

TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of intellectual services for implementation of the project “The Istanbul Convention: a tool to advance in fighting violence against women and domestic violence in Ukraine”

The Council of Europe is currently implementing the Project “The Istanbul Convention: a tool to advance in fighting violence against women and domestic violence in Ukraine”. The Project will end on 30 June 2020. In that context, it is looking for Provider(s) (national/local consultants) for the provision of intellectual services to be requested by the Council on an as-needed basis.

A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe¹, 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, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Restricted Consultation_Preventing and Combating VAW/DV_Local_Experts**. 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_Restricted consultation_Preventing and Combating VAW/DV_Local_Experts**

Type of contract ▶	Framework contract
Duration ▶	Until 30 June 2020
Deadline for submission of tenders/offers ▶	19 March 2019
Email for submission of tenders/offers ▶	Svitlana.PAVLYSH@coe.int , Anna.MYRVODA@coe.int
Email for questions ▶	Svitlana.PAVLYSH@coe.int
Expected starting date of execution ▶	19 March 2019

¹ 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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The consultancy services are to be delivered in the framework of the Project “The Istanbul Convention: a tool to advance in fighting violence against women and domestic violence in Ukraine”. The Project aims at strengthening the capacity of key stakeholders involved in preventing and combating violence against women and domestic violence. The Council of Europe focuses on increasing the knowledge of professionals and facilitating exchanges and best practices in the implementation of the Ukrainian new law on domestic violence and of relevant European standards, in particular, the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereafter the Istanbul Convention).

Duration of the Project: 1 September 2018 – 30 June 2020.

The project aims that women benefit from a more effective prosecutions and protection against all forms of violence and focuses on the following areas:

- To tackle the prevention of violence against women strategically and in longer term and by supporting the necessary institutional mechanisms and multi-agency coordination (Article 7 and 10 of the Istanbul Convention), including through raising awareness on the domestic violence prevention, the Council of Europe standards and the Istanbul Convention;
- To increase the knowledge of legal professionals on how to put the victim and her needs at the centre when dealing with the cases of violence against women and domestic violence. This approach will be implemented through targeted trainings, peer-to-peer exchanges and expert support to developing training materials, tools, informational materials and recommendations;
- To support specialists' services for victims of violence against women and domestic violence through developing tools and methodologies, guiding and informational materials to facilitate creation of tailor-made approach to Ukraine and to give a consistent and practical tools to practitioners.

Project National Partners

The key project partners are the **Ministry of Social Policy of Ukraine** (hereafter the MoSP), the **National Police of Ukraine**, the **Coordination Centre for Legal Aid Provision of Ukraine**, the **Ukrainian National Bar Association**, the **National School of Judges of Ukraine** and the **National Academy of the Public Prosecutor's Office of Ukraine**. Additionally, the Council of Europe co-operates with different state institutions, civil society organisations and international and donor organisations working in the field of combating violence against women and domestic violence. .

Within the frame of the Project the below listed outputs are expected:

- Development of a long term awareness raising strategy for the Ministry of Social Policy;
- Implementation of trainings, round-tables, and peer-to-peer exchanges to increase institutional capacity of the actors who provide assistance to the victims for better preventing and combating violence against women and domestic violence;
- Development a toolbox of informational and guiding materials for legal aid counsellors, lawyers, prosecutors, police and specialist support service providers dealing with the cases of violence against woman and domestic violence;
- Performing assessment of Ukrainian legal and policy framework and development of a set of risk assessment and management methodology/tools;
- Conducting international multi-agency conferences;
- Raising awareness and increasing knowledge on violence against women and domestic violence through dissemination of relevant materials and other means;
- Development of informational products on violence against women and domestic violence and visibility of the Council of Europe

The Council of Europe is looking for **maximum of 4 Provider(s) for every LOT** (provided enough tenderers meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on preventing and combating violence against women and domestic violence in Ukraine.

This Contract is currently estimated to cover up to twelve activities, to be held by 30 June 2020. 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 allocated total budget of the project amounts to *500 000* 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

The present tendering procedure aims to select Local Consultants to support the implementation of the project and is divided into the following 6 Lots. Consultants may submit a tender for one, several or all Lots subject to the fulfillment of the criteria listed in the Eligibility criteria for the lots concerned.

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

- Preparing training modules and training materials;
- Conducting trainings/workshops;
- Developing strategies, standards;
- Participating at and contributing to the events (workshops, conferences, high level meetings);
- Drafting analytical reports (assessments, gap analysis...);
- Making researches;
- Developing, reviewing and proof-reading materials, handbooks, informational and guiding materials 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.

Expected types of deliverables

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
<p>LOT 1</p> <p>Comprehensive and co-ordinated policies and frameworks and supporting National Coordinating body on prevention of violence against women and domestic violence</p> <p>The listed activities (one or several) should be carried out by the selected local consultant together with/in lead of an international consultant or independently in order to support the Ukrainian authorities:</p> <ul style="list-style-type: none"> • Contribute to developing a comprehensive long-term awareness raising strategy for the Ministry of Social Policy as the Coordinating body, including central and regional stakeholders (such as legal aid, police, and civil society) and media to promote zero tolerance policy towards violence, and provide recommendations with promising practices on its implementation; • Support the development process of the strategy by participating in meetings and by contributing to the work of an institutional working group of main stakeholders and to specific aspects related to implementation, coordination, monitoring of the strategy; • Contribute supporting the work of the Ministry of Social Policy/Coordinating body in the collection of administrative data on cases of domestic and gender-based violence, including providing recommendations and contribute to preparation and conducting international conference on data collection, • Participate and contribute to the capacity building and other project events dedicated to strengthening the role of the Coordinating body to oversee the policies related to violence against women and domestic violence, implementing existing CoE standards in the area, including through moderating/facilitating discussions and/or preparing and delivering presentation(s). <p>The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project.</p>	4
<p>LOT 2</p> <p>Capacity building of legal aid counsellors and lawyers dealing with victims of violence against women and domestic violence</p> <p>The listed activities (one or several) should be carried out by the selected local consultant together with/in lead of an international consultant or independently in order to support the Ukrainian authorities:</p>	4

<ul style="list-style-type: none"> • Develop a training programme, training materials and conduct 3-day training of trainers (ToT) on victim-oriented approach and specific aspects related to application of existing legislation for legal aid counsellors, lawyers and advocates dealing with cases of violence against women and domestic violence; • Develop a training manual for trainers who will deliver cascade trainings for lawyers and legal aid counsellors; • Contribute to developing informational and guiding materials for legal aid counsellors and lawyers dealing with cases of violence against women and domestic violence; • Adapt and tutor a HELP course on prevention of violence against women and domestic violence for lawyers, including participate in meetings on the adaptation of the HELP course, developing case studies and other relevant training materials, etc. for course participants; • Participate and contribute to the conferences, round tables, workshops and other project events focused on combating violence against women and domestic violence, including through moderating/facilitating discussions and/or preparing and delivering presentation(s). <p>The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project.</p>	
<p>LOT 3</p> <p>Capacity building of judges dealing with victims of violence against women and domestic violence</p> <p>The listed activities (one or several) should be carried out by the selected local consultant together with/in lead of an international consultant or independently in order to support the Ukrainian authorities:</p> <ul style="list-style-type: none"> • Contribute to developing informational and guiding materials on cases of violence against women and domestic violence; • Adapt and tutor a HELP course on prevention of violence against women and domestic violence for judges, including participate in meetings on the adaptation of the HELP course, developing case studies and other relevant training materials, etc. for course participants; • Prepare a training programme, training materials and conduct 2-day training of trainers for judges on victim-oriented approach, application of new legislation, risk assessments, and other specific aspects related to the protection of victims of violence against women and domestic violence; • Participate and contribute to the conferences, round tables, workshops and other project events focused on combating violence against women and domestic violence, including through moderating/facilitating discussions and/or preparing and delivering presentation(s). <p>The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project.</p>	4
<p>LOT 4</p> <p>Capacity building of prosecutors dealing with victims of violence against women and domestic violence</p> <p>The listed activities (one or several) should be carried out by the selected local consultant together with/ in lead of an international consultant or independently in order to support the Ukrainian authorities:</p> <ul style="list-style-type: none"> • Contribute to developing informational and guiding materials on cases of violence against women and domestic violence; • Adapt and tutor a HELP course on prevention of violence against women and domestic violence for prosecutors, including participate in meetings on the adaptation of the HELP course, developing case studies and other relevant training materials, etc. for course participants; 	4

<ul style="list-style-type: none"> • Provide expertise on improving prosecutors' role in dealing with cases of violence against women and domestic violence, methodologies of investigation of violence against women and domestic violence cases, cooperation with the police and judges, including providing recommendations; • Contribute to the preparation and delivering (a) round table(s) on specific aspects related to the activities of the prosecutors in the area, to share European best practices, methodologies, tools and recommendations, including through moderating/facilitating discussions and preparing and delivering presentation(s), preparing relevant materials/handouts; • Participate and contribute to the conferences, round tables, workshops and other project events focused on combating violence against women and domestic violence, including through moderating/facilitating discussions and/or preparing and delivering presentation(s). <p>The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project.</p>	
<p>LOT 5</p> <p>Specialist support services for victims of violence against women and domestic violence – developing risk assessment methodologies and tools</p> <p>The listed activities (one or several) should be carried out by the selected local consultant together with/in lead of an international consultant and independently in order to support the Ukrainian authorities:</p> <ul style="list-style-type: none"> • Assess Ukrainian legal and policy framework, existing tools and approaches of risk assessments in order to provide recommendations and facilitate the creation of a tailor-made risk assessment approach in Ukraine, including all stages of the prevention, investigation and application of the protective measures.; • Contribute to developing a set of risk assessment and risk management methodologies / tools, suggest a model for a multi-agency risk identification and assessment methodology and checklists (e.g. for social and health service providers, police, education, prosecutors, judges and lawyers); • Provide guidance/instructions and/or trainings and/or other capacity building on the application of developed methodologies / tools for relevant stakeholders (e.g. social and health service providers, police, education sphere, prosecutors, judges and lawyers); • Participate and contribute to organisation and conducting an international conference on risk assessment methodologies and policies, including through moderating/facilitating discussions and preparing and delivering presentation(s), advising on category of participants, format of the event; participate and contribute to other project events focused on combating violence against women and domestic violence; <p>To contribute to developing of informational and guiding materials for service providers dealing with cases of violence against women and domestic violence (leaflets, cards, posters, booklets, etc.), including through participation in meetings of a working group</p> <p>The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project.</p>	4
<p>LOT 6</p> <p>Psychological and medical expert support to deliver trainings, develop risk assessment methodologies and toolbox of informational materials for countering violence against women and domestic violence</p> <p>The listed activities (one or several) should be carried out by the selected local consultant independently or together with an international consultant in order to support the Ukrainian authorities:</p> <ul style="list-style-type: none"> • Contribute to developing informational materials for specialist support services for victims of violence against women and domestic violence (leaflets, cards, posters, booklets, etc.); • Contribute to developing a set of risk assessment and risk management methodologies / tools (for social and health service providers, police, education, prosecutors, judges and lawyers); 	4

- Participate in meetings and contribute to the work of institutional working group on developing a toolbox of informational materials to cover forensic examination, legal, physiological, medical, education and other specific aspects);Contribute to developing training programme, training materials and conducting trainings of legal aid counsellors/lawyers, advocates, judges, police officers and prosecutors on physiological aspects of victim-oriented approach;
- Contribute to adaptation of HELP course on prevention of violence against woman and domestic violence for judges, prosecutors and lawyers, in particular through participation in meetings of working group on adaptation of the HELP course, developing case studies and other relevant training materials;
- To participate and to contribute to the conferences, round tables, workshops and other project events focused on combating violence against women and domestic violence, including through moderating/facilitating discussions and preparing and delivering presentation(s).

