



CALL FOR TENDERS

FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE FIELD OF INTERNAL DISPLACEMENT IN UKRAINE

2021/AO/08

Object of the procurement procedure ►	Local consultancy services in the field of internal displacement in Ukraine
Project ►	Internal Displacement in Ukraine: Building Solutions – Phase II
Organisation and buying entity ►	Directorate General Human Rights and Rule of Law (DGI) Human Rights Directorate Human Rights Policy and Co-operation Department Independent Human Rights Bodies Division Council of Europe Office in Ukraine
Type of contract ►	Framework Contract
Duration ►	Until 31 December 2022
Expected starting date ►	22 April 2021
Tender Notice Issuance date ►	05 March 2021
Deadline for tendering ►	29 March 2021

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

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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** and collect the required **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 LOCAL CONSULTANCY SERVICES IN THE FIELD OF INTERNAL DISPLACEMENT IN UKRAINE 2021/AO/08

A. BACKGROUND

In the framework of the Council of Europe Action Plan for Ukraine 2018-2022 the Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: Building Solutions – Phase II" (hereinafter – the Project) which aims at facilitating the successful integration of internally displaced persons (hereinafter – IDPs) at local level and advancing the human rights protection of the conflict-affected population based on gender-sensitive and participatory approaches.

The Project is being implemented from 1 January 2021 to 31 December 2022 and focuses on three major components:

- I. Advancing the scope and implementation of the legal and regulatory framework on the protection and restoration of human rights of IDPs and other conflict-affected population.
- II. Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population.
- III. Facilitating the integration of IDPs by promoting and implementing target digital solutions.

Key national partners of the Project include the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine, the Parliamentary Committee on Human Rights, Deoccupation and Reintegration of Temporarily Occupied Territories in Donetsk, Luhansk Regions and Autonomous Republic of Crimea and the city of Sevastopol, National Minorities and Interethnic Relations, the Office of the Parliament Commissioner for Human Rights, the Ministry of Social Policy, the Ministry of Digital Transformation, the Ministry of Communities and Territories Development, the State Fund for Youth Housing Assistance, the National School of Judges, the Coordination Centre for Free Legal Aid Provision, the Ukrainian National Bar Association, the All-Ukrainian Association of Communities, the All-Ukrainian Association of Cities, the law faculties of selected national universities.

Target groups of the Project include local self-government bodies in three pilot communities, public servants, legal professionals and judiciary (judges, lawyers, free legal aid staff), civil society organisations. Final beneficiaries include internally displaced persons and other conflict-affected population, three pilot communities hosting IDPs.

The Council of Europe is looking for **a maximum of sixty** Provider(s) in order to support the implementation of the Project with a particular expertise on advancement of the legal and regulatory framework on the protection of IDPs and restoration of human rights of the conflict-affected population; strengthening the capacities of local authorities to respond to the needs of IDPs and the conflict-affected population; facilitating of the integration and access to services for IDPs by promoting relevant digital solutions.

This Contract is currently estimated to cover **up to eighty activities**, to be held by **31 December 2022**. This estimate is for information purposes 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 *1 000 000 Euros* and the total amount of the object of present tender should in principle not exceed *220 000 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.

B. LOTS

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

Lots	Maximum number of Providers to be selected
Lot 1: Advancing the scope and implementation of the legal and regulatory framework on the protection and restoration of human rights of IDPs and other conflict-affected population	20
Lot 2: Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population	20
Lot 3: Facilitating the integration of IDPs by promoting and implementing digital solutions	20

The Council of Europe 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).

C. SCOPE OF THE FRAMEWORK CONTRACT

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

Under Lot 1:

