



CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF ANTI-DISCRIMINATION, PROTECTION OF NATIONAL MINORITIES, COMBATING HATE SPEECH AND HATE CRIME PROGRAMMES (LEGISLATIVE AND POLICY EXPERTISE, CAPACITY BUILDING AND PUBLIC CAMPAIGNS) OF THE NO HATE SPEECH AND COOPERATION UNIT

2021/AO/61

Object of the procurement procedure ▶	Consultancy services for anti-discrimination, protection of national minorities, combating hate speech and hate crime programmes (legislative and policy expertise, capacity building and public campaigns)
Project ▶	N/A
Organisation and buying entity ▶	Council of Europe Directorate General of Democracy Directorate of Anti-discrimination Anti-discrimination Department Inclusion and Anti-Discrimination Programmes Division No Hate Speech and Cooperation Unit
Type of contract ▶	Framework Contract
Duration ▶	Until 31 December 2023 Renewable until 31 December 2025
Expected starting date ▶	01 January 2022
Tender Notice Issuance date ▶	04 October 2021
Deadline for tendering ▶	15 November 2021

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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 F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF ANTI-DISCRIMINATION, PROTECTION OF NATIONAL MINORITIES, COMBATING HATE SPEECH AND HATE CRIME PROGRAMMES (LEGISLATIVE AND POLICY EXPERTISE, CAPACITY BUILDING AND PUBLIC CAMPAIGNS) OF THE NO HATE SPEECH AND COOPERATION UNIT

2021/AO/61

A. BACKGROUND

The Anti-discrimination Department of the Directorate General of Democracy of the Council of Europe is implementing a number of annual or multiannual projects financed by various external donors, including the EU/CoE joint instruments: Horizontal Facility (for the Western Balkan countries) and Partnership for Good Governance (for the Eastern Partnership countries, including Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus) and voluntary contributions.

Projects implemented by the Anti-discrimination Department / No Hate Speech and Cooperation Unit aim at assisting countries by strengthening their capacities to build inclusive societies, with a focus that goes beyond non-discrimination to include a concern for achieving full equality in practice and where diversity, including minorities, is seen as a major value.

To help achieve this the Anti-discrimination Department is supporting Council of Europe's member states in the area of combatting discrimination, including discrimination on grounds of sexual orientation and gender identity (SOGI), discrimination by A.I. systems, hate speech and hate crime, as well as fostering integration while protecting national minorities and regional or minority languages. This will be achieved by instruments such as legislative and policy reviews, capacity building and campaigns implemented at various levels, including regional, national, local and grassroots. Among the main beneficiaries of the projects there are public institutions, law enforcement, the judiciary, equality bodies, Ombud offices, line ministries, as well as civil society organisations. Awareness raising and educational activities of the projects may target also specifically the general population or certain minority groups.

All the cooperation activities are based on the findings and recommendations of the three monitoring bodies of the Department: ECRI - European Commission against Racism and Intolerance, ACNM – Advisory Committee of the Framework Convention for the Protection of National Minorities and COMEX ECRML –Committee of Experts of the European Charter for Regional or Minority Languages. Relevant standards are also provided by the Council of Europe Committee of Ministers Recommendation CM/Rec (2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity and Recommendation CM/Rec (2015)1 on intercultural integration. The work of the Unit is also based on studies, guidance, good practices collection and CM text prepared by the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI).

This Contract will be used primarily by the No Hate Speech and Cooperation Unit which is coordinating the cooperation projects in the Anti-discrimination Department. Based on needs, this Contract might be used also by other Units or Divisions within the Anti-discrimination Department.

In order to support the implementation of these projects at a legislative and policy level, capacity building and awareness raising level, the Council of Europe is looking for maximum of 90 Provider(s) in total (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project in the field of combating discrimination, including discrimination on grounds of sexual orientation and gender identity, racism, xenophobia, antisemitism and intolerance, combating hate speech and hate crime, artificial intelligence and discrimination, as well as in dealing with integration and inclusion policies, also at local level, targeting vulnerable groups, protecting national minorities and regional or minority languages.

