



CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF GOOD GOVERNANCE AND COMBATING ECONOMIC CRIME

2021A029

Object of the procurement procedure ▶	Provision of consultancy services in the area of good governance and combating economic crime
Project ▶	Council of Europe Economic Crime and Cooperation Division
Organisation and buying entity ▶	Council of Europe Economic Crime and Cooperation Division
Type of contract ▶	Framework Contract
Duration ▶	Until 31 August 2024 (renewable annually until 31 August 2026)
Expected starting date ▶	01 September 2021
Tender Notice Issuance date ▶	01 June 2021
Deadline for tendering ▶	30 June 2021

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
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The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A FRAMEWORK CONTRACT WORK?

STAGE 1:

SELECTION of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

STAGE 2:

ORDER(S) are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

EXECUTION as from the date of signature of each Order, unless the Order concerned provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF GOOD GOVERNANCE AND COMBATING ECONOMIC CRIME 2021A029

A. BACKGROUND

The Economic Crime and Cooperation Division (ECCD) of the Council of Europe carries out technical cooperation projects in Council of Europe member-states and neighbouring jurisdictions aimed at combating corruption, money laundering, terrorism and its financing, economic and organized crime.

The present tendering procedure aims to select Providers (Consultants) to support the ECCD in the implementation of on-going and future initiatives aimed at analysing and advising on policy, legislative and institutional responses to countering economic crime and the effectiveness of the management of risks and vulnerabilities on corruption, money laundering and the financing of terrorism (ML/FT).

The Council of Europe is looking for an overall maximum of **230** Providers who will meet one, several or all profile criteria indicated in the following 7 lots of consultancy services:

Lot 1	<p><u>Anti-corruption and good governance:</u></p> <ul style="list-style-type: none"> • Policies, strategies and institutional frameworks; • Legislative and regulatory frameworks; • Asset declarations; • Conflict of interest, ethics and codes of conduct; • Corruption-proofing of legislation; • Risk assessment; • Whistleblower protection; • Lobbying; • Public procurement; • Political party and electoral campaign financing; • Administrative anti-corruption inquiries and inspections; • Transparency and access to information; • Anti-corruption measures and compliance in the private sector; • Simplification of administrative procedures and lean management of administration; • Law enforcement investigations, prosecution and adjudication of corruption offences; • International cooperation and exchange of information; • Civil society engagement and investigative journalism; • Statistics and case-tracking systems; • Judicial and prosecutorial independence and integrity; • State audit and corruption control
Lot 2	<p><u>Anti-money laundering (AML):</u></p> <ul style="list-style-type: none"> • Policies, strategies and institutional frameworks; • Legislative and regulatory frameworks; • National and sectorial risk assessments; • Operational and strategic analysis by financial intelligence units; • Regulation and risk-based supervision of financial institutions; • Regulation and risk-based supervision of non-financial businesses and professions; • Risk profiling of supervised entities; • Compliance and internal controls in the private sector; • Customs enforcement and cash declarations; • Law enforcement investigations, prosecution and adjudication of ML offences; • International cooperation and information exchange; • Design and use of IT systems for risk assessment, financial intelligence and financial investigation purposes; • Design and use of IT systems for supervisory purposes (risk-based AML/CFT supervision); • EU standards and EU internal market application of AML/CFT measures; • Auditing the AML/CFT internal control systems; • Transparency of beneficial ownership; • Setup and use of central registers for AML/CFT purposes. • Assessment of the effectiveness of application of AML/CFT measures in a jurisdiction

