**CALL FOR TENDERS**

for the provision of international consultantcy services in the field of human rights protection and national human rights institutions

**Expertise sought in: institutional development, organisatonal AND strategic development of the National human rights institutions (nhri); alignment of the legislative and regulatory framework of the NHRI with the European standards, including in the field of data protection; enhancement of the Nhri’s capacity to respond the challenges related to DOCUMENTING AND reporting on human rights violations, INCLUDING IN the CONTEXT OF WAR; strengthening of the National Preventive Mechanisms (NPM); prevention and combatting ill-treatment; creation of the rehabilitation mechanism for victims of torture; development of tools for human rights promotion and awarenss raising**

**2023/AO/63**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | International consultancy in the field of human rights protection and strengthening National Human Rights Institutions divided into 5 lots:Lot 1 - National Human Rights InstitutionsLot 2 - Monitoring places of deprivation of libertyLot 3 - Rehabilitation of victims of ill-treatment/tortureLot 4 - Data ProtectionLot 5 - Strategic development and communication  |
| **Project ►** | The Tender will cover the project and co-operation activities of the Implementation of Human Rights, Justice and Legal Co-operation Standards Department in EU and Council of Europe Member States and non-Member States  |
| **Organisation and buying entity ►** | Implementation of Human Rights, Justice and Legal Co-operation Standards Department Directorate General Human Rights and Rule of Law, Council of Europe |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 31 December 2027 |
| **Expected starting date ►** | 21 August 2023 |
| **Tender Notice Issuance date ►** | 5 July 2023 |
| **Deadline for tendering ►** | 30 July 2023 |

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.

* [**The TENDER RULES** 6](#_Toc445392376)

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** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section G 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 interNATIONAL CONSULTANTCY SERVICES IN THE field OF HUMAN RIGHTS PROTECTION AND** **strengthening national human rights institutions**

**2023/AO/63**

1. **Background**

The Council of Europe continues to provide support to the national authorities through projects and activities related to the promotion and protection of human rights and fundamental freedoms by National Human Rights Institutions (NHRI) with a specific focus on the Ombudsperson institutions, National Preventive Mechanisms (NPM) and other forms of external independent or civil monitoring. The projects and co-operation activities of the Implementation of Human Rights, Justice and Legal Co-operation Standards Department, notably its Co-operation Programmes Division and Transversal Challenges and Multilateral Projects Division, primarily target the operational capacities of the respective institutions to prevent, document, monitor and report human rights violations, and promote human rights for all, including in the context of war. Support aims at enabling these institutions to perform their mandate and increase their role for the protection and promotion of human rights. This will involve strengthening the institutional and administrative capacity, improving legal framework and respective regulations, as well as increasing communication and outreach, raising awareness and understanding of the mandate and role among citizens and stakeholders and build trust for the institutions. The work also covers the functioning of the NHRI and other governmental and external stakeholders in wartime and providing targeted support to the specific challenges faced by the institutions.

In this context, the Council of Europe is looking for a maximum of 100 Providers as indicated in section B below for each lot respectively (providing that enough tenders meet the criteria indicated below) in order to support implementation of the projects as well as Ordinary Budget activities implemented by the Department in the Members States and non-Member States (e.g., Kosovo\*,[[1]](#footnote-1) Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, etc., the list is non-exhaustive) with a particular expertise on development of the national human rights protection systems with the NHRI playing a particular role in promoting and protecting human rights, further strengthening of the national mechanism for torture prevention, rehabilitation services for victims of torture; modernisation of the privacy and data protection law, etc.

This Contract is currently estimated to cover up to 1.000 activities, to be held by the 31 December 2027. 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 budget of the Department activities in the areas of human rights protection and strengthening NHRI in all Council of Europe Member States and non-Member States for current and future projects, as well as Ordinary Budget activities, amounts to 2,500.000 Euros and the total amount of the object of present tender should in principle not exceed 800,000 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.

**The tender is also covering activities that might be implemented in Ukraine. By submitting an offer in the framework of the present Call for Tenders, the Tenderer acknowledges that the persons involved in the implementation of the contract will be exposed to an increased risk of death and injury due to the ongoing war against Ukraine. The Tenderer also acknowledges that, if selected, it will carry out the implementation of the contract at its own risk.**

**The Tenderer confirms in addition that, if selected, it will perform systematic security assessments before implementing any activity related to the implementation of the contract. The Tenderer acknowledges that the Council of Europe does not assume any liability for the death, any injury or any damage that the Provider or persons involved in the implementation of the contract may sustain in Ukraine.**

1. **LOTS**

The present tendering procedure aims to select Providers to support the implementation of the projects and co-operation actions of the Council of Europe Implementation of Human Rights, Justice and Legal Co-operation Standards Department and is divided into the 6 following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| **Lot 1:** National Human Rights Institutions | 20 |
| **Lot 2:** Monitoring places of deprivation of liberty | 20 |
| **LOT 3:** Rehabilitation of victims of ill-treatment/torture | 20 |
| **LOT 4:** Data Protection | 20 |
| **LOT 5:** Strategic development and communication  | 20 |

The Council will select the abovementioned number of Providers per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

1. **SCOPE OF THE FRAMEWORK CONTRACT**

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

|  |  |
| --- | --- |
| Lots |  |
| **Lot 1:** **National Human Rights Institutions**20 consultants  | The scope of work includes the alignment of the legal and regulatory framework on the National Human Rights Institutions’, in particular the Ombudsperson’s Institution in line with the European and international standards and best practices, institutional framework and operational mandate of the Ombudsperson’s Office and its compliance with the international standards, including those on independence, autonomy, responsibility, powers of investigation, staff policy, professional development, and training, etc., as well as institutional development and capacity building of the Ombudsperson and its staff, including in conflict/wartime;The indicative list of expected deliverables under Lot 1 is as follows (not exhaustive):* Provision of expertise in the form of assessment, legal opinions of the laws, by-laws and policy documents (drafts and in force) and/or practice of their implementation and their compliance with the international standards and with due regard to the national context;
* Contribution to the preparation of the internal guidance, regulatory documents, methodologies based on a proper knowledge of the mandate and operational work of the Ombudsperson’s Office, national legal framework and political context, as well as international standards;
* Provision of advice (in the oral and/or written from), research, analytical notes, reports, comments, comparative analysis, etc. including on the issues related to the efficient functioning of the Ombudsperson’s institution in part of the organisational structure, budgeting, operational capacities (individual complaint handling procedure, case management procedure, ex-officio investigations), staff policy and management, etc.;
* Provision of expertise, guidance/instructions on application of the modern approaches and methodologies to improve work efficiency;
* Contribution to the development of the strategic, information and guiding materials;
* Participation and contribution to the thematic working group meetings, expert meetings with the national stakeholders, including through moderating/facilitating discussions and delivering presentations;
* Participation and contribution to the conferences, roundtables, seminars, trainings and other relevant events, including through moderating/facilitating discussions and delivering presentations;
* Contribution to the development and delivery of trainings, including ToTs, within the thematic areas of the Ombudsperson mandate;
* Contribution to the preparation and delivering of the trainings, including ToTs, on adult-learning methodology and knowledge monitoring tools for the Ombudsperson’s Office staff/trainers;
* Preparation of the needs assessment of the Ombudsperson’s Office and capacity of its staff.
 |
| **LOT 2** **Monitoring places of deprivation of liberty**20 consultants | The scope of work relates to the strengthening of the National Preventive Mechanism (NPM) and other forms of external independent or civil monitoring, institutional development and capacity building of the national monitors, implementation of the efficient and independent monitoring techniques and methodologies, development of the interviewing skills, monitoring reports’ drafting, policy and legislative framework, inter-institutional cooperation, NGOs and experts’ involvement; implementation of the European human rights standards into the work of the various places of deprivation of liberty including in the penitentiary, law enforcement, social and psychiatric care systems, migrant detention centres, orphanages and / other closed institutions, including in conflict/wartime.The indicative list of expected deliverables under Lot 2 is as follows (not exhaustive):* Provision of the expertise in the form of assessment, legal opinions of the legislation and policy documents (drafts and in force) and/or practice of their implementation and their compliance with the European and international standards and with due regard to the national context;
* Provision of advice (in the oral and/or written form), comments, recommendations, studies, reports, comparative analysis, meeting documents, etc. on the thematic area;
	+ Participation and contribution to the working groups meetings, expert consultations, meetings with the international and national stakeholders, conferences, seminars and other relevant events such as awareness raising activities and exchange of best practices, including through contributing to the drafting of meeting documents, moderating/facilitating discussions and delivering presentations on various thematic areas related to the work of the NPMs, human rights protection, prevention of ill-treatment in various places of deprivation of liberty for all people, including psychiatric and social care institutions, with specific attention to the situation of vulnerable persons;
	+ Contribution to the development and/or revision of internal guidance and development of a common guidance and working methodologies to assists NPMs in the preparation, conduct or follow-up to visits (including interviewing techniques, monitoring checklists, reporting and recommendations’ provision etc.);
	+ Contribution to the development of information and guiding materials on standards related to ill-treatment prevention, including medical, psychological and social aspects, in different places of deprivation of liberty with due reference to the challenging issues raised by the CPT reports, Ombudsperson and/or NPM’s reports, those identified by the national human rights NGOs and International Organisations;
	+ Provision of advice on the development of efficient modalities of cooperation between NPM and law enforcement bodies, other state authorities and local self-government bodies, as well as public monitors, NGOs, civil society aimed at elimination of ill-treatment and effective investigation of ill-treatment cases;