- Review of the national legislation, legal and court practices on access to justice, housing and property rights for IDPs and the conflict-affected population;
- Provide expert support to national stakeholders in drafting legislative amendments to facilitate access to justice, housing and property rights for IDPs and the conflict-affected population in line with Council of Europe standards;
- Contribute to elaborating legislative regulations on human rights protection in transitional period (including on recognition of civil statuses) in line with international and Council of Europe standards;
- Advice on mechanisms and tools of compensation/restitution for destroyed/damaged housing and property accessible for IDPs and other conflict-affected population;
- Contribute to meetings of expert groups on the issues of IDPs and the conflict-affected population;
- Design and deliver capacity building activities (round tables, seminars, trainings, workshops, consultations) on the rights of IDPs and human rights aspects of reintegration processes;
- Conduct research and assessments on access to justice, housing and property rights for IDPs as well as the human rights protection of IDPs and the conflict-affected population in transitional period;
- Proofread legal documents ensuring relevancy of legal terminology and adaptation to the Ukrainian reality;
- Contribute to the development of an integrated learning course on the human rights aspects of internal displacement and transitional justice with a particular focus on gender issues;
- Develop and/or proofread informational and learning products (publications, manuals, leaflets, infographics etc.) on legal issues of IDPs and the conflict-affected population.

Under Lot 2:

- Design and implement data collection methodologies to assess integration of IDPs in pilot communities at local level;
- Carry out analysis of the capacities of institutions and organisations working with IDPs and the conflict-affected population in pilot communities at local level;
- Provide gender-sensitive recommendations on advancement of IDP-focused policies and practices in pilot communities at local level;
- Design and deliver capacity building activities (round tables, seminars, trainings, presentations, consultations or mentoring) for public servants, social services, legal professionals, businesses and civil society organizations at local level;
- Carry out awareness raising and advocacy campaigns to promote practical solutions for IDPs and the conflict-affected population at local level;
- Develop and/or proofread informational and media products (publications, leaflets, brochures, news, social videos, media digests etc.)

Under Lot 3:

- Draft terms of reference regarding to design and development of online and digital tools (web-sites, mobile applications, online registers, databases etc.) focusing on the provision of services to IDPs and the conflict-affected population;
- Conduct meetings with key stakeholders to assess the needs of IDPs and the conflict-affected population in digital solutions;
- Provide recommendations on strategic documents in the field of digital solutions to internal displacement in Ukraine;
- Formulate terms of reference for purchasing specific soft- and hardware;
- Design and develop digital tools for state agencies and local authorities to facilitate access to services for IDPs and the conflict-affected population.

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).

D. 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.

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

E. 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 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.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote¹ (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.

F. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

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 or are likely to be in a situation of conflict of interests.

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):

Lot 1 – Advancing the scope and implementation of the legal and regulatory framework on protection and restoration of human rights of IDPs and other conflict-affected population:

For natural persons

- A university degree in law / political sciences / international relations / public administration / or related fields;
- At least three years of experience in the field of protection, provision of services, counselling, conducting research and/or capacity building activities in the context of internal displacement in Ukraine;
- Knowledge of national courts' practices as well as legislative and regulatory framework on internal displacement and conflict-related matters;
- Ability to work in Ukrainian, working knowledge of English.

¹ 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.

² 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 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

- Being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling;
- A university degree in law / political sciences / international relations / public administration / or related fields (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person);
- At least three years of experience in the field of protection, provision of services, counselling, conducting research and/or capacity building activities in the context of internal displacement in Ukraine;
- Knowledge of national courts' practices as well as legislative and regulatory framework on internal displacement and conflict-related matters;
- Ability to work in Ukrainian, working knowledge of English.

Lot 2 - Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population:*For natural persons*

- A university degree in law / political sciences / social sciences/ public administration /gender studies or related fields;
- At least three years of experience in the field of protection, provision of services, counselling, conducting research and/or capacity building activities in the context of internal displacement in Ukraine;
- Ability to work in Ukrainian; basic understanding of English.

For legal persons

- Being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling;
- A university degree in in law / political sciences / social sciences/ public administration /gender studies or related fields (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person);
- At least three years of experience in the field of protection, provision of services, counselling, conducting research and/or capacity building activities in the context of internal displacement in Ukraine;
- Ability to work in Ukrainian; basic understanding of English.

Lot 3 - Facilitating the integration of IDPs by promoting and implementing digital solutions:*For natural persons*

- A university degree in computer science, programming or related fields; certification with proven practical experience may be accepted in lieu of a university degree;
- At least three years of experience in software development, programming, web design, IT administration or related fields;
- Ability to work in Ukrainian; basic understanding of English.

