

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

### Purchase of consultancy services on democratic mission of higher education in the framework of activities of the Education Department of the Council of Europe

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing a project on the democratic mission of higher education until the end of 2027. In that context, it is looking for Providers for the provision of consultancy services 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 €6,000 for intellectual services) and €171,000 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 – Democratic Mission of Higher Education.** 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 6 (six) working days before the deadline for submission of the tenders (i.e., by 11 January 2024, 23:59 CET) and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions – Tender – Democratic Mission of Higher Education.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2024
Deadline for submission of tenders/offers ▶	<b>21 January 2024, 23:59 CET</b>
Email for submission of tenders/offers ▶	<b>Higher.Education.Research@coe.int</b>
Email for questions ▶	<b>Higher.Education.Research@coe.int</b>
Expected starting date of execution ▶	12 February 2024

<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 Council of Europe has been concerned about the decline of democracy, leading to erosion of trust in institutions and major societal establishments, including higher education. This has led to economic, political, social, and educational inequalities, increased intolerance, discrimination, and hate speech, and threats to freedom of expression and association.

Higher education is crucial for reinvigorating democratic societies and realizing a genuinely democratic future for all citizens. The Council of Europe has been actively involved in promoting the democratic mission of higher education, promoting an environment that fosters critical thinking, a culture of democracy, academic freedom, institutional autonomy, social responsibility, and active citizenship. Universities play a crucial role in addressing global issues such as climate change, sustainable development, migration, inequality, extremism, and a democratic deficit.

To respond to these challenges, the [Council of Europe Education Strategy 2024-2030 "Learners First"](#) stresses the need for higher education to revitalise its democratic and civic mission by preparing citizens to become active participants in democracy, while also contributing solutions to the democratic transformation of schools, universities, and societies.

To continue the Council of Europe's work on democratic mission of higher education, the new project entitled "Academic Freedom in Action" will be launched in 2024 and three distinct themes will be addressed in the period 2024-2027: Academic Freedom, Democratisation of Science, and Digital/AI Challenges in Higher education.

The main expected outputs of this project are, inter alia:

- Review of the implementation of the Recommendation CM/Rec (2012)7 of the Committee of Ministers to member states on the responsibility of public authorities for academic freedom and institutional autonomy
- A standard-setting instrument on academic freedom and institutional autonomy
- A feasibility study followed by an action plan with regard to the topic of democratisation of science;
- A pan-European framework on the local mission of HE to support institutions in institutionalising their cooperation with local communities;
- Recommendations for policy makers and the leadership of higher education institutions with regard to the three themes and topics of the project proposal;
- Thematic events or working conferences;
- Studies, methodologies, data collections, and policy documents on the topics of the project.

The Council of Europe will also establish a working group composed of representatives from the authorities in the Council of Europe member States and officially designated observers to guide and contribute to the project. The group will convene 3-4 times by the end of 2025 to contribute to deliverables of the project.

The Council of Europe is looking for a maximum of 25 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project.

This Contract is currently estimated to cover up to 20 activities, to be held by the end of 2025. 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.

## Scope of the Framework Contract

The tender will be valid until the end of 2025 and can be extended until the end of 2026 if needed.

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

- Provide expertise on the topics of academic freedom, democratisation of science, and digital/AI Challenges in higher education;

- Design and conduct research and desk studies, reviews, and comparative analysis;

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- Draft, review and/or provide policy or legal advice, opinions and recommendations on policies, legislation and practices related to academic freedom, democratisation of science, and digital/AI Challenges in higher education;

- Translate academic research findings, and policy studies into practical advice and written briefs targeted at non-academic audiences;

- Collect, review and present good practices;

- Synthesise existing evidence into briefs and practical guidance;

- Participate in and/or make presentations at events (workshops, conferences, thematic meetings, high level meetings, etc.)

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 2.5 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 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<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.

### **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*

- Second-cycle degree (e.g. Master) or equivalent work experience in Education, Social Sciences, Humanities, Public Policy, Economy, Political Science, Natural Sciences, Environmental Science.
- Minimum five years of proven experience in the above-mentioned areas of expertise.

<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.

<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.

- Experience in drafting/developing intellectual work e.g., policy/literature reviews, policy papers/recommendations/opinions, strategy papers, scholarly articles, comparative studies, learning and teaching resources, books, training programmes and resources.
- Having a good command of written and spoken English (at least C1 of the Common European Framework of Reference for Languages).

#### *Award criteria*

- Quality of the offer (80%), including:
  - Demonstrated expertise in the areas covered by this call (70%);
  - Experience working as a consultant, or in an advisory capacity, with national, regional, or international institutions, in the field of education for sustainable development (30%).
- 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.

#### 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;
- Registration documents, for legal persons only;
- Motivation letter demonstrating the relevance of the tenderer's experience and interest in the subject of the tender.

**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>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.