The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project.

All 6 LOTs aim to build the capacity of the legal and law enforcement professionals, judges, service providers and other relevant stakeholders in Ukraine. Continued education and training, including materials and tools, are the most important elements of raising awareness and improving the capacity of beneficiary institutions to prevent and combat violence against women and domestic violence. The materials and training designed and conducted in co-operation with the Council of Europe will be based on the relevant Council of Europe and international standards. The Project is grounded in the principles of the Istanbul Convention and therefore, the technical assistance provided under the Project promotes a comprehensive approach to ending violence against women and focuses on the prevention of violence, protection of the victims and the prosecution of the perpetrators. The Project rests on the idea that violence against women is not an isolated phenomenon, but one of the most serious human rights violations, a form of discrimination against women and an obstacle to achieving greater gender equality.

All LOTs also concern defining the final scope of the tools / trainings / documents together with the Council of Europe and possibly with international consultant(s). Once the tools / trainings / documents are being prepared, the consultants should first submit a draft version(s) of the product for comments and then a final version incorporating comments received from the Council of Europe and necessary partners.

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 of Europe 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 (unless agreed otherwise in the Order Form following the 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. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

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 this consultation and the subsequent selection are 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.

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 quote² (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)³

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;
- 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 or are likely to be in a situation of conflict of interests.

Eligibility criteria

LOT 1–5

- A Master's Degree in law, political sciences, social sciences, international relations, public administration or related fields;
- At least 5 years of professional experience in areas related to the fields of expertise as described for each lot under the scope of the contract above;
- Experience in developing training programmes/modules, delivering trainings, courses, materials, methodologies and/or conducting researches in the thematic area related to the scope of the project;

² 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.

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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 above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

- Excellent knowledge of English and Ukrainian (at least level C2 of the Common European Framework of Reference for Languages/mother tongue);

LOT 6

- A master degree in psychology, medicine or related fields;
- At least 5 years of professional experience related to the fields of expertise as described for lot 6 under the scope of the contract above;
- Experience in developing training curricula, delivering trainings, courses, materials, methodologies as well as conducting researches in the thematic area related to the scope of the project;
- Excellent knowledge of English and Ukrainian (at least level C2 of the Common European Framework of Reference for Languages/mother tongue);

Award criteria

LOTS 1–5

- Quality of the offer (**90%**), including:
 - Thematic knowledge and related expertise in the sphere of violence against women and domestic violence prevention primarily the in-depth knowledge of policy, legal framework and standards in the areas of expertise (40%)
 - Relevance of the experience and competences of the tenderer in the areas covered by this call, including previous similar assignments at the local level and with international organizations and international projects (40%)
 - Working knowledge of English (would be an advantage for communication and cooperation with International experts, at least level B2 of the Common European Framework of Reference for Languages (10%)
- Financial offer (**10%**)

LOT 6

- Quality of the offer (**90%**), including:
 - Thematic knowledge and related expertise in the psychology, medicine or related field (40%).
 - Relevance of the experience and competences of the tenderer in the areas covered by this call, including previous similar assignments at the local level and with international organizations and international projects (40%).
- Financial offer (**10%**).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- At least two examples in English/Ukrainian of the previous work/deliverables reference/links to publications, materials, legal assessments/analyses, reports, studies, training materials, presentations etc. relevant to the experience the tenderer claims in relation to the lot/s the tenderer applies.
- Registration documents, for legal persons only;
- 2 (two) referees' contact details.

All documents shall be submitted in English or Ukrainian failure to do so will result in the exclusion of the tender.

If any of the documents listed above are missing, the tender will not be considered.

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.

⁴ 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.