For legal persons

- Being a registered legal entity or a private entrepreneur specialised in the field of IT, web design/development or related fields;
- A university degree in computer science, programming or related fields or certification with proven practical experience may be accepted in lieu of a university degree (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person);
- At least three years of experience in software development, programming, web design, IT administration or related fields;
- Ability to work in Ukrainian; basic understanding of English.

*Award criteria***Lot 1 – Advancing the scope and implementation of the legal and regulatory framework on protection and restoration of human rights of IDPs and other conflict-affected population:**

Criterion 1: Quality of the offer (80%), including:

- Relevance of the experience of the tenderer in the areas covered by this call (20%);
- Knowledge of international and Council of Europe standards in the field of human rights protection of IDPs and other conflict affected people (including case law of the European Court of Human Rights) (20%);
- Experience assessing/proposing amendments to the national legislation in the field of protection of the rights of IDPs and the conflict-affected population (20%);
- Academic background and /or proven mastering of legal drafting techniques (20%);

Criterion 2: Financial offer (20%).

Lot 2 - Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population:

Criterion 1: Quality of the offer (80%), including:

- Relevance of the experience of the tenderer in the areas covered by this call (20%);
- Experience in capacity building at local level in the context of internal displacement (20%);
- Experience in delivering trainings, moderation, facilitation in the areas of human rights /community development / social and legal services /gender mainstreaming /corporate social responsibility/ public administration (20%);
- Experience in providing services to international organisations operating in the field of human rights, internal displacement, public administration, social protection, legal aid (20%);

Criterion 2: Financial offer (20%).

Lot 3 - Facilitating the integration of IDPs by promoting and implementing digital solutions:

Criterion 1: Quality of the offer (80%), including:

- Relevance of the experience of the tenderer in the areas covered by this call (20%);
- Proven experience in designing or programming digital tools in the field of human rights, social protection, public services, health, legal aid (20%);
- Experience in designing or programming digital tools in the context of internal displacement in Ukraine (20%);
- Experience in providing services to international organisations operating in the field of human rights, internal displacement, public administration, social protection, legal aid (20%);

Criterion 2: Financial offer (20%).

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

Multiple tendering is not authorised.**G. DOCUMENTS TO BE PROVIDED**

- A completed and signed copy of the Act of Engagement (in English);
- Registration documents (for legal persons only, in Ukrainian with a summary translation in English);
- Up to 1 A-4 page motivation letter which proves that tenderer fulfills the eligibility criteria and has experience that matches the areas mention in the relevant LOTs (in Ukrainian or in English);
- A detailed CV, demonstrating clearly that the tenderer fulfills the eligibility criteria, including knowledge of respective language(s) (in Ukrainian or in English). *For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;*
- Up to 5 files - examples of previously accomplished assignments which correspond to the expected deliverables and eligibility criteria in relevant LOTs (for example, trainings conducted, documents drafted, activities organized etc., in Ukrainian or in English).

All documents shall be submitted in English and/or Ukrainian languages as indicated above, 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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PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF THE SERVICES OF LOCAL CONSULTANTS IN THE FIELD OF INTERNAL DISPLACEMENT 2021/AO/08

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General Human Rights and Rule of Law (DGI)
Human Rights Directorate
Human Rights Policy and Co-operation Department
Independent Human Rights Bodies Division

1.2 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, Moscow, 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.³

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 or a legal person except consortia.

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:
Internally.Displaced.Persons@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. 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 22 March 2021 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

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.

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³ Available on the website of the Council of Europe Treaty Office:
www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- A completed and signed copy of the Act of Engagement (in English);
 - Registration documents (for legal persons only, in Ukrainian with a summary translation in English);
 - Up to 1 A-4 page motivation letter which proves that tenderer fulfills the eligibility criteria and has experience that matches the areas mention in the relevant LOTS (in Ukrainian or in English);
 - A detailed CV, demonstrating clearly that the tenderer fulfills the eligibility criteria, including knowledge of respective language(s) (in Ukrainian or in English). *For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;*
 - Up to 5 files - examples of previously accomplished assignments which correspond to the expected deliverables and eligibility criteria in relevant LOTS (for example, trainings conducted, documents drafted, activities organized etc., in Ukrainian or in English).
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2) HOW TO SEND TENDERS?

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