

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

### Purchase of local consultancy services in the field of local government and management of the migration crisis *Contract N° 8825/9*



The Council of Europe is currently implementing the project "Reinforcing the culture of dialogue and ethical open local governance in the Republic of Moldova" until 14.03.2024. In that context, it is looking for Provider(s) for the provision of consultancy services to support local authorities with the management of the refugee crisis including by developing the capacities of the association of local authorities to promote resilience, integration and inclusion of the refugees in local communities, in particular with provision of policy and legal expertise to local public authorities (based on the principles of the Human Rights Handbook and relevant recommendation and resolutions) to be requested by the Council on an as needed basis.

#### A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>1</sup>, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **framework contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender – 8825/9 – Local Consultancy – local government and migration.** Tenders addressed to another email address **will be rejected**.

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 5 (five) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions - 8825/9 – Local Consultancy – local government and migration.**

Type of contract ►	Framework contract
Duration ►	Until 14 March 2024
Deadline for submission of tenders/offers ►	<b>10 October 2022</b>
Email for submission of tenders/offers ►	congress.cooperation@coe.int
Email for questions ►	congress.cooperation@coe.int
Expected starting date of execution ►	24 October 2022

<sup>1</sup> The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

The Congress ensures that the principles of the European Charter of Local Self-Government are observed through systematic monitoring and regular dialogue with the governments of the Council of Europe member states. It undertakes general country-by-country monitoring visits which provide information about the situation of local and regional democracy. In the Republic of Moldova, the Congress and the government signed a *Roadmap for the implementation of the Congress recommendations aimed at strengthening local and regional democracy* in the country on 15 April 2021.

The project "Reinforcing the culture of dialogue and ethical open local governance in the Republic of Moldova" (2022-2024) is supporting implementation of the Roadmap, in the framework of the Council of Europe Action Plan for the Republic of Moldova 2021-2024. The project aims to strengthen the dialogue between local and central authorities, enhance the consultation of local authorities by higher levels of government, and promote resilience and inclusion at the local level.

In the context of Russia's invasion of Ukraine in February 2022 and the displacement of thousands of people, mainly women and children, the country is currently facing an unprecedented influx of refugees. In response to this crisis, the Congress project in the Republic of Moldova is well-placed to support the capacities of local public authorities to promote human rights and effectively manage the current high influx of refugees from Ukraine and build resilience of local communities.

The Council of Europe is looking for 5 (five) Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on local self-government and management of the migration crisis.

This Contract is currently estimated to cover up to six activities to be held by January 2024. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total budget of the project amounts to 475,000 Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros tax exclusive** for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

### Scope of the Framework Contract

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

- Develop the capacities of the Congress of Local Authorities from Moldova Crisis Response Unit to promote resilience, integration and inclusion of the refugees in local communities, improve the coordination between the central, rayon and local authorities and provide policy and legal expertise to local public authorities (based on the Congress Human Rights Handbook and relevant Council of Europe and Congress recommendations and resolutions).
- Provide expert opinions and reports with a set of recommendations concerning the existing or new national legislation of the Republic of Moldova, pertaining to the promotion of human rights, in particular inclusion and integration of migrants at the local level;
- Provide expert support and advice to local authorities on the subject of human rights, the refugee crisis and migration;
- Provide other deliverables related to the topics above and as requested by the Council of Europe.

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract.

In terms of **quality requirements**, the pre-selected Service Providers must ensure, *inter alia*, that:

- The services are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).

### C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

### D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

#### Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3 (out of 5) will be selected.

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 quote<sup>2</sup> (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 .

<sup>2</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.

## Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

## E. ASSESSMENT

### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>3</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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;

### *Eligibility criteria*

- Advanced degree (Master's or PhD) in law, political sciences, or another relevant subject or equivalent number of years of relevant experience;
- Minimum three years of experience in providing legal opinions and drafting reports promoting human rights to inform the consultation process between different levels of government;
- Proficiency in English and Romanian;

### *Award criteria*

- Quality of the offer (80%), including:
  - Thematic knowledge and expertise in the field of legislative framework of human rights and local self-government in the Republic of Moldova (40%);
  - Relevance of the experience for the duties described herein in the section on Scope of the Framework contract (40%);
- Financial offer (20%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

## F. NEGOTIATIONS

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

<sup>3</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 above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

## G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement<sup>4</sup>** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- At least one sample of relevant previous work in English or in Romanian on human rights, preferably on migration, integration and inclusion of refugees in local communities, or crisis management. For legal persons, a sample of previous work of each proposed expert is to be provided;
- Registration documents, for legal persons only;

**All documents shall be submitted in English (with the exception of the samples of relevant previous work and the registration documents), 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>4</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.