

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of consultancy services for policy advice and capacity building on Green Public Administration and Multilevel Governance

The Council of Europe will implement from 01 September 2023 to 31 December 2024 a series of project activities on issues related to Green Public Administration and Multilevel Governance. In that context, it is looking for Provider(s) for the provision of consultancy services for policy advice and capacity building on Green Public Administration and Multilevel Governance 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 Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 – Green Public Administration – Multilevel Governance.** 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 SEVEN 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 - Green Public Administration – Multilevel Governance**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2024
Deadline for submission of tenders/offers ▶	31 July 2023
Email for submission of tenders/offers ▶	good.governance@coe.int
Email for questions ▶	good.governance@coe.int
Expected starting date of execution ▶	01 September 2023

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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

Good democratic governance refers to all governance processes, institutions and practices through which accountable authority and responsibility are exercised in a manner which is both effective and centred on genuine democracy.

As part of its support to the European Committee on Democracy and Governance (CDDG) and its cooperation activities through the Centre of Expertise for Good Governance (CEGG), the Democratic Governance division is currently deepening work in two areas: Green Public Administration and Multi-Level Governance.

Green Public Administration

The 12 Principles of Good Democratic Governance, which offer a common vision of Good Democratic Governance, include “sustainability and long-term orientation.” Green Public Administration is about implementing this principle by incorporating considerations for sustainability, long-term orientation, environment and climate change into decision-making at all levels of governance.

Under the aegis of the Icelandic Presidency of the Committee of Ministers, the CDDG organised an international conference on Green Public Administration in Strasbourg on 26 April 2023. This brought together representatives of member states, local authorities, international organisations and experts to discuss policies and practices such as the development of local green deals/climate pacts, green/sustainable public procurement, and cross-border collaboration on environmental protection among others. These will be documented in a forthcoming report on Green Public Administration to be adopted by the CDDG.

Building on the outputs of the conference, and in line with the mission of the Centre of Expertise for Good Governance (CEGG), the Democratic Governance Division is looking to develop tools and policy advice to support the adoption of Green Public Administration practices as part of Good Democratic Governance efforts. Relevant experience and good practice in the field of Green Public Administration will be incorporated in a transversal way to existing projects and tools as a means of ensuring that principles and practices of good democratic governance are the heart of the response of public authorities to climate change, and that they are leveraged to promote sustainability and environmental protection efforts at all levels of government.

Multilevel Governance

“Multilevel governance” refers to a cooperative model of governance which embraces international, supranational, cross-border, and subnational levels of governance, delivered with participation of the people, civil society, and other organisations; its purpose is to ensure coordinated, efficient policy- and decision-making and exercise of public duties, based on the principles of good democratic governance. The CDDG, through its Working Group on Governance (GT-G), is in the process of reviewing evolving definitions, policies and practices of Multilevel Governance – with a view to preparing further guidance, including a draft report and recommendation.

In support of these strands of work, the Democratic Governance division is looking to establish two pools of experts.

The key objectives of this phase of the division’s work on Green Public Administration and Multilevel Governance are to:

- Collect examples of good practice, and review existing CoE good democratic governance tools in light of Green Public Administration priorities;
- Develop capacity-building activities and an outline toolkit to support Green Public Administration at central and local levels;
- Contribute to the preparation of the CDDG report on Multilevel Governance and deliver specific policy advice to member States;
- Address issues of Green Public Administration and Multilevel Governance in a transversal way to reinforce existing standards, toolkits, and capacity-building programmes to strengthen good democratic governance practice in Europe.

The initial duration of this work will be 16 months (September 2023-December 2024).

The Council of Europe is looking for up to 12 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support implementation of the work described above.

For Lot 1 (Green Public Administration), Providers with a particular expertise on sustainability strategy, green procurement, resilience and preparedness, good democratic governance standards and tools, ecological and green transition and climate change policy (in particular at local level); as well as experience in preparing and delivering relevant capacity building activities.

For Lot 2 (Multilevel Governance), Providers are sought with adequate specialisation in areas related to governance, multilevel governance; the functioning of central State institutions and of local and regional administrations including their cooperation in general and/or in specific concrete policy areas such as decentralisation, vertical and horizontal coordination, financial equalisation, and the management of public emergencies and crises.

