

TENDER FILE / TERMS OF REFERENCE (Restricted consultation procedure / One-off contract)

Purchase of Intellectual Services

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing the Project to End Online Child Sexual Exploitation and Abuse @ Europe VC1840 as well as Projects on Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova and Responding to Child sexual exploitation and abuse in Georgia, phase I. (the Projects). In that context, it is recruiting Provider(s) for the provision of intellectual services to strengthen training materials, programmes and strategies available to judges and prosecutors in relation to Online Child Sexual Exploitation and Abuse cases in selected countries, as requested by the Council on an as needs basis (See Section A of the Act of Engagement).

A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **one-off contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. Each lot will be awarded to the Provider providing the best value for money for the lot concerned, on the basis of the award criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the present Tender File and Act of Engagement.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject:**

CRD/VC1840/EndOCSEA@Europe(2019)JP.

Tenders addressed to another email address **will be rejected.**

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 2 (two) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: *Questions CRD/VC1840/EndOCSEA@Europe(2019) JP.***

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	11 July 2019
Email for submission of tenders/offers ▶	Children.endOCSEA@coe.int
Email for questions ▶	Children.endOCSEA@coe.int
Expected starting date of execution ▶	15 July 2019

¹ The activities of the Council of Europe are governed by its [HYPERLINK "https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052"](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [HYPERLINK "https://wcd.coe.int/ViewDoc.jsp?p=&id=1807541&direct=true"](https://wcd.coe.int/ViewDoc.jsp?p=&id=1807541&direct=true).

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached). Please note that each lot concerns a different series of deliverables. Tenderers may tender for one, all or several lots.

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send, for each lot, a **quote (Pro Forma invoice)** on their letterhead including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

Tenderers shall be excluded from participating in the tender procedure if they:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are or are likely to be in a situation of conflict of interests.

Eligibility criteria

- University degree, in law, political or social science with proven experience, knowledge and practical understanding of the international legal standards applicable to Online Child Sexual Exploitation and Abuse (OCSEA);
- Proven knowledge and experience of at least two of the following areas: investigation and prosecution of OCSEA, electronic evidence, safeguarding children, child-friendly procedures for interviewing child victims and witnesses, trans-border co-operation and co-operation with stakeholders at national level.
- Minimum of 5 years professional experience working in an area related to OCSEA at national or international level;
- Ability to work in an international environment;
- Demonstrated drafting and writing skills in English;
- Availability to speak at relevant events (exact location, dates and times to be agreed).

² The Council of Europe reserves the right to ask tenderers, at a later stage, to supply an extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

Award criteria

For Lot 1:

- Quality of the offer (90%), including:
 - Methodology proposal for training review, including subject areas to be assessed;
 - Capacity to meet deadlines and to present findings at relevant events.
- Financial offer (10%).

For Lot 2:

- Quality of the offer (90%), including:
 - Methodology proposal for training review, including subject areas to be assessed;
 - Capacity to meet deadlines and to present findings at relevant events.
- Financial offer (10%).

For Lot 3:

- Quality of the offer (90%), including:
 - Methodology proposal for training review, including subject areas to be assessed;
 - Capacity to meet deadlines and to present findings at relevant events.
- Financial offer (10%).

For Lot 4:

- Quality of the offer (90%), including:
 - Methodology proposal for training review, including subject areas to be assessed;
 - Capacity to meet deadlines and to present findings at relevant events.
- Financial offer (10%).

For Lot 5:

- Quality of the offer (90%), including:
 - Methodology proposal for training review, including subject areas to be assessed;
 - Capacity to meet deadlines and to present findings at relevant events.
- Financial offer (10%).

Multiple tendering is not authorised.

E. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (See attached)**
- **For tenderers subject to VAT only: a quote, describing the financial offer, in line with the requirements of Section C of the Tender File (see above)**
- Registration documents, for legal persons only
- **Curriculum Vitae**
- **For lot 1: Methodology proposal (maximum 2 pages) building on the methodology outlined in Section A of the Act of Engagement**
- **For lot 2: Methodology proposal (maximum 2 pages) building on the methodology outlined in Section A of the Act of Engagement**
- **For lot 3: Methodology proposal (maximum 2 pages) building on the methodology outlined in Section A of the Act of Engagement**
- **For lot 4: Methodology proposal (maximum 2 pages) building on the methodology outlined in Section A of the Act of Engagement**
- **For lot 5: Methodology proposal (maximum 2 pages) building on the methodology outlined in Section A of the Act of Engagement;**

All documents shall be submitted in English, failure to do so will result in the exclusion of the tender.

If any of the documents listed above are missing, the Council of Europe reserves the right to reject the tender.

The Council reserves the right to reject a tender if the scanned documents are of such a quality that the documents cannot be read once printed.

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³ The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred.