



TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

Purchase of national consultants services on enhancement of the competencies of internally displaced persons and displaced professionals and strengthening the legal and regulatory framework on internal displacement.

Contract N° 8562/2018/RC/FC/1

The Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: Building Solutions" in the framework of the Council of Europe Action Plan for Ukraine 2018-2021 which aims to strengthen the capacities of internally displaced persons (hereinafter - IDPs), displaced professionals, displaced institutions and other key stakeholders to improve the human rights protection of IDPs in Ukraine. In that context, it is looking for Providers for the provision of services on enhancement of the competencies of IDPs and displaced professionals and strengthening the legal and regulatory framework on internal displacement **to be requested by the Council on an as needed basis.**

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 **framework 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. All tenderers will be informed in writing of the outcome of the procedure. The tenderer must be either a natural person, or a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: call for national consultants on IDPs issues.** 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 3 (three) 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: call for national consultants on IDPs issues.**

Type of contract ▶	Framework contract
Duration ▶	Until 30 August 2019
Deadline for submission of tenders/offers ▶	05 September 2018
Email for submission of tenders/offers ▶	Internally.Displaced.Persons@coe.int
Email for questions ▶	Internally.Displaced.Persons@coe.int
Expected starting date of execution ▶	17 September 2018

¹ The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

In the framework of the Council of Europe Action Plan for Ukraine 2018-2021 the Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: building solutions" (hereinafter – the Project) which aims to strengthen the capacities of internally displaced persons, displaced professionals, displaced institutions and other key stakeholders to improve the human rights protection of IDPs in Ukraine. Specific objectives of the Project are enhancing competencies of IDPs and displaced professionals in improving services for and by IDPs; strengthening the legal and regulatory framework on internal displacement and empowering IDP agency and integration at local and regional level.

Main National Partners of the Project: Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine, Ministry of Social Policy of Ukraine, Ministry for Regional Development, Building and Housing of Ukraine, Ministry of Education and Science of Ukraine (Department of Higher Education), Ukrainian Parliament Commissioner for Human Rights, State Fund for Youth Housing Assistance, Coordination Centre for Free Legal Aid Provision, National School of Judges of Ukraine, National Notary Chamber of Ukraine, displaced universities, civil society organisations and local authorities.

Target groups of the Project: internally displaced persons, displaced professionals, displaced institutions; national policy-makers, national, regional and local authorities working on IDP issues, civil servants, judges, lawyers, civil society organizations.

Final beneficiaries of the Project are internally displaced persons and communities hosting IDPs.

The Council of Europe is looking for up to 20 (twenty) Providers per lot provided enough tenders meet the criteria indicated below in order to support the implementation of the project with a particular expertise on enhancement of the competencies of IDPs and displaced professionals and organizations working with IDPs and strengthening the legal and regulatory framework on internal displacement.

For information purposes only, the total budget of the Project amounts to 1 000 000 Euros and the object of present tender **shall not exceed 55,000 Euros tax exclusive** for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

Scope of the Framework Contract

The tender is divided into the following two lots. Consultants may submit a tender for one or for both lots subject to the fulfilment of the criteria listed in the Tender Rules for the lot(s) concerned.

Throughout the duration of the Framework Contract, being supervised and coordinated by the member of the Project team, the pre-selected Providers may be asked to provide intellectual services within one or several following fields:

Lot 1 – Enhancement of the competencies of IDPs and displaced professionals and organizations working with IDPs.

The list of expected deliverables (not exhaustive):

- design and implement agendas of thematic capacity building activities (workshops, round tables, trainings, seminars, forums etc., sometimes applying the methodology of non-formal education), communication with partners, other contributors and/or participants;
- facilitate and/or moderate sessions of thematic capacity building activities, delivering presentations;
- prepare thematic evaluation, analytics and recommendations;
- elaborate relevant thematic hand-outs for participants of thematic capacity building activities;
- develop and/or proofread thematic informational and media products (which may include publications, leaflets, maps of referral, brochures, social videos etc.);
- conduct researches (which may include surveys, analysis, interviews etc.) using the own methodology or a methodology proposed by the Project team;

Among the potential themes of the activities, informational/media products and researches are following: human rights protection of IDPs; integration of IDPs into host communities; decentralisation, local and regional policies towards IDPs; participation and advocacy; prevention of vulnerability among IDPs; networking and community development, project management, resources and fundraising for displaced professionals and institutions etc.

Lot 2 - Strengthening the legal and regulatory framework on internal displacement.

The list of expected deliverables (not exhaustive):

- review of the national legislation, legal and/or court practices on access to justice, housing and property rights for internally displaced persons and develop recommendations on further implementation of the Council of Europe relevant standards and the European Court of Human Rights case-law in this regard;
- provide recommendations on improving the existing legislative and regulatory framework (including recommendations on the draft laws) related to access to justice, housing and property rights for internally displaced persons;
- contribute to drafting recommendations on amendments to particular laws and legislative regulations regarding the rights and freedoms of IDPs, and access to justice, housing and property rights for IDPs in particular;

- provide recommendations on the existing or potential legislative or administrative regulations which would facilitate access of internally displaced persons to justice, housing and property rights in the form of mechanisms, programs, algorithms, tools etc.;
- participate and contribute to ad-hoc meetings of the thematic expert groups on the issues of access to justice, housing and property rights for internally displaced persons, coordinate an information flow between these groups, main national partners and the Project team;
- contribute to the thematic activities on IDPs rights including access to justice, housing and property rights for IDPs through expert inputs, delivering presentations, facilitation of the sessions, preparing evaluation, analytics, recommendations, hand-outs for participants, developing and moderating online and offline courses on IDPs rights;
- conduct researches (which may include surveys, analysis, interviews etc.) using the own methodology or a methodology proposed by the Project team with distinct focus on different aspects of access to justice, housing and property rights for IDPs in line with the Council of Europe standards;
- develop and/or proofread thematic informational products (which may include publications, leaflets, maps of referral, etc.), ensuring relevancy of legal terminology and specific terms.

The particular expertise within the topic of access to justice, housing and property rights for IDPs may include but not limited to: case-law of the European Court of Human Rights related to internal displacement and conflicts and other relevant international standards, Ukrainian legal and/or court practices of the human rights protection of IDPs, provision of free legal aid for IDPs, access to pensions and inheritance for IDPs, schemes for property restitution and compensation, housing programs and legislation on housing for IDPs.

The list of deliverables per lot are not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to them and within the expertise of the consultants as described under eligibility and award criteria below.

In terms of **quality requirements**, the pre-selected Service Providers must ensure, *inter alia*, that:

- The services are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).

C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 1 (one) working day after its reception. If a Provider is unable to take an Order or if no reply is given on his behalf

within that deadline, the Council may call on another Provider using the same criteria, and so on until a suitable Provider is contracted.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and 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 .

Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

E. 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)³

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 for LOT 1

- A university degree in law / political sciences / social sciences/ public administration / or related fields;
- At least 2 years' experience of work in the field of protection, provision of services or counseling of internally displaced persons;
- Experience in the field of delivering trainings, moderation, facilitation in the areas of human rights /community development / social and legal services / or related fields;
- Knowledge of the standards and recommendations of the Council of Europe in the field of protection of the human rights of IDPs and familiarity with the experience of the Council of Europe activities in the field of protection of the human rights of IDPs in Ukraine;
- Ability to work in Ukrainian.

Eligibility criteria for LOT 2

- A university degree in law / political sciences / social sciences / international relations / public administration / or related fields;
- At least 2 years of practical experience in the field of protection, provision of services, counseling of internally displaced persons or conducting practically oriented research in the context of internal displacement in Ukraine;
- Academic background and /or previous proven experience in drafting policy documents, analysis of the national legislation or elaboration of legislative amendments in the field of protection of the rights of IDPs;
- Knowledge of the Ukrainian judiciary as well as legislative and regulatory framework on IDPs in Ukraine;
- Knowledge of the standards and recommendations of the Council of Europe in the field of human rights protection of IDPs (including the case-law of the European Court of Human Rights);

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

³ 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.

- Excellent oral and written skills in Ukrainian, good knowledge of English.

Award criteria for LOT 1

- Quality of the offer (80%), including:
 - Relevance of the experience of the tenderer in the areas covered by this call (20%);
 - Experience in the field of delivering trainings, moderation, facilitation in the areas of human rights /community development / social and legal services / or related fields (20%);
 - Knowledge of the standards and recommendations of the Council of Europe in the field of human rights protection of internally displaced persons and/or the national legislation and legal practices of protection of IDPs (20%);
 - Academic background (20%);
- Financial offer (20%).

Award criteria for LOT 2

- Quality of the offer (80%), including:
 - Relevance of the experience of the tenderer in the areas covered by this call (20%);
 - Experience in drafting policy documents, analysis of the national legislation or elaboration of legislative amendments in the field of protection of the rights of IDPs (20%);
 - Knowledge of the standards and recommendations of the Council of Europe in the field of human rights protection of internally displaced persons and/or the national legislation and legal practices of protection of IDPs (20%);
 - Academic background or proven experience of mastering of a legal norm making-technique (20%);
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorized.

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A detailed CV, demonstrating clearly that the tenderer fulfills the eligibility criteria, including knowledge of respective language(s);
- Examples of previous fulfilled assignments which may correspond to the expected deliverables and eligibility criteria in relevant LOTs (for example, trainings conducted, documents drafted, activities organized etc.)

Act of Engagement and CV shall be submitted in English, failure to do so will result in the exclusion of the tender. Other supporting documents can be provided in English or Ukrainian.

If any of the documents listed above are missing, the tender will not be considered.

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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⁴ 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.