

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of consultancy services on the protection of the best interests of the child and his/her rights in situations of parental separation and care proceedings

The Council of Europe, through its Committee of Experts on the rights and best interests of the child in the context of parental separation and in care proceedings ([CJ/ENF-ISE](#)), is developing, within the 2022-2023 biennium, non-binding legal instrument(s) and practical tools, including child-friendly material(s), on the protection of the best interests of the child and his/her rights in situations of separation of parents and in domestic law proceedings by public authorities to limit parental responsibilities or place a child in care.

In that context, it is looking for up to **20 (twenty)** Providers for the provision of consultancy services in these areas 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 €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: "Call for tenders - tender submission - Rights and best interests of the child in parental separation and care proceedings"**. 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 3 (three) 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 - Call for tenders - Rights and best interests of the child in parental separation and care proceedings"**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2023
Deadline for submission of tenders/offers ▶	03 March 2022
Email for submission of tenders/offers ▶	ENF-ISE@coe.int
Email for questions ▶	ENF-ISE@coe.int
Expected starting date of execution ▶	11 March 2022

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

Under the supervision of the European Committee on Legal Cooperation ([CDCJ](#)) and the Steering Committee for the Rights of the Child ([CDENF](#)), the Committee of Experts on the rights and best interests of the child in the context of parental separation and in care proceedings ([CJ/ENF-ISE](#)), has been entrusted by the Committee of Ministers of the Council of Europe to develop, within the 2022-2023 biennium, non-binding legal instrument(s), practical tools, including child-friendly material(s) on the protection of the best interests of the child and his/her rights in situations of separation of parents and in care proceedings. This project aims to provide guidance to member States and other stakeholders, in particular practitioners, in this area, in line with international and European standards and good practices, and in line with the Council of Europe Strategy for the Rights of the Child's priorities. A first preliminary draft instrument combining both situations has been examined by the CJ/ENF-ISE in December 2021. Further information on this project, including the preparatory work carried out under the previous mandate of the Committee of Experts and the draft workplan ahead, are available on the [CJ/ENF-ISE website](#).

The Council of Europe is looking for a maximum of 20 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the areas of child friendly-justice, family law, child- friendly social services, children in alternative care.

This Contract is currently estimated to cover up to 50 activities, to be carried out by 31 December 2023. 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.

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.

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: Elaboration of standard setting instrument(s)	5
Lot 2: Elaboration of practical guidance for practitioners	7
Lot 3: Elaboration of Child-friendly materials	5
Lot 4: Analysis and synthesis of contributions received	3

Lots 2 and 3 will be carried out following the finalisation of the work on lot 1.

Lot 1 concerns policy/legal advice and drafting services on the elaboration of a non-binding legal instrument(s), including explanatory memoranda, on the protection of the best interests of the child and his/her rights in situations of separation of parents and in care proceedings.

Lot 2 concerns policy/legal/practical advice and drafting services on the elaboration of handbooks/tools for practitioners, based on the standards to be developed under Lot 1, in line with international and European standards and good practices on the protection of the best interests of the child and his/her rights in situations of separation of parents and in care proceedings.

Lot 3 concerns policy/legal/practical advice and drafting services on the elaboration of child-friendly material(s) on the protection of the best interests of the child and his/her rights in situations of separation of parents and in care proceedings, based on the standards to be developed under lot 1.

Lot 4 concerns preparation of analysis and synthesis of contributions received following various consultations (member States and stakeholders) carried out during the elaboration of lots 1 and 2.

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).

Scope of the Framework Contract

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

Under Lot 1:

- Review (the) draft legal instrument(s) on the protection of the best interests of the child and his/her rights in situations of separation of parents and in care proceedings;
- Elaborate the preliminary draft explanatory memoranda to the draft instrument(s) on the protection of the best interests of the child and his/her rights in situations of separation of parents and in care proceedings;
- Review the draft explanatory memoranda to the draft instrument(s);
- Participate in the meetings and other events, where relevant, of the CJ/ENF-ISE, CDCJ and CDENF and provide expertise in the thematic areas of child friendly justice, family law, child friendly social services, children in alternative care as appropriate.
- Participate, where appropriate, in other relevant events to present the work of CJ/ENF-ISE and prepare a short report.