Lot 3	<p><u>ML/FT risks and vulnerabilities associated with new technologies</u></p> <ul style="list-style-type: none"> • Assessment of risks associated with new financial technologies • Regulation and supervision of new financial technologies, including relevant EU standards; • Remote application of customer due diligence (CDD); • Use of digital identity in the CDD process; • Virtual assets service providers and application of related AML/CFT measures; • Application of data analytics for AML/CFT purposes.
Lot 4	<p><u>Asset recovery and asset management:</u></p> <ul style="list-style-type: none"> • Policies, strategies and institutional frameworks; • Legislative and regulatory frameworks; • Asset tracing and financial investigations; • Asset freezing, seizure and confiscation; • Asset management and asset valuation; • International cooperation to seize and recover assets; • International partitioning of assets; • Tax fraud and investigation/assessments; • IT design and support for asset management and asset recovery systems.
Lot 5	<p><u>Combating organized crime:</u></p> <ul style="list-style-type: none"> • Policies, strategies and institutional frameworks; • Law enforcement investigations, prosecution and adjudication of organized crime; • Organized crime threat assessments; • Criminal intelligence methodologies and practices.
Lot 6	<p><u>Mutual legal assistance (MLA) and other forms of cooperation in Criminal and Administrative Matters:</u></p> <ul style="list-style-type: none"> • Informal international cooperation in criminal matters, with an emphasis on combating economic crime; • Exchange of information in criminal cases; • Transparency and exchange of information for tax purposes; • Legislative and procedural frameworks; • Institutional procedures and effectiveness; • International cooperation using MLA • Formulation and execution of MLA requests; • Extradition; • MLA statistics and case tracking systems.
Lot 7	<p><u>Combating terrorism and its financing:</u></p> <ul style="list-style-type: none"> • Policies, strategies and institutional frameworks; • Risk and threat assessments; • Preventive measures against terrorism; • Preventive measures against financing of terrorism; • Targeted financial sanctions; • Financing of proliferation of weapons of mass destruction; • Assessment of terrorist financing (FT) risks associated with the non-profit sector and application of related preventive measures; • Law enforcement investigations, prosecution and adjudication of terrorism and/or the financing of terrorism; • EU standards and EU internal market application of measures against FT.

The Council will select, through this procedure, a maximum number of Service Providers for each lot, as listed below, provided enough offers meet the criteria:

Lot 1	45 Providers	Lot 5	20 Providers
Lot 2	45 Providers	Lot 6	30 Providers
Lot 3	30 Providers	Lot 7	30 Providers
Lot 4	30 Providers		

Tenderers are invited to indicate which lot(s) they are tendering for in Section A of the Act of Engagement, as well as indicate in the motivation letter their areas of expertise within each lot. Tenderers may tender for one, several or all lot(s).

This Contract is currently estimated to cover up to 150 activities for each lot, to be held until the end of 2026. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total amount of the object of present tender should in principle not exceed **250,000 Euros** 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.

B. SCOPE OF THE FRAMEWORK CONTRACT

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the following types of deliverables :

- Drafting analytical reports, such as: risk assessments, needs and gap analysis, institutional reviews, effectiveness reviews, inclusive of desk work and participation in on-site assessment visits, where required. Furthermore contribute to the preparation of assessment reports and of technical specification or other documents as required.
- Drafting opinions on draft legislation and legislative reforms.
- Developing methodological assessment tools at national and sectorial levels.
- Contributing to the preparation of strategic documents, actional plans and other similar documents in the area of fight against economic crime.
- Preparing training curricula, training modules and related training materials.
- Conducting trainings.
- Undertaking mentoring of staff in beneficiary institutions on specific working processes or cases.
- Participating and contributing to events (conferences, workshops, seminars, roundtable discussions, high level meetings, on-site assessments etc.)

The above list of deliverables is indicative and is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract.

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 the Provider 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 unit fees, by completing the table of fees, as attached in Section A of 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 per service day 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 daily fees, as agreed by this Contract.

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

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

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 2 (two) working days after its reception.

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.

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 Service 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 quote¹ (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 Service Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing 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 (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, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
- 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 an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
- have been involved in mismanagement of the Council of Europe funds or public funds;
- are or are likely to be in a situation of conflict of interests in relation to the tender procedure;
- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu);
- proposed fee above the exclusion criteria stated in the Table of fees.

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

For legal persons:

- At least 7 years of experience, **as a legal person**, in one or more of the following fields: anti-corruption, good governance, anti-money laundering/combating the financing of terrorism, asset recovery, asset

¹ It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

² The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

- 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 requirements, as well as the sixth, listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.

management, combating organized crime, mutual legal assistance, combating terrorism and its financing or IT systems design for government administrations

- If tendering for lot 3, at least 4 years of experience, **as a legal person**, in ML/FT risks and vulnerabilities associated with new technologies;
- A Master's degree or higher in the field of law, political or social science, economy or finance, information technology or related fields, for the **persons assigned to the execution of the contract**.

For natural persons:

- At least 7 years of experience, **as a natural person**, in one or more of the following fields: anti-corruption, good governance, anti-money laundering/combating the financing of terrorism, asset recovery, asset management, combating organized crime, mutual legal assistance, combating terrorism and its financing or IT systems design for government administrations;
- If tendering for lot 3, at least 4 years of experience, **as a natural person**, in ML/FT risks and vulnerabilities associated with new technologies;
- A Master's degree or higher in the field of law, political or social science, economy or finance, information technology or related fields;

Award criteria

For legal persons:

- Criterion 1: Professional experience of the persons assigned to the execution of the contract in the fields of expertise covered by this tender (60%), consisting of:
 - Length of experience;
 - Proven track record of practical achievements in the given field;
- Criterion 2: Quality of sample deliverables produced by the persons assigned to the execution of the contract (20%):
 - Coherence of drafting; and/or
 - Relevance and adequacy of content.
- Criterion 3: financial offer (20%).

For natural persons:

- Criterion 1: Professional experience in the fields of expertise covered by this tender (60%), consisting of:
 - Length of experience;
 - Proven track record of practical achievements in the given field;
- Criterion 2: Quality of sample deliverables produced by the tenderer (20%):
 - Coherence of drafting; and/or
 - Relevance and adequacy of content.
- Criterion 3: financial offer (20%).

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- **One** completed and signed copy of the Act of Engagement;³
- Registration documents (for legal persons only);
- CV in English or French of the tenderer;
- CVs of persons allocated to the execution of the contract (for legal persons only);
- Motivation letter demonstrating the tenderer's understanding of the Council of Europe needs as well as its compliance with the eligibility criteria listed above. The motivation letter shall also indicate the areas of expertise of the tenderer for the lot(s) tendered for;

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.

- At least one sample of an English text recently drafted by the tenderer; the **legal persons** shall submit one such sample for each person assigned to the execution of the contract;
- 3 (three) professional referees' contact details.

All documents shall be submitted in English or French, 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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PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF GOOD GOVERNANCE, COMBATING CORRUPTION, MONEY LAUNDERING AND TERRORISM FINANCING 2021AO29

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Economic Crime and Cooperation Division (ECCD), Directorate General Human Rights and Rule of Law (DGI), Council of Europe

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Yerevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are governed by the Financial Regulations of the Organisation and by Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in [English or French], and shall be exclusively sent to the following address: DGI-EconomicCrime@coe.int with **Subject: 2021AO29 Questions**

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 30 June 2021.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

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⁴ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **One** completed and signed copy of the Act of Engagement.
 - Registration documents (for legal persons only);
 - CV in English or French of the tenderer;
 - CVs of persons allocated to the execution of the contract (for legal persons only);
 - Motivation letter demonstrating the tenderer's understanding of the Council of Europe needs as well as its compliance with the eligibility criteria listed above. The motivation letter shall also indicate the areas of expertise of the tenderer for the lot(s) tendered for;
 - At least one sample of an English text recently drafted by the tenderer; the **legal persons** shall submit one such sample for each person assigned to the execution of the contract;
 - 3 (three) referees' contact details.
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2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 30 June 2021.