COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

CALL FOR TENDERS

FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE FIELD OF GOOD DEMOCRATIC GOVERNANCE AND PUBLIC ADMINISTRATION REFORM IN UKRAINE

2023/AO/15

Object of the procurement procedure ►	Local consultancy services in the field of good democratic governance and public administration reform in Ukraine
Project ►	Projects and Programmes within the Council of Europe Action plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026 (chapter 3 "Democracy", section 3.1 "Strengthening Democratic Governance") implemented by the Centre of Expertise for Good Governance
Organisation and buying entity ►	Council of Europe Directorate General of Democracy and Human Dignity Directorate of Human Dignity, Equality and Governance Implemented by the Centre of Expertise for Good Governance
Type of contract ►	**Framework Contract**
Duration ►	Until 31 December 2024
Expected starting date ►	01 April 2023
Tender Notice Issuance date ►	23 February 2023
Deadline for tendering ►	16 March 2023

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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 ops 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 GOOD DEMOCRATIC GOVERNANCE AND PUBLIC ADMINISTRATION REFORM IN UKRAINE

2023/AO/15

A. BACKGROUND

The Council of Europe Centre of Expertise for Good Governance (CEGG, Directorate General of Democracy and Human Dignity, Department of Democracy and Governance, Democratic Governance Division) has been providing assistance to Ukraine in the field of good democratic governance and public administration reform for more than a decade. The CEGG support is implemented in co-operation with local, regional, national and international stakeholders.

Currently, the CEGG is implementing the project "Strengthening Good Democratic Governance and Resilience in Ukraine" (implementation period 1 January 2023 – 31 December 2024). This project is aimed at strengthening good democratic governance and public administration reform in Ukraine at all levels in line with European values and standards during the war and in a post-war context. Follow up support is foreseen in the same area also for 2025-2026 within the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026 (chapter 3 "Democracy", section 3.1 "Strengthening Democratic Governance").

To ensure the desired impact in Ukraine, the CEGG's intervention is fed with its in-house expertise along with local and international consultancy.

Therefore, the CEGG issues the present International Public Call for Tenders for the provision of local consultancy services in the field of good democratic governance and public administration reform in Ukraine with the objective to select a maximum of 50 consultants for the period 1 April 2023 – 31 December 2024 (with possible extension until 31 August 2025) for the following Lots:

- **Lot 1** – Legal and policy advice in the field of good democratic governance and public administration reform in Ukraine.

- **Lot 2** – Capacity-building for public authorities in the area of good democratic governance and public administration reform in Ukraine.

Thus, covering the global need for the local consultancy services within the on-going and the planned projects.

This Contract is currently estimated to cover up to *700 activities*. 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.

B. LOTS

The present tendering procedure aims to select Provider(s) to support the implementation of the CEGG projects within the Council of Europe Action Plan for Ukraine in 2023-2024 (chapter 3 "Democracy", section 3.1 "Strengthening Democratic Governance"), and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: *Legal and policy advice in the field of good democratic governance and public administration reform in Ukraine*	25

Lot 2: *Capacity-building for public authorities in the area of good democratic governance and public administration reform in Ukraine*	25

Lot 1 concerns: Legal and policy advice in the field of good democratic governance and public administration reform in Ukraine:

- provide legal and policy advice: assess and comment on legal and policy documents in line with the Council of Europe's standards and identified good practice;
- prepare analytical reports, overviews, background papers and recommendations;
- draft manuals, guidelines and thematic brochures;
- participate in events (meetings, consultations, peer reviews, workshops, conferences, high level meetings, study visits), prepare and make presentations;
- moderate and facilitate discussions;
- support the preparation of relevant questionnaires, opinion polls, other surveys.

Lot 2 concerns: Capacity-building for public authorities in the area of good democratic governance and public administration reform in Ukraine:

- implement and adapt the capacity-building tools of the CEGG (https://www.coe.int/en/web/good-governance/toolkits), provide training courses, adapt training programmes, conduct assessments, carry out needs analysis, support in the development of project proposals by the national beneficiaries;
- draft manuals, guidelines and thematic brochures;
- participate in events (meetings, consultations, peer reviews, workshops, conferences, high level meetings, study visits), prepare and make presentations;
- moderate and facilitate discussions;
- participate in selection panels.

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).

C. SCOPE OF THE FRAMEWORK CONTRACT

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

Under Lot 1: Provide legal expertise, overviews, comparative studies based on Council of Europe relevant standards, expert support and policy advice to the Government, Parliament and other national partners of all levels, specific research, participation in events (meetings, consultations, peer reviews, workshops, conferences, high level meetings, study visits), preparation and making presentations, moderation and facilitation of activities, preparation of questionnaires, opinion polls, other surveys in the field of good democratic governance and public administration reform, namely, decentralisation of power, administrative and territorial set up, regional policy, public finance management, public ethics, human resources management, inter-municipal cooperation, spatial planning, strategic municipal planning, and metropolitan governance in Ukraine based on European standards and good practice to support the preparation and implementation of reforms to complement recovery process and strengthening the resilience of Ukrainian public institutions during the war and in a post-war context.

Under Lot 2 : Assess training needs, draft manuals, provide guidelines and thematic brochures, infographics, informational materials, preparation, adaptation and delivery of capacity-building and training activities for public officials and legal professionals in the field of good democratic governance and public administration reform, namely, decentralisation of power, administrative and territorial set up, regional policy, public finance management, inter-municipal cooperation, spatial planning, strategic municipal planning, human resources management, public ethics, leadership and metropolitan governance in Ukraine. Design and implement capacity-building activities based on the CEGG toolkits - accessible at https://www.coe.int/en/web/good-governance/toolkits.

The above lists are not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above lists of expected services, but related to the fields 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).]

By submitting an offer in the framework of the present Call for Tenders, the Tenderer acknowledges that the persons involved in the implementation of the contract will be exposed to an increased risk of death and injury due to the ongoing war against Ukraine. The Tenderer also acknowledges that, if selected, it will carry out the implementation of the contract at its own risk.

The Tenderer confirms in addition that, if selected, it will perform systematic security assessments before implementing any activity related to the implementation of the contract. The Tenderer acknowledges that the Council of Europe does not assume any liability for the death, any injury or any damage that the Provider or persons involved in in the implementation of the contract may sustain in Ukraine.

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 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 3 (three) 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 quote[1] (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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme.

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):

Lot 1 – Legal and policy advice in the field of good democratic governance and public administration reform in Ukraine:

[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 natural persons:

- Master's Degree (or equivalent) in law, public administration, public policy, political science, sociology, economics, or other related field
- Minimum five years of experience at the national level in undertaking specific research, providing legal advice, legal opinions, overviews and recommendations in the relevant field;
- Fluency in Ukrainian.

For legal persons:

- Capacity to make available, for the purposes of the contract, one or several consultants:
  - holding a Master's Degree (or equivalent) in law, public administration, public policy, political science, sociology, economics, or other related field.
  - Fluency in Ukrainian.
- Have minimum five years of experience at the national level in undertaking specific research, providing legal advice, legal opinions, overviews and recommendations in the relevant field.

Lot 2 – Capacity-building for public authorities in the area of good democratic governance and public administration reform in Ukraine:

For natural persons:

- Master's Degree (or equivalent) in law, public administration, public policy, political science, sociology, economics, or other relevant field;
- Minimum five years of experience at the national level in undertaking specific research, consolidating data, developing training modules, providing training and delivering capacity-building activities;
- Fluency in Ukrainian.

For legal persons:

- Capacity to make available, for the pursposes of the contract, one or several consultants:
  - Holding a Master's degree (or equivalent) in law, public administration, public policy, political science, sociology, economics, or other related field.
  - Fluency in Ukrainian.
- Have minimum five years of experience at the national level in undertaking specific research, consolidating data, developing training modules, providing training and delivering capacity-building activities.

Award criteria

Lot 1 – Legal and policy advice in the field of good democratic governance and public administration reform in Ukraine

Criterion 1: Quality of the offer (75%), including:

Thematic knowledge and related experience (45%), including:

- in the field of good democratic governance and public administration reform, namely, decentralisation of power, administrative and territorial set up, regional policy, public finance management, public ethics, human resources management, inter-municipal cooperation, spatial planning, strategic municipal planning, and metropolitan governance in Ukraine;
- in the development and implementation of national policy and reform papers;
- in providing legal and policy advice to national, regional and local authorities;
- excellent knowledge on the Council of Europe standards in the fields of local government and good governance at local level;

Knowledge of English and/or French on at least upper intermediate level (B2 level of the Common European Framework of Reference for Languages) would be an asset

Level and relevance of the capacities of the tenderer (30%), including:

- research, analysis, writing and reporting skills;
- communication and team work, in an international environment.

Criterion 2: Financial offer (25%)

Lot 2 – Capacity-building for public authorities in the area of democratic governance and public administration reform in Ukraine

Criterion 1: Quality of the offer (75%), including:

Thematic knowledge and related experience (45%), including:

- in capacity-building, trainings for public officials and legal professionals in the field of good democratic governance and public administration reform, namely, decentralisation of power, administrative and territorial set up, regional policy, public finance management, inter-municipal cooperation, spatial planning, strategic municipal planning, human resources management, public ethics, leadership and metropolitan governance in Ukraine;
- training needs analysis, providing training and delivering capacity-building activities in the field mentioned above;
- knowledge of the capacity-building toolkits developed by the CEGG;

Knowledge of English and/or French on at least upper intermediate level (B2 level of the Common European Framework of Reference for Languages) would be an asset.

Level and relevance of the capacities of the tenderer (30%), including:

- research, analysis, writing and reporting skills;
- training skills;
- communication and teamwork, in an international environment.

Criterion 2: Financial offer (25%)

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- **One completed and signed copy of the Act of Engagement**;[3]
- For natural persons, a detailed **CV** in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- For legal persons, the detailed CV(s) in English of the consultant(s) who is/are proposed to undertake the work under the contract, demonstrating clearly that the eligibility criteria are fulfilled;
- A **motivation letter** in English, demonstrating clearly that the tenderer has the experience and expertise required;
- At least three **samples of the previous work** (in English or in Ukrainian) such as relevant written work, ,links to publications etc.);

[3] 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.

- **Registration documents**, for legal persons and private entrepreneurs only (a copy in the Ukrainian language with a summary translation in English);
- 3 (three) **referees' contact details**.

All the documents shall be submitted in English, except registration documents to be submitted in Ukrainian (or any other language, if it is the case) and samples of previous work to be submitted as specified 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.

* * *

PART II – TENDER RULES

CALL FOR TENDERS
FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE FIELD OF GOOD DEMOCRATIC GOVERNANCE AND PUBLIC ADMINISTRATION REFORM IN UKRAINE
2023/AO/15

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General of Democracy and Human Dignity

Directorate of Human Dignity, Equality and Governance

Good Governance Division - Centre of Expertise for Good Governance

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, 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 or French], and shall be exclusively sent to the following address: kateryna.sasina@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 with reference no. **2023AO15** in the subject field. 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 16 March 2023 by 23:59 CET.

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

[4] Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

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.

FINAL CHECK LIST

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

- **One completed and signed copy of the Act of Engagement**;[5]
- For natural persons, a detailed **CV** in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- For legal persons, the detailed CV(s) in English of the consultant(s) who is/are proposed to undertake the work under the contract, demonstrating clearly that the eligibility criteria are fulfilled;
- A **motivation letter** in English, demonstrating clearly that the tenderer has the experience and expertise required;
- At least three **samples of the previous work** (in English or in Ukrainian) such as relevant written work, ,links to publications etc.);
- **Registration documents**, for legal persons and private entrepreneurs only (a copy in the Ukrainian language with a summary translation in English);
- 3 (three) **referees' contact details**.

2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically.**

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The deadline for the submission of tenders is 16 March 2023 by 23:59 CET.

[5] 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.