	+ Contribution to the development and delivery of trainings, including ToTs, covering various thematic areas of the NPM work;
	+ Contribution to the preparation and delivering of the trainings, including ToTs, on adult-learning methodology for NPM Ombudsperson’s Office staff;
	+ Preparation of needs assessment of the NPM and capacity of its members;
	+ Development of the tailored on-line educational content, video-lecturing on standards of human rights protection and ill-treatment prevention in places of deprivation of liberty for the public authorities and professional groups.
 |
| **LOT 3:** **Rehabilitation of victims of ill-treatment/torture**20 consultants  | The scope of the work relates to the establishment/development of rehabilitation mechanism(s) for victims of ill-treatment/torture, including the general policy concept, regulatory framework, and practice of the rehabilitation services, and provision of trainings, including in conflict/wartime. The indicative list of expected deliverables under Lot 3 is as follows (not exhaustive):* + Provision of expertise in the form of assessment, legal opinions of the legislation and policy documents (drafts and in force) and/or practice of their implementation and their compliance with the international standards and with due regard to the national context;
	+ provision of advice (in the oral and/or written form), comments, recommendations, reports, studies, comparative analysis, etc. on the thematic area;
	+ Participation and contribution to the working group meetings, expert consultations, meetings with the national stakeholders, conferences, seminars and other relevant events, including through moderating/facilitating discussions and delivering presentations on the various thematic issues related to the development and design of national psychological support programmes and policies including on rehabilitation of victims of torture and other gross human rights violations;
	+ Development of the strategic documents, polices, concept papers, analysis on the current legal, social and administrative grounds for creation of the rehabilitative mechanism for victims of torture and gross human rights violations;
	+ Development of information and guiding materials/manuals/instructions for the public authorities on creation of a holistic rehabilitation system (combination of medical, psychological, legal and social components, etc.) for the victims of torture based on the exiting international experience;
	+ Participation and contribution to the awareness raising initiatives for public authorities, civil society and population on the rehabilitation of victims of torture as well as contribution to the professional exchange on the creation of the rehabilitation services/mechanism for victims of torture.
 |
| **LOT 4:** **Data Protection**20 consultants  | The scope of work covers alignment of the data protection policy, legal framework and practice with the European standards and the Council of Europe Convention 108+ and capacity building activities of relevant stakeholders.The indicative list of expected deliverables under Lot 4 is as follows (not exhaustive):* + Provision of expertise in the form of assessment, legal opinions of the legislation and policy documents (drafts in force) and/or practice of their implementation and provision of advice (in the oral and/or written from), research, analytical notes, reports, comments etc. on data protection legal framework and their compliance with the standards of the Modernised Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108+) of the Council of Europe, EU General Data Protection Regulation (GDPR), ECtHR and ECJ case-law;
	+ Participation and contribution to the working group meetings, workshops, expert meetings with the national stakeholders, conferences, roundtables, seminars, trainings including through moderating/facilitating discussions and delivering presentations on the issues covering, Convention 108+ and the European legal regulations in the field of data protection including on specific and interrelated thematic fields (processing of personal data connected with criminal offences or the execution of criminal penalties, covert surveillance, data processing in the military context, etc.);
	+ Development of the information and guiding materials, instructions for the public authorities on the latest amendments of the EU data protection legal framework and Convention 108+ including on specific practice of their implementation and application at the national level (public governance, law-enforcement activities etc.);
	+ Development of the information and guiding materials, instructions on establishment of an independent oversight authority in the field of data protection and access to public information from the national perspective and compliance with the international standards and recommendations of the Council of Europe;
	+ Development and revision of the internal guidance, instructions regulating the oversight authority data protection activity including monitoring methodologies and techniques, reporting and recommendations’ provision etc.;
	+ Preparation of capacity needs assessment of the data protection staff of the oversight authority, other institutions;
	+ Development and delivery of trainings, including ToTs, covering various thematic aspects of data protection for the oversight authority, monitors, public and local authorities, civil society, etc.;
	+ Preparation and delivering of the training, including ToT, on adult learning methodology;
	+ Development of on-line educational content, video-lecturing on data protection for general public and professional groups (law enforcement, prosecutors, judges, lawyers, etc.);
	+ Thematically focused proofreading of the various documents on data protection.
 |
| **LOT 5****: Strategic development and communication** 20 consultants  | The scope of work concentrates on the organisational development, strategic planning, mediation tools, trust building internal and external communication, visibility and outreach within the thematic areas of the tender call, including in conflict/wartime.The indicative list of expected deliverables under Lot 5 is as follows (not exhaustive):* + Provision of expertise on organisational development and strategic planning, and internal/external communication and coordination, dialogue and mediation, building trust or moderation;
	+ Provision of expertise for methodology development, conducting organisational assessments of working processes; identification of means and ways of optimisation;
	+ Delivery of expertise during different types of activities such as strategic planning sessions, working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, etc., through presentations, moderation/facilitation of discussions, coordination of groups of professionals, guiding dialogue between different groups, etc.;
	+ Development and delivery of the trainings in the thematic area of expertise, including those aimed at coordination and building trust between different expert groups;
	+ Provision of advice and assistance to the design and development of public awareness raising campaigns, communication campaigns and single events related to thematic areas of the tender call;
	+ Provision of advice and assistance to the design and development of communication plans/strategies/guidelines related to the thematic areas of the tender call;
	+ Provision of strategic advice on communication and outreach to the institutions falling the thematic areas of the tender call.
 |

The above list 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 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).]

1. **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.

1. **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 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).

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider for the relevant lot 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 3 (three) 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 quote[[2]](#footnote-2) (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 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.

1. **ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[3]](#footnote-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, 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 appear to be in a situation of conflict of interest;
* are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
* have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.
* 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

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

* University degree in law / political sciences / social sciences / international relations / public administration / medicine and medical science or related fields.
* At least 5 years of professional experience in the areas of Lots 1, 2, 3, 4 and at least 3 years for Lot 5 respectively (including types of work and assignments as enumerated in description of the respective lots);
* Excellent oral and written English (C1) in line with the Common European Framework of Reference for Languages);
* For legal persons and private entrepreneurs, being authorized to carry out the respective economic activities.

*Award criteria*

Criterion 1: Quality of offer (90%), including:

* relevance of the expertise/experience and level of expertise of the tenderer (40%),
* knowledge of international standards, notably Council of Europe standards in the areas covered by specific Lots (40%),
* cooperation with / previous assignments with international organisations or civil society organisations within the thematic area of the tender call (10%).

Criterion 2: Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**
* **One** **completed and signed copy of the Act of Engagement**.[[4]](#footnote-4)
* Registration documents, for legal persons and private entrepreneurs only;
* A concise CV that would:
* demonstrate clearly that the tenderer fulfils the eligibility criteria
* include brief information on accomplishment of assignments within thematic scope stipulated by respective Lots within the last 3 years (up to 3 pages maximum)
* include active links to at least 3 examples of their recent deliverables in English of similar nature as stipulated by respective Lots
* contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
* A list of all owners and executive officers (for legal persons only);
* Description of the proposed team (CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only).

**All documents shall be submitted in English. Registration documents and list of owners and executive officers (for legal persons only) can be submitted in original language. 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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**for the provision of interantional consultancy services IN THE FIELD OF HUMAN RIGHTS PROTECTION AND STRENGTHENING OF THE OMBUDSPERSON’S OFFICE IN UKRAINE**

**2023/AO/63**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

Directorate general Human Rights and Rule of Law (DGI)

* 1. **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, Erevan, Geneva, Kyiv, Lisbon, 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.[[5]](#footnote-5)

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, and shall be exclusively sent to the following address: dgi-coordination@coe.int

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 with reference no. **2023AO63** in the subject field. 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 July 2023 by 23:59 CET.

**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.

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**
* **One** **completed and signed copies of the Act of Engagement**.
* Registration documents, for legal persons and private entrepreneurs only;
* A concise CV that would:
* demonstrate clearly that the tenderer fulfils the eligibility criteria
* include brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) within the last 3 years
* include active links to at least 3 examples of their recent deliverables of similar nature as stipulated by respective Lot(s)
* contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
* A list of all owners and executive officers (for legal persons only);
* Description of the proposed team (CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only).
1. **HOW TO SEND TENDERS?**

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

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023AO63** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 30 July 2023 by 23:59 CET.

1. \*This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. 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 and sixth requirements 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;
	* For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
	* For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport). [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
5. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-5)