultation at the BEREC Office premises).

---

<sup>5</sup> The specific contract may include other requirements, such as copyright or other disclaimers, for example: "The information and views set out in this brochure are those of the author(s) and do not necessarily reflect the official opinion of the BEREC Office. The BEREC Office does not guarantee the accuracy of the data included in this brochure. Neither the BEREC Office nor any person acting on the BEREC Office's behalf may be held responsible for the use which may be made of the information contained therein."

## **2.4 Minimum requirements**

### **2.4.1 Compliance with applicable law**

Tender must comply with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU, compliance with data protection obligations resulting from Regulation (EU) 2016/679 and Regulation (EU) 2018/1725.

### **2.4.2 Deadlines for the provision of legal advice to staff for private matters**

The Contractor shall respond to requests of the BEREC Office staff between 10.00 and 17.00 on working days. The Contractor shall be able to respond to the questions of the BEREC Office staff that do not involve analysis of documents within maximum 3 working days after the question has been submitted and within maximum 5 working days where analysis of documents (e.g. draft contract) is required.