This Contract is currently estimated to cover up to 10 activities to be held by 31 December 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 55,000 Euros and the total amount of the object of present tender should in principle not exceed 55,000 Euros 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.

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
Lot 1: Green Public Administration	6
Lot 2: Multilevel Governance	6

Lot 1 concerns the provision of services in the context the development of capacity building and policy advice to public authorities on Green Public Administration, with a focus on local government stakeholders.

Lot 2 concerns the development of analysis and policy advice on Multilevel Governance.

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section F below), is equivalent to or higher than 3.5 out of 5 will be selected under each Lot.

Scope of the Framework Contract

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

Under Lot 1 (Green Public Administration):

- Draft analytical reports;
- Participate at events (workshops, conferences, high level meetings);
- Develop benchmarking tools;
- Prepare and deliver training modules and training materials;
- Conduct trainings/workshops;
- Draft policy advice and recommendations on promoting green public administration at all levels of government.

Under Lot 2 (Multilevel Governance):

- Draft analytical reports;
- Participate at events (workshops, conferences, high level meetings);
- Draft policy advice and recommendations on Multilevel Governance as a cooperative model of governance, based on the principles of good democratic governance.

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 for the relevant lot 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;

² It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

- 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 (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, 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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

- A Master's degree in public administration, law, political science, environmental sciences, sustainability or a related field
- At least 5 years of experience in researching, advising, and publishing governments, private sector organisations or international institutions on areas relevant to this call for tenders
 - Green Public Administration, including e.g. the green transition, sustainability, or climate change related issues
 - Multilevel Governance, including the functioning of central State institutions and of local and regional administrations including their cooperation in general and/or in specific concrete policy areas related to decentralisation, vertical and horizontal coordination, financial equalisation;

³ 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.

Award criteria Lot 1 - Green Public Administration

- Criterion 1: Quality of the offer X (80%), including:
 - Thematic knowledge and expertise (40%):
 - Expertise in one or more of the following areas: sustainability strategy, standards and tools, ecological transition and climate change policy in particular at local government level
 - Knowledge of and experience working with relevant international standards and initiatives for sustainability and climate change
 - Relevant experience, including (20%)
 - Experience advising/building capacity of local government stakeholders on the above areas
 - Experience in one or more subject area, e.g. green budgeting, sustainable procurement, sustainable transport/infrastructure, citizen participation in climate action
 - Experience in working with Council of Europe standards for good democratic governance
 - Specific skills & capacities, including (20%)
 - Demonstrable research, analysis and drafting skills in English
 - Communication and public presentation skills
 - Adaptability and team-working skills
- Criterion 2: Financial offer (20%)

Award criteria Lot 2 - Multilevel Governance

- Criterion 1: Quality of the offer X (80%), including:
 - Thematic knowledge and expertise (40%):
 - Expertise in one or more of the following areas: international, constitutional, and administrative law; management of public emergencies and crises such as climatic events, natural / technological / other disasters, pandemics and other health crises, general civil protection and emergency plans
 - Knowledge of the state of art of academic and applied research of governance, multilevel governance; the functioning of central State institutions and of local and regional administrations including their cooperation in general and/or in specific concrete policy areas
 - Relevant experience, including (20%)
 - Experience advising governments, international organisations, and/or stakeholders on cooperation between public institutions and different types of actors
 - Experience in the design and/or implementation of reforms in the field of decentralisation, vertical and horizontal coordination, financial equalisation
 - Experience publishing on issues related to Multilevel Governance, in an academic or policy advice context
 - Experience in working with Council of Europe standards for good democratic governance
 - Specific skills & capacities, including (20%)
 - Academic-level research, analysis and drafting skills in English
 - Communication and public presentation skills
 - Adaptability and team-working skills
- Criterion 2: 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 (IN PDF OR WORD FORMAT)

- **A completed and signed copy of the Act of Engagement⁴** (See attached);
- **Registration documents, for legal persons only;**
- **Motivation letter (max 2 pages)**
- **CV(s) of the lead expert(s) (max 3 pages per CV)**
- **List of relevant, recent assignments (max 3)**
- **Sample(s) of a recent report/text produced by the tenderer**

All documents shall be submitted in English or French, 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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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.