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INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS

RFQ-21-028- Interpretation and Translation Services in Serbia

Questions and Answers

April 1, 2021

1. We are a USA Based company legally registered in Nevada, are we eligible to bid for this tender? Despite not being legally registered in Serbia.

IFES Responds: While IFES prefers bidders registered in Serbia/Bosnia and Herzegovina, the RFQ is open to all bidders with demonstrated capacity and past performance
2. It is mentioned in the RFQ that **“Bidders must submit the required translation samples mentioned under Annex 1 and Annex 2 of this RFQ”**. However, we were not able to find the Annex in the RFQ. we would highly appreciate sending us the annex if available, and could you please specify if you need the samples of the translation service to be provided from your side? Or should we provide you with a sample from previous work?

IFES Responds: Please find attached two written samples to be submitted with the application package.
3. Could you also please specify if you need interpretation samples as well? And if yes, do you need audio files to be provided from our side – (previous work) or you will send us a sample from your side?

IFES Responds: No interpretation samples are required at this time. IFES may contact shortlisted bidders for an interview to demonstrate capacity in interpretation.
4. Could you please specify if the service will be done remotely/online or on site?

IFES Responds: IFES envisions the contract period to last one (1) year. During this time, both remote/online and onsite interpretation may be required.
5. Is it possible to provide us with a total amount/ estimated value for the solicitation? Or previous solicitation with the same service to be used as a reference?

IFES Responds: The contract value for this service will not exceed USD 20,000

Translate from English to one of official languages in BiH:

1. Conduct an inclusive, consultative review of the legal and regulatory framework to guide a reform process to fill gaps and ensure consistency: The RIK, APC and Administrative Court should play a central role in electoral legal reform discussions, in consultation with political parties and other stakeholders, to ensure reform discussions align with operational and technical considerations and respond to identified needs. This approach would allow the electoral institutions to identify issues that could be addressed through procedural reforms. In particular, these reform efforts should identify targeted remedies to respond directly to different types of irregularities, provide clear evidentiary and investigation standards and ensure consistency across dispute resolution processes for different elections (local, national assembly, presidential).
2. Establish consistent rules of procedure to resolve electoral complaints and introduce robust, transparent and secure case management systems in the RIK and APC: These rules of procedure should fill gaps identified above, including, for example, providing guidance on requirements for complaints, types of evidence to consider and investigation procedures. Rules of procedure are also important for complaint management, as they create clear process for complaint resolution, including registering complaints, assigning cases, collecting and cataloging evidence, providing notice, scheduling hearings and recording decisions.
3. Update filing and decision-making timelines to protect due process and meet international standards: Review and reform filing and decision-making timelines to allow sufficient time for complaints and appeals to be prepared and filed and for due process protections by giving adjudicators the time they need to conduct proper investigations, hold hearings, make well-informed and just decisions, and provide a timely remedy.
4. Increase the capacity of election management bodies on EDR and investigation: To ensure uniform standards and consistency in the dispute resolution process, election commissions and polling boards should receive training on the EDR process. Trainings and workshops could be implemented with RIK, the Administrative Court, the prosecutor's office and police and cover international standards for adjudication of electoral complaints and investigation standards and provide comparative examples to guide reform.

Translate to English:

Efikasno rješavanje izbornih sporova je od vitalnog značaja za garantovanje integriteta i legitimiteta izbora. IFES je razvio jasnu i rigoroznu metodologiju za mjerenje efikasnosti i kredibiliteta procesa rješavanja izbornih sporova, koja polazi od međunarodno prihvaćenih standarda i zasnovana je na široko priznatom osnovnom pravu na učešće u vladavini. Ova procjena se oslanjala na ove utvrđene standarde za analizu mehanizama za rješavanje izbornih sporova i davanje efikasnih preporuka grupisanih u četiri potkategorije: 1) institucionalni model; 2) pravila i postupci za istragu i rješavanje žalbi i sporova; 3) pravni lijekovi i sankcije i izvršenje odluka; 4) informisanje i edukacija javnosti.

Ovom procjenom utvrđeno je da je drugi element – pravila i postupci za istragu i rješavanje prigovora/žalbi – prioritetno područje za reformu. Sagovornici su istakli značajne izazove u obezbeđivanju fer i poštenog postupka zbog kratkih rokova za rješavanje sporova, kao i značajne praznine u istrazi i postupcima za odlučivanje po prigovorima/žalbama. Pored toga, procjena ukazuje na potrebu za uvođenjem obuke i javnog informisanja kako bi se povećao kredibilitet procesa rešavanja sporova.

Svrha postojanja postupka za izborne sporove je osiguranje kredibiliteta i povjerenja primjenom jasnog i dosljednog prava na obeštećenje koje je dostupno svim oštećenim stranama. Ovo pravo mora biti jasno utvrđeno u zakonu i poznato javnosti. Tačnije, političke stranke, kandidati i birači moraju znati koji institucija je nadležna za koje vrste sporova, kao i proceduralna i materijalna pravila koja će upravljati procesom odlučivanja o žalbi.

Nadležnost za rješavanje izbornih sporova je relativno jednostavna. Administrativne žalbe u vezi sa kršenjem izbornih prava (prigovori) mogu se podnijeti nadležnoj izornoj komisiji: RIK-u za nacionalne izbore i relevantnom izbornom organu u okviru jedinice lokalne samouprave za lokalne izbore. U Zakonu o izboru predsjednika ne postoje žalbeni postupci, iako su u praksi žalbe na predsjedničke izbore podložne istim procedurama kao one navedene u Zakonu o izboru narodnih poslanika.