



## CALL FOR TENDERS

### FOR THE PROVISION OF RESEARCH SERVICES IN ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA AND UKRAINE

**2021/AO/45**

<b>Object of the procurement procedure ▶</b>	Identifying 1 research company provider in each of the countries of Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine to conduct research in the respective countries
<b>Project ▶</b>	EU/CoE Joint Project "CyberEAST"
<b>Organisation and buying entity ▶</b>	Council of Europe Cybercrime Programme Office (C-PROC)
<b>Type of contract ▶</b>	<b>One-off contract</b>
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Expected starting date ▶</b>	06 September 2021
<b>Tender Notice Issuance date ▶</b>	<a href="#">Click here to enter a date.</a>
<b>Deadline for tendering ▶</b>	<b>16 August 2021</b>

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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 ONE-OFF CONTRACT WORK?

**SELECTION** of one qualified Provider through a call for tenders and signature of a One-off contract with the selected Provider.

**EXECUTION** as from the date of signature of the contract, unless the contract 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

## CALL FOR TENDERS FOR THE PROVISION OF RESEARCH SERVICES IN ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA AND UKRAINE 2021/AO/45

### A. BACKGROUND

Cybercrime and other cyber-enabled offences involving electronic evidence remain major challenges for societies of the EaP region. Likewise, attacks against and by means of computers emanating from those countries are of concern to other geographical areas including the EU Member States.

These crimes consist, *inter alia*, of the theft of personal data, fraud and other types of financial crime, distributed denial of service attacks or website defacements against media, civil society, individuals or public institutions, as well as attacks against critical infrastructure and others. In this regard, cooperation at all levels is essential.

Countries of the EaP have committed to implement the [Budapest Convention on Cybercrime](#) as a framework for domestic measures and for international cooperation on cybercrime and access to electronic evidence. All countries – with the exception of Belarus – are Parties to the Budapest Convention on Cybercrime and are thus members of the [Cybercrime Convention Committee](#) (T-CY). It is therefore an international obligation for them to implement and comply with it.

The European Union and the Council of Europe supported Eastern Partnership countries between 2011 and 2014 through the [CyberCrime@EaP I](#) project. Two follow up projects, [CyberCrime@EaP II](#) and [CyberCrime@EaP III](#), were launched in May and December 2015, with focus respectively on international cooperation and public-private partnerships on cybercrime and electronic evidence. [CyberCrime@EaP 2018](#) project, launched in January 2018 as one-year extension Cybercrime@EaP II and III projects, focused on the same subjects of international and public-private cooperation on cybercrime and electronic evidence.

### Objective of the project

CyberEast project is a direct follow-up to previous [capacity building](#) efforts in the Eastern Partnership and continues to build upon similar themes – strong legislative framework implementing the Budapest Convention on Cybercrime, enabling efficient regional and international cooperation, and improving public/private cooperation regarding cybercrime and electronic evidence in the Eastern Partnership region.

- Immediate Outcome 1 of the project aims at adoption and further improvement of legislative and policy frameworks compliant to the Budapest Convention as well as related standards, such as Istanbul and Lanzarote Conventions.
- Immediate Outcome 2 of the project seeks to reinforce the capacities of judicial and law enforcement authorities and interagency cooperation, seeking to encompass all criminal justice stakeholders in the EaP countries into coherent, sustainable and skills-oriented experience sharing and training framework.
- Immediate Outcome 3 of the Project pursues the increase of efficient international cooperation and trust on criminal justice, cybercrime and electronic evidence, as well as trust between criminal justice and private entities.

Organized by joint European Union and Council of Europe CyberEast project in cooperation with CyberSecurity EAST project funded by the EU, the surveys and overall research effort in the Eastern Partnership region primarily contributes to Output 1.1 of the project (*National action plans or similar strategic documents regarding criminal justice response to cybercrime and electronic evidence developed*) as well as simultaneous impact on *improved public communication and transparency on cybercrime action* (Output 2.4) and *reinforcing mechanisms for trusted cooperation* (Output 2.5) through assessment of reporting mechanisms.

Results of surveys will be shared only with respective countries (regional publication will be discussed separately) and will be used to further contribute to other reporting efforts (e.g. iOCTA) as well as for shaping policies, strategies and capacity building response on cybercrime and electronic evidence in the near and mid-term.

### Project structure

The Project team includes one project manager, two senior project officers, one project officer and two project assistants based in Bucharest, Romania. All teams are composed of the Council's staff members. The status of staff member will not in any manner be awarded to the selected consultants/providers ((See Article 1 d) of the General Conditions – Intellectual Services, Act of Engagement).

The Council of Europe is looking for one Provider in each county (provided at least one tender meets the criteria indicated below) in order to support the implementation of the project with a particular expertise on sociological research, both quantitative and qualitative.

For information purposes only, the total budget of the project amounts to of € 4.2M Euros.

