

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

**Purchase of external evaluation services of the joint EU/CoE project on "Controlling corruption through law enforcement and prevention (CLEP)"**  
**Contract N° BH 4579/07-2020/1**



The joint European Union (EU) and Council of Europe (CoE) Project "Controlling Corruption through Law Enforcement and Prevention" (CLEP) in the Republic of Moldova ended on 31 May 2020. The project aimed at strengthening the anti-corruption framework in the Republic of Moldova in line with the CoE conventions and other international treaties. Pursuant to the project's Description of Action, it needs to undergo an external evaluation. The purpose of the evaluation is to provide an assessment of the overall project progress against its objectives and expected results, as well as its possible impact.

In that context, the Council of Europe is looking for two Consultants for the provision of external evaluation services of the CLEP project. For a detailed description of the Terms of Reference please see Section A of the Act of Engagement.

**A. TENDER 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 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 either a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the present Tender File and Act of Engagement.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: External evaluation of the CLEP project.** 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: External evaluation of the CLEP project**

<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>06 August 2020</b>
<b>Email for submission of tenders/offers ▶</b>	<b>contact.econcrime@coe.int</b>
<b>Email for questions ▶</b>	contact.econcrime@coe.int
<b>Expected starting date of execution ▶</b>	<b>25 August 2020</b>

<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 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;
- 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;
- 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*

The consultants should have the following qualifications and competences:

- A university degree in law, social sciences or a related field of the persons allocated to the execution of the contract;
- Extensive knowledge of, and at least 5 years of experience in applying standard evaluation principles, qualitative and quantitative evaluation methods;
- At least 3 years of experience in evaluating cooperation programmes, including designing, managing and/or leading evaluation(s) in the context of international cooperation;
- Previous work experience in Eastern Partnership region and familiarity with anti-corruption framework in Eastern Partnership region<sup>3</sup>;
- Ability to draft concise evaluation reports of high quality in English; and
- Fluency in the English language.

The following competences will be considered an asset:

- Knowledge of Romanian language;
- Knowledge of the CoE role and its programming tools; and
- Knowledge of anti-corruption and anti-money laundering concepts.

<sup>2</sup> 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 above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion 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).

<sup>3</sup> Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine

*Award criteria*

- Quality of the offer (90%), including:
  - Demonstrated working experience and drafting skills in external evaluations in the context of international cooperation programmes (60 %);
  - Demonstrated professional experience in the anti-corruption and/or anti-money laundering field in the Eastern Partnership Region (30 %).
- Financial offer (10%).

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

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>4</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);
- A list of all owners and executive officers, for legal persons only;
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of evaluations the provider participated in, including references to the dates, and details of the evaluated cooperation programmes;
- At least two examples of evaluation reports recently completed or relevant excerpts of such reports in case of confidentiality restrictions. If possible, one or more of the reports should be relevant, or similar to the subject of evaluation;
- 2 (two) referees' contact details.

**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>4</sup> 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.