Under Lot 2:

- Research
- Preparing draft concept of handbooks/tools for practitioners;
- Elaborate draft handbooks/tools for practitioners on the protection of the best interests of the child and his/her rights in situations of separation of parents and in care proceedings;
- Review the draft handbooks/tools and/or manuals mentioned above;
- Participate in the meetings and other events, where relevant, of the CJ/ENF-ISE, CDCJ and CDENF and provide expertise in the thematic areas of child friendly justice, family law, child friendly social services, children in alternative care as appropriate;
- Participate, where appropriate, in other relevant events to present the work of CJ/ENF-ISE and prepare a short report.

Under Lot 3:

- Elaborate child-friendly material(s) on the best interests of the child and his/her rights in situations of separation of parents and in care proceedings;
- Review the above mentioned material(s);
- Participate in the meetings and other events, where relevant, of the CJ/ENF-ISE, CDCJ and CDENF and provide expertise in the thematic areas of child friendly justice, family law, child friendly social services, children in alternative care as appropriate;
- Participate, where appropriate, in other events to present the work of CJ/ENF-ISE and prepare a short report.

Under Lot 4:

- Analyse contributions received following various consultations on the draft instrument(s) / explanatory memoranda / practical tools and manuals to be elaborated within the project (lots 1 and 2);
- Prepare synthesis/summaries of the contributions received;
- Participate in the meetings and other events, where relevant, of the CJ/ENF-ISE, CDCJ and CDENF and provide expertise in the thematic areas of child friendly justice, family law, child friendly social services, children in alternative care as appropriate.

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 for the lot concerned.

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the person(s) identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section G. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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. 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 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 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 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 .

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.

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, 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.

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):

General for all Lots:

- Holds a master's degree or higher in law, children's rights, political science, social science, public administration or a related discipline;
- Proven knowledge of legal proceedings relating to parental separation and/or limitation of parental authority and placement in care as well as international and European standards concerning the rights of the child, in particular the case law of the European Court of Human Rights, the relevant Council of Europe standards and the United Nations Convention on the Rights of the child;
- Practical experience of at least 5 years in the field (researchers, academics or practitioners);
- Excellent knowledge of English and excellent writing skills (level C.2 of the CEFR).

Additional eligibility criterion for lot 4:

- good knowledge and understanding of French (level B.2-C.1 of the CEFR).

Award criteria

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

Award criteria for Lot 1

- **Criterion 1:** Financial offer (10%);
- **Criterion 2:** Analytical, research and drafting skills (40%);
- **Criterion 3:** Thematic expertise and relevant professional experience, including consultancy or other relevant professional experience in international projects (development of international legal

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 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.

standards) in selected areas (child friendly-justice, family law, child- friendly social services, children in alternative care) (50%).

Award criteria for Lot 2

- **Criterion 1:** Financial offer (10%);
- **Criterion 2:** Analytical, research and drafting skills (30%);
- **Criterion 3:** Methods proposed for the elaboration of the handbooks/tools for practitioner and how the proposed format of the handbooks/tools would be useful to practitioners (20%);
- **Criterion 4:** Thematic expertise and relevant professional experience, including consultancy or other relevant professional experience in international projects or in co-operation projects (training; development of handbooks/practical tools for practitioners) in selected areas (child friendly-justice, family law, child- friendly social services, children in alternative care) (40%).

Award criteria for Lot 3

- **Criterion 1:** Financial offer (10%);
- **Criterion 2:** Analytical, research and drafting skills (30%);
- **Criterion 3:** Methods proposed for the elaboration of the child-friendly material(s) and how the proposed format of these materials would be useful and understandable for a wide range of children (20%);
- **Criterion 4:** Thematic expertise and relevant professional experience, including consultancy or other relevant professional experience in developing child-friendly material(s) in international projects or in co-operation projects in selected areas (child friendly-justice, family law, child- friendly social services, children in alternative care) (40%).

Award criteria for Lot 4

- **Criterion 1:** Financial offer (10%)
- **Criterion 2:** Analytical, research and drafting skills (30%)
- **Criterion 3:** Methods proposed for the analysis of the contributions received by stakeholders and member States on the draft instruments/tools and for the elaboration of the synthesis (practical usefulness for the Committee) (40%)
- **Criterion 4:** Thematic expertise and relevant professional experience, including consultancy or other relevant professional experience in international projects or in co-operation projects in selected areas (child friendly-justice, family law, child- friendly social services, children in alternative care) (20%).

The Council reserves the right to hold interviews with eligible 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 (See attached). The Act of Engagement must be completed, signed and scