

TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)



Purchase of international and national intellectual (consultancy) services in the field of promotion of local government best practices at national and regional levels.

Contract N° 8549/2018/40

The Council of Europe is currently implementing a Programme “*Decentralisation and local government reform in Ukraine*”. In that context, it is looking for Provider(s) in order to support identification and dissemination of local government best practices at national and regional levels, through the implementation of the Contest “Best Practices of Local Self-Government”.

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 €5,000 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: Offer_Call on Best Practices of Local Self-Government Contest 8549/2018/40**. 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 5 (five) 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: Question_Call on Best Practices of Local Self-Government Contest 8549/2018/40.**

Type of contract ►	Framework contract
Duration ►	Until 28 February 2019
Deadline for submission of tenders/offers ►	05 September 2018
Email for submission of tenders/offers ►	yana.lazarevska@coe.int
Email for questions ►	yana.lazarevska@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

The Council of Europe Programme “Decentralisation and local government reform in Ukraine” is implemented as a part of the Council of Europe Action Plan for Ukraine for 2018-2021.

The overall objective of the Programme is to support decentralisation and establishment of a sustainable local governance system in Ukraine. The Programme includes a wide range of activities devised into four strongly interconnected components. Component 4 of the Programme – “Enhancing capacities of amalgamated communities to deliver better services” – foresees organisation of the Contest “Best Practices of Local Self-Government” at national and regional levels in order to identify, acknowledge and disseminate good practices among local authorities. The Contest is based on Council of Europe methodology. In 2012-2013 it was launched in Ukraine by the Centre of Expertise for Local Government Reform of the Council of Europe. Since 2014 the Contest has been organised annually by the Ministry of Regional Development, Construction and Municipal Economy of Ukraine with Council of Europe’s support. In June 2018 Donetsk Oblast State Administration launched the first regional contest “Best Practices of Local Self-Government” based on the same methodology.

In this context the Programme is looking for maximum 10 (ten) Provider(s) (provided enough tenders meet the criteria indicated below), specifically the following groups of experts:

- **Lot 1 - International experts on facilitation of the Contest “Best Practices of Local Self-Government” (maximum 3 (three) Providers).**
- **Lot 2 - National experts on facilitation of the Contest “Best Practices of Local Self-Government” (maximum 7 (seven) providers).**

for the provision of intellectual services to ensure implementation of the Programme with a particular expertise on (i) local self-government and decentralisation reform, (ii) Council of Europe standards and recommendations in the field.

This Contract is currently estimated to cover up to 20 activities, to be held by 28 February 2019. 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.

The total amount of 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

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

- prepare analytical reports, assessments;
- facilitate, contribute to the organisation of and participate in events (meetings, workshops, conferences, high level meetings, verification visits), prepare and make presentations, moderate discussions;
- support the assessment of applications of local authorities submitted within the Contest, including compliance with the eligibility and award criteria; facilitate selection panel activities;
- contribute to the drafting of information brochures, articles, of learning material, handbooks and manuals;
- facilitate and promote networks among “best local authorities” to encourage exchange of good government practices (for example, specialised Facebook communities/groups).

The above lists is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above lists 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 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 Ukrainian and/or English specified in concrete order of the Council (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 2 (two) working days 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;

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.

- 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

Lot 1

- Master's Degree in law, public administration, public policy, political science, sociology, economics, preferably with focus on local and regional government, or a related field;
- Minimum five years of relevant experience at the international level (outside of Ukraine) in undertaking specific research, providing expert advice in the relevant field;
- Excellent English and/or French language skills.

Lot 2

- Master's Degree (or equivalent) in law, public administration, public policy, political science, sociology, economics, preferably with focus on local and regional government, or a related field;
- Minimum five years of relevant experience at the national level in undertaking specific research, providing expert advice in the relevant field;
- Excellent Ukrainian language skills.

Award criteria (for Lot 1 and Lot 2)

- Quality of the offer (90%), including:
Thematic knowledge and related experience (45%), including:
 - knowledge and expertise in capacity-building activities for public authorities at the national and international level;
 - knowledge of the toolkit on Best Practice in Local Government Programme, developed by the Centre of Expertise for Local Government Reform of the Council of Europe;
 Level and relevance of the capacities of the tenderer (45%), including:
 - research, analysis, writing and reporting skills;
 - communication and team work skills in an international environment.
- Financial offer (10%).

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A **detailed CV in English**, demonstrating clearly that the tenderer fulfills the eligibility criteria;
- **Motivation letter in English**, demonstrating experience and expertise required;
- At least one sample of the previous work (relevant deliverables / links to publications etc.).

Act of Engagement, CV and motivation letter 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 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.

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.