This Contract is currently estimated to cover up at least to 200 activities, to be held by the end of the duration of this contract. 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 represent potentially a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total budget of the current projects amounts to 3 million Euros and the total amount of the object of present tender should in principle not exceed 400.000 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.

The Division draws upon an extensive network of consultants with knowledge of international standards and different European systems (so-called "international consultants") and consultants with knowledge of the domestic system in which the activities are implemented (so-called "national consultants") to carry out its work. This combination ensures that CoE standards are understood and applied, bearing in mind the national context, including the legislative framework.

This call is aimed at selecting **only international consultants**. **National consultants**, with an in-depth knowledge of the domestic systems, will be contracted by other means.

B. LOTS

The tender is divided into the following **three lots**. Consultants may submit a tender for one, two or all lots subject to the fulfilment of the criteria listed in the Tender Rules for the lot(s) concerned.

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: Legislative and policy development	30
Lot 2: Capacity building, training and educational work	30
Lot 3: Raising awareness and communicating diversity	30

Lot 1 concerns legislative and policy development, which relates to specific activities such as, conducting analysis of legal acts and their implementation; reviewing national legislation in view of ensuring that laws and bylaws on anti-discrimination, combating hate crime and hate speech, protection of national minorities and regional or minority languages are aligned with the European standards; reviewing national reform plans and action plans; reviewing national policies, strategies and practice; reviewing local policies, strategies and practice; preparing comparative analyses and studies on the requested topics.

Lot 2 concerns capacity building, training and educational work, which relates to specific activities such as, providing assessment of the functioning of the existing institutional framework; providing advice on institutional reform and setting up of relevant institutions in the area of anti-discrimination, combating hate crime and hate speech, protection of national minorities and regional or minority languages, including monitoring and data collection; providing analysis of existing educational framework and administrative procedures; preparing and revising handbooks, guidelines, strategies and other required documents; providing training needs assessment and training development; revising training and teaching curricula, textbooks and teaching standards in view of their compliance with the European standards on anti-discrimination, protection of national minorities and regional or minority languages and recommendations by monitoring bodies; delivering off-line and on-line trainings (including train-the-trainers) for civil servants, media and civil society representatives, as well as staff of independent Institutions (e.g., equality bodies) and other stakeholders, in accordance with the Council of Europe standards.

Lot 3 concerns raising awareness and communicating diversity which relates to specific activities such as, providing needs assessments, designing and conducting surveys; designing public awareness raising campaigns in relation to anti-discrimination, protection of national minorities and regional or minority languages, combating hate crime and hate speech, inclusion and promoting

tolerance, and other related topics; developing information, promotional materials and other texts/publications.

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: Legislative and policy development

The Council of Europe is looking for consultants able to provide services in the areas of anti-discrimination, including artificial intelligence and discrimination, combating hate speech and hate crime, as well as protection of national minorities and regional or minority languages, and other related topics by means of:

- Conducting analysis of legal acts and their implementation;
- Reviewing national legislation in view of ensuring that laws and bylaws on anti-discrimination, combating hate crime and hate speech, protection of national minorities and regional or minority languages are aligned with the European standards;
- Reviewing national reform plans and action plans ;
- Reviewing national policies, strategies and practice;
- Reviewing local policies, strategies and practice;
- Preparing comparative analyses and studies on the requested 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.

