

**TENDER FILE / TERMS OF REFERENCE**  
**(Competitive bidding procedure/ One-off contract)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Purchase of services on carrying out external Project evaluation**  
**Contract N° 8665/2020A05**

The Council of Europe is implementing the Phase I of a Project "Human Rights Compliant Criminal Justice System in Ukraine" until 31 December 2020, with a possibility of prolongation of its Phase II until December 2022. In that context, it is looking for Provider(s) for the provision of external evaluation for the Project "Human Rights Compliant Criminal Justice System in Ukraine – Phase I" (see Section A of the Act of Engagement).

**A. TENDER PROCEDURE RULES**

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>1</sup>, 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 OR 150,000] tax exclusive.**

This specific tender procedure aims at concluding a **one-off contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be a natural person or a duly registered 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: **"Tender 8665/2020A05"**. 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: **"Questions\_Tender 8665/2020A05"**

<b>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	<b>19 October 2020</b>
<b>Email for submission of tenders/offers ▶</b>	HRCCJ.UA@coe.int
<b>Email for questions ▶</b>	HRCCJ.UA@coe.int
<b>Expected starting date of execution ▶</b>	26 October 2020

<sup>1</sup> 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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

The Council of Europe Project "Human Rights Compliant Criminal Justice System in Ukraine" (the Project) phase I is implemented from July 2019 to December 2020, in line with the priority areas of the CoE Action Plan for Ukraine 2018-2021. The current Project aims at ensuring effective functioning of the criminal justice system in Ukraine aligned with European human rights standards with a large focus on practical implementation of reforms in the criminal justice area, specifically with regard to the following components:

- 1) further harmonisation of the criminal procedure legislation and practice of its implementation in line with Council of Europe standards and best practices;
- 2) consolidation of independence, effectiveness and transparency of the public prosecution service (PPS).

The project's overall progress, outcomes and outputs are monitored by the CoE Secretariat, on the basis of a number of quantitative and qualitative indicators, based on the information from the reports and observations by international consultants, feedback from the stakeholders, national experts and participants to the Project deliverables/activities.

To evaluate the efficiency level of Project intervention external post-implementation evaluation is planned after the 1,5 years of the project. In that context, it is looking for a Provider to conduct post-implementation evaluation.

This evaluation should comply with Evaluation Guidelines of the Directorate of Internal Oversight of the Council of Europe ([version](#): November 2019).

The expected deliverables are described in **Section A of the Act of Engagement** (see attached).

## C. FEES

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

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

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

## D. ASSESSMENT

*Exclusion criteria and absence of conflict of interests*

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

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*

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<sup>2</sup> 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.

- Higher education degree in a relevant domain (equivalent to the first cycle of the Bologna process framework of qualifications for the European Higher Education Area);
- At least 5 years of professional experience in the evaluation of projects;
- Excellent knowledge of the Ukrainian language (mother tongue level) and good knowledge of English (Upper-Intermediate /Advanced)

#### *Award criteria*

- Quality of the offer (90%), including:
  - Thematic local expertise in the field of criminal justice (20%);
  - Experience of the tenderer in the management and PMER and conducting evaluations; Relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations (50%);
  - Experience in writing analytical reports, inter alia, on the basis of empirical studies, researcher suggestion, etc (20%);
- Financial offer (10%).

Multiple tendering is not authorised.

#### E. NEGOTIATIONS

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

#### F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement<sup>3</sup> (see attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- Registration documents, for legal persons only;
- A CV highlighting the experience of the applicant in conducting similar evaluation;
- At least one example of previous similar work (e.g. previously prepared project evaluation reports)

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

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

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

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<sup>3</sup> The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.