

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

Purchase of consultative services Contract N° FC 8668/2019/01



The Council of Europe is currently implementing the project "Strengthening the Communities Association of Armenia and transparent, participatory local governance in Armenia". In that context, it is looking for a maximum of 15 providers (see below) for the provision of consultancy services in the field of public ethics, anti-corruption, transparency, open government and citizen participation. to be requested by the Council on an as needed 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 Europe¹, 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: Application: Anti-corruption FC 8668/2019/01.** 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: Anti-corruption FC 8668/2019/01**

Type of contract ▶	Framework contract
Duration ▶	Until 30 June 2022
Deadline for submission of tenders/offers ▶	05 December 2019
Email for submission of tenders/offers ▶	tender.armenia-BH8385@coe.int
Email for questions ▶	tender.armenia-BH8385@coe.int
Expected starting date of execution ▶	15 January 2020

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 1393 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe is currently implementing the project "Strengthening the Communities Association of Armenia and transparent, participatory local governance in Armenia". Project aims to improve the quality of local democracy in Armenia and enhance citizens' confidence and trust in local authorities through greater voice, accountability, effectiveness and inclusiveness of the local self-government bodies. The Project is built upon a two-fold strategy:

- at national level, the Project is aimed at further empowering the Communities Association of Armenia in the execution of its mandate of catalysing and voicing the unified position of local authorities, as well as representing the interests of its members towards the Government of Armenia,
- at local level, the Project will support (local self-governments) LSGs to increase their transparency and accountability and will specifically focus on promoting integration of the requirements of the European Code of Conduct for the political integrity of local elected representatives and other Council of Europe recommendations for the prevention of corruption into municipal by-laws.

The Council of Europe is looking for a maximum of 15 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the field of public ethics, anti-corruption, transparency, open government and citizen participation.

This Contract is currently estimated to cover up to 20 activities to be held by 30 June 2022. 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 project amounts to 900,000 Euros and 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, pre-selected Providers, under the guidance of the Project staff and, where appropriate, in co-operation with other experts, may be asked to:

1. Conduct workshops for mayors, councillors and municipal servants on the topics of public ethics, anti-corruption, transparency, open government and citizen participation to provide conformity with the Armenian legal framework and local best practice with international and European standards:
 - Participate in the planning cycle of the workshops to develop the programme, content, materials, exercises and methodology for delivery in co-operation with the team of local and international experts and trainers,
 - Participate in workshop briefing and de-briefing sessions with the project team,
 - Develop hand-outs and presentations on the respective topics,
 - Conduct relevant sessions during the workshops and facilitate the discussions,
 - Contribute to development of evaluation forms to measure the knowledge transfer to the workshop participants
 - If necessary, adapt the format and methodology for the workshops after the evaluations,
 - Prepare a report with an overview of the sessions, results, and recommendations for potential replication of this type of workshops in other municipalities/countries and for the preparation of future activities.
2. Support interested LGs in Armenia in developing local codes of conduct on political integrity based on the European Code of Conduct for all persons involved in local and regional governance and integrating recommendations for preventing corruption into municipal by-laws and decisions:
 - Participate in discussions with interested LGs in Armenia to discuss the modalities of the codes of conduct on political integrity,
 - Draft or support in drafting the local codes of conducts.
3. Coaching for LG implementing local initiatives on ethics, anti-corruption, transparency, open government and citizen participation:

- Provide expert support and guidance to the selected LGs, with the aim to refine and develop the selected proposals into fully-fledged operational plans,
- Provide expert guidance in, and assessment of, the various stages of implementation and the potential revision of local imitative Action Plans, and to assess indicators of change,
- Provide advice to LGs in preparing their final narrative reports and propose the revision if necessary,
- Remain available for consultation by phone / email / Skype or other means for the whole duration of initiatives, when the project leaders need help or advice.
- Draft a final report (in English) assessing the process of implementation of local initiatives in each municipality, the challenges faced by grantees; lessons learned, whilst evaluating the sustainability of implemented initiatives and providing recommendations for future similar initiatives in the region.

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).]

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 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).

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.

Where the provider is a legal person (e.g. think tanks, associations, etc.) they shall provide details/CV of the individual proposed to complete each Order. The Council reserves the right to refuse assignment of work to a particular individual, to request that work be completed by a specific individual and to cancel an order if these requirements are not met.

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;
- 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

- Master's Degree in public policy, law, social sciences or relevant disciplines.
- Minimum two years of relevant experience in undertaking research, providing advice and recommendations in the field of public ethics, anti-corruption, transparency, open government and citizen participation in Armenia.

Full professional proficiency in Armenian.

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.

Award criteria

- Quality of the offer (90%)
 - Thematic knowledge and expertise, including (30%):
 - Knowledge of the topics of public ethics, anti-corruption, transparency, open government and citizen participation in Armenia.
 - Knowledge of local self-government system and local government reforms in Armenia.
 - Relevant experience, including (40%):
 - Experience in undertaking research, providing advice and developing recommendations in the field of public ethics, anti-corruption, transparency, open government and citizen participation in Armenia.
 - Experience in planning and conducting workshops on topics of public ethics, anti-corruption, transparency, open government and citizen participation.
 - Specific skills and capacities, including (20%):
 - Knowledge of English (B1 or B2 level CEFR);
 - Research, analysis, writing and reporting skills;
 - Communication and public presentation skills;
 - Adaptability and team-working skills.
- Financial offer (10%)

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

Multiple tendering is not authorised.

F. NEGOTIATIONS

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

G. 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 fulfils the eligibility criteria. Where the tenderer is a legal person, this shall include the CV of the person(s) who will be assigned to carry out the work.
- Motivation letter preferably in English, highlighting the specific area of expertise of the tenderer.
- Samples of previous work relevant to the lot(s) for which the tenderer is applying (in English or Armenian).
- Three referees' contact details (contacts, including phone number and e-mail address);
- Registration documents, for legal persons only.

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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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.