Under Lot 2: Capacity building, training and educational work

The Council of Europe is looking for consultants able to provide services in the areas of anti-discrimination, including artificial intelligence and discrimination, combating hate speech and hate crime, as well as protection of national minorities and regional or minority languages, and other related topics by means of:

- Providing assessment of the functioning of the existing institutional framework;
- Providing advice on institutional reform and setting up of relevant institutions in the area of anti-discrimination, combating hate crime and hate speech, protection of national minorities and regional or minority languages, including monitoring and data collection;
- Providing analysis of existing educational framework and administrative procedures;
- Preparing and revising handbooks, guidelines, strategies and other required documents;
- Providing training needs assessment and training development;
- Revising training and teaching curricula, textbooks and teaching standards in view of their compliance with the European standards on anti-discrimination, protection of national minorities and regional or minority languages and recommendations by monitoring bodies;
- Delivering off-line and on-line trainings (including train-the-trainers) for civil servants, media and civil society representatives, as well as staff of independent Institutions (e.g., equality bodies) and other stakeholders, in accordance with the Council of Europe standards.

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.

Under Lot 3: Raising awareness and communicating diversity

The Council of Europe is looking for consultants able to provide services in the areas of anti-discrimination, including artificial intelligence and discrimination, combating hate speech and hate crime, as well as protection of national minorities and regional or minority languages, and other related topics by means of:

- Proving needs assessments, designing and conducting surveys;
- Designing public awareness raising campaigns in relation to anti-discrimination, protection of national minorities and regional or minority languages, combating hate crime and hate speech, inclusion and promoting tolerance, and other related topics;
- Developing information, promotional materials and other texts/publications.

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 of Europe – 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 of Europe as soon as they become 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 of Europe, 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.

The Council will indicate on each Order Form (see Section **Error! Reference source not found.** 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).

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.

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers of the relevant lot 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.

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 an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
- have been involved in mismanagement of the Council of Europe funds or public funds;
- are or appear to be in a situation of conflict of interest;
- 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).

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

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 and sixth 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, 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).

- university (higher education) degree in field such as law, political/social sciences, education, public relations, communication and other relevant fields;
- professional experience of 6 years or more in human rights/anti-discrimination/ combating hate speech and hate crime/protection of national minorities and/or minority languages/ thematic area, including for the duties described under the lots for which the candidate is applying;
- at least 5 years of proven professional experience relevant for the tasks described under the Lot(s) for which the candidate is applying;
- excellent drafting, analytical, research and reporting skills;
- excellent written and oral English (minimum C1 level according to the Common European Framework of Reference for Languages).

Award criteria

- Criterion 1: Financial offer (30%);
- Criterion 2: Research, analysis and drafting skills (30%);
- Criterion 3: Thematic expertise and professional experience (40%).

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- **One** completed and signed copy of the Act of Engagement.³
- A list of all owners and executive officers, for legal persons only;
- CV demonstrating that the tenderer meets the eligibility criteria;
- Motivation letter highlighting relevant skills and experience;
- 3 (three) professional referees contact details;
- A sample of 2 articles or professional papers or publications written by the tenderer.

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.

* * *

³ 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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF ANTI-DISCRIMINATION, PROTECTION OF NATIONAL MINORITIES, COMBATING HATE SPEECH AND HATE CRIME PROGRAMMES (LEGISLATIVE AND POLICY EXPERTISE, CAPACITY BUILDING AND PUBLIC CAMPAIGNS) OF THE NO HATE SPEECH AND COOPERATION UNIT

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ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address COUNCIL OF EUROPE

Directorate of Anti-discrimination
Anti-Discrimination Department
Inclusion and Anti-Discrimination Division
No Hate Speech and Cooperation Unit

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.⁴

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, a legal person or consortia of legal and/or natural persons.

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:

tenders.antidiscrimination@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 15 November 2021 as received by the Council at cdm@coe.int.

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.

* * *

⁴ 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:

- **One** completed and signed copy of the Act of Engagement;
 - A list of all owners and executive officers, for legal persons only;
 - CV demonstrating that the tenderer meets the eligibility criteria;
 - Motivation letter highlighting relevant skills and experience;
 - 3 (three) professional referees contact details;
 - A sample of 2 articles or professional papers or publications written by the tenderer.
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2) HOW TO SEND TENDERS?

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.

The deadline for the submission of tenders is 15 November 2021.