

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Purchase of local consultancy services in the area of combating violence against children CC.BH.8704.2020.3



The Council of Europe is currently implementing a project on Combating violence against children in Ukraine which aims to combat violence against children, including child sexual exploitation and abuse and promote the rights of the child, including in the digital environment. The duration of the project is until 31 December 2021. In that context, the project is looking for Providers for the provision of local consultancy services in the area of combating violence against children to be requested by the Council of Europe on a needs-basis.

#### 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 **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. Legal persons will be required to assign individual employees to perform tasks under the contract and may not subcontract or replace any employees without the explicit written acceptance of the Council of Europe. Should the requested deliverables be performed by a person other than the pre-approved employees or consultants, the Council of Europe reserves the right to terminate the contract.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Local consultancy services.** 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: Questions: Local consultancy services.**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2021
Deadline for submission of tenders/offers ►	<b>10 September 2020</b>
Email for submission of tenders/offers ►	<b>Olga.Kalashnyk@coe.int</b>
Email for questions ►	<b>Olga.Kalashnyk@coe.int</b>
Expected starting date of execution ►	15 September 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](#).

## EXPECTED DELIVERABLES

### Background of the Project

The Council of Europe is currently implementing a Project "Combating violence against children in Ukraine" which is a direct follow-up to the previous Council of Europe project on [Combating violence against women and children](#) (2017/DG II/VC/3800) implemented in 2017-2018. It builds on the already achieved indicative results and provides further support for relevant authorities, professionals and civil society in the areas of combating violence against children, including child sexual exploitation and abuse, promoting the rights of the child, including in the digital environment, and upholding the best interests of the child in judicial and other proceedings, including in the context of family disputes and domestic violence.

The Project aims to support authorities, professionals and the civil society to prevent and protect children against violence, notably sexual exploitation and abuse, including in the digital environment. Building on the results of the previous project, the action is focused on the effective implementation of the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse ([Lanzarote Convention](#)), to which Ukraine is a party since 2012. The activities will promote and be further guided by recommendations and guidelines of the Council of Europe on [Integrated National Strategies for the Protection of Children from Violence \(CM/Rec \(2009\)\)](#), [Child-friendly justice \(CM/Rec \(2010\)\)](#) and [Guidelines to respect, protect and fulfil the rights of the child in the digital environment \(CM/Rec\(2018\)\)](#).

The project duration is 21 months with the implementation period of 1 April 2020 - 31 December 2021.

The Council of Europe is looking for up to 7 (seven) Providers per lot (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the area of combating violence against children, with a particular focus on child sexual exploitation and abuse.

This Contract is currently estimated to cover up to 30 activities, to be held by 31 December 2021. 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.

### Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots.

Throughout the duration of the Framework Contract, being instructed, supervised and coordinated by the designated staff members of the Council of Europe Secretariat, the selected Providers may be asked to provide through the Project the advice and local expertise pertaining to the various aspects of the national policy, legal framework and relevant child protection actors practice with a specific focus on child abuse, child sexual exploitation and sexual abuse, including in the digital environment, in the thematic fields as described below.

Lots	Maximum number of Providers to be selected
<b>Lot 1: Harmonisation of national policy, legal framework and practices with the Council of Europe and other international standards related to children's rights</b>	<b>7</b>
<b>Lot 2: Training course development and delivery of trainings for <u>legal professionals</u></b>	<b>7</b>
<b>Lot 3: Training course development and delivery of trainings for <u>non-legal professionals</u></b>	<b>7</b>

<b>Lot 4: Promoting safe online behaviour for children and internet literacy</b>	<b>7</b>
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**Lot 1** concerns the provision of intellectual services in the area of **harmonisation of national policy, legal framework and practices with the Council of Europe and other international standards related to children's rights** in one or more of the following areas: children's rights, child friendly justice, child abuse and neglect, child sexual exploitation and sexual abuse, including in the digital environment.

**Lot 2** concerns the provision of intellectual services related to **training course development and delivery of trainings for legal professionals**, in one or more of the following areas: child friendly justice, investigation/trial of child sexual exploitation and sexual abuse, with the focus on online dimension.

**Lot 3** concerns the provision of intellectual services related to **training course development and delivery of trainings for non-legal professionals (social, workers, educators, teachers and other relevant child protection actors)** in one or more of the following areas: children's rights, child abuse, detecting child sexual exploitation and sexual abuse, interagency cooperation on child abuse cases.

**Lot 4** concerns the provision of intellectual services in the area of **promoting safe online behaviour for children and internet literacy** for professionals working for and/or with children.

The Council will select the abovementioned number of Provider(s) 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).

### Scope of the Framework Contract

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

Under Lot 1:

- Contribution to the review of policy documents/legal framework/secondary legislation (draft documents and/or documents in force) and/or practice and provision of advice (in the form of an oral and/or written advice), preparation of legal opinions, comments, recommendations, reports etc.;
- Support for development of internal guidelines/protocols/materials on specific aspects related to the theme of the lot;
- Participation and contribution to conferences, round-tables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations.

Under Lot 2:

- Development of the adaptation of training courses and materials of trainings;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of the lot;
- Support international short-term consultants with documents (legislation, rules, modules and any relevant material) and/or written advice on the Ukrainian background on specific topics.

Under Lot 3:

- Support to the development of the training courses and materials on the aspects related to the theme of the lot;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of the lot;
- Support international consultants with documents (legislation, rules, modules and any relevant material) and/or written advice on the Ukrainian background on specific topics.

Under Lot 4:

- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of the lot;
- Support international consultants with documents (legislation, rules, modules and any relevant material) and/or written advice on the Ukrainian background on specific topics.

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 for the lot concerned.

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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).

## B. 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 C below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

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

Once the selection procedure is 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 select 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/her behalf within the above 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<sup>2</sup> (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;

<sup>2</sup> It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

- 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.

### **D. 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)<sup>3</sup>

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**

- At least 3 years of professional experience at national level (in Ukraine) in the areas related to the fields of expertise as described within the specific LOTs under the scope of this contract;
- A university degree in law, children's rights, social assistance or related fields;
- At least 5 years of professional experience as criminal attorney/investigation officer/prosecutor/judge and at least 1 year of experience in the area of child sexual abuse investigation/prosecution/trial, including online **only for Lot 2**;
- Excellent knowledge of the Ukrainian language and good command of English language;

#### **Award criteria**

Quality of the offer (90%), including:

- Thematic expertise in the relevant area, primarily the in-depth knowledge of the Ukrainian legislation and implementation practices as well as the basic international standards and recommendations of the Council of Europe in the areas covered by this tender (50%);
- Relevance of the experience of the tenderer in the areas covered by each lot, including previous similar assignments with international organisations (40%);

Financial offer (10%).

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

### **E. NEGOTIATIONS**

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

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<sup>3</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.

## F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the Act of Engagement<sup>4</sup>;
- Registration documents, for legal persons only;
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility and award criteria (4 pages maximum). For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
- A Motivation letter describing how the tenderer meets the requirements of the expected types of deliverables related to the fields of expertise as described under the scope of the contract above (1 page maximum). For legal persons, this letter should also include a list of all natural persons who shall be allocated to the execution of the contract;
- At least two examples of the previous unedited work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims (**Lot 1, 2, 3 and 4**). For legal persons, at least two unedited examples of the previous work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims and produced by the natural persons allocated to the execution of the contract.

**All documents shall be submitted in English (except registration documents, for legal person only), failure to do so will result in the exclusion of the tender.**

**If any of the documents/materials 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.