### Expected deliverables

The expected deliverables by the providers will be:

- Drafting of graphs, tables, charts etc. based on data collection using the surveys questionnaires (technical part) in English (preferred) or local language
- Drafting the analysis and interpretation of data based on collection of data using the focus group interview guides (narrative part) in English (preferred) or local language
- Drafting of the full research reports (one in each of the five countries), which also includes the technical part and the narrative part in English (preferred) or local language

### The deliverables are described in line with the attached Terms of Reference of the Research Methodology.

In addition to the attached Terms of Reference for the Research Methodology, the provider:

- Will be given access to the e-learning platform of the Cybercrime Programme Office of the Council of Europe to educate themselves on basic knowledge on cybercrime, for the facilitation of the research work that's to be conducted
- Will participate in at least 5 co-ordination meetings:
  - o One at the start of the contract, at the beginning of September 2021, in order to clarify any information related to the research methodology, research instruments etc.
  - o One post-pilotation of the research instruments; it is expected that the provider will pilot each of the instruments (2 surveys questionnaire and 5 focus group interview guides) to a number of 15 to 20 respondents
  - o One after the collection of data is concluded
  - o One after the data analysis and interpretation is concluded
  - o One during the draft of the full national report
- Will conduct the research as follows:
  - o End of October 2021 – Data collection (both quantitative and qualitative)
  - o End of November 2021 – Data interpretation
  - o End of December 2021 – Drafting of the full national report

## 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
<b>Lot 1</b> – Provider with a particular expertise on sociological research, both quantitative and qualitative, to deliver research in cybercrime and cybersecurity in Armenia	<b>1</b>
<b>Lot 2</b> – Provider with a particular expertise on sociological research, both quantitative and qualitative, to deliver research in cybercrime and cybersecurity in Azerbaijan	<b>1</b>
<b>Lot 3</b> – Provider with a particular expertise on sociological research, both quantitative and qualitative, to deliver research in cybercrime and cybersecurity in Georgia	<b>1</b>
<b>Lot 4</b> – Provider with a particular expertise on sociological research, both quantitative and qualitative, to deliver research in cybercrime and cybersecurity in the Republic of Moldova	<b>1</b>
<b>Lot 5</b> – Provider with a particular expertise on sociological research, both quantitative and qualitative, to deliver research in cybercrime and cybersecurity in Ukraine	<b>1</b>

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. EXPECTED SERVICES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached).

## D. FEES

Tenderers are invited to indicate their 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.

### Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote<sup>1</sup> (Pro Forma invoice) 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 .

Should the Provider be willing to further break down its financial offer, it is invited to do so on a separate sheet, attached to the other supporting documents.

## E. HOW WILL THIS ONE-OFF CONTRACT WORK?

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out in compliance with the description of deliverables as provided in the Act of Engagement. The Provider will be responsible for providing any deliverable before the deadline(s) fixed in the Act of Engagement.

## F. ASSESSMENT

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

Tenderers shall be excluded from participating in the tender procedure if they:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, 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](http://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):

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<sup>1</sup> 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.

<sup>2</sup> 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).

- Expertise of no less than 5 years in conducting sociological research, using both quantitative and qualitative methods;
- Proven capacity to conduct large-scale/national research;
- Proven capacity to co-operate with international/large bodies, such as the Council of Europe, and co-ordinate work in the English language.

*Award criteria*

- Criterion 1: Proven experience and capacity in conducting sociological research, using both quantitative and qualitative methods (40%);
- Criterion 2: The size of the samples and the regional coverage in the studies conducted so far (30%)
- Criterion 3: Financial offer as indicated in the Table of fees (30%)

**Multiple tendering is not authorised.**

**G. DOCUMENTS TO BE PROVIDED**

- **One** completed and signed copy of the Act of Engagement;<sup>3</sup>
- A **list** of all owners and executive officers, for legal persons only;
- A **motivation letter** describing the expertise in conducting large-scale sociological studies and the interest in working with the Council of Europe on this activity;
- **Sample of a research report** in English recently drafted 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.**

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<sup>3</sup> The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred.

# PART II – TENDER RULES

## CALL FOR TENDERS

### FOR THE PROVISION OF RESEARCH SERVICES IN ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA AND UKRAINE 2021/AO/45

#### ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

##### 1.1 Name and address

##### COUNCIL OF EUROPE

Directorate General of Human Rights and Rule of Law  
Directorate of Information Society and Action against Crime

##### 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.<sup>4</sup>

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 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: [cybercrime@coe.int](mailto:cybercrime@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](mailto: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 16 August 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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<sup>4</sup> Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int)

# FINAL CHECK LIST

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

- **One** completed and signed copies of the Act of Engagement;<sup>5</sup>
  - A **list** of all owners and executive officers, for legal persons only;
  - A **motivation letter** describing the expertise in conducting large-scale sociological studies and the interest in working with the Council of Europe on this activity;
  - **Sample of a research report** in English recently drafted by the tenderer
- 

## 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](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

The deadline for the submission of tenders is 16 August 2021 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

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<sup>5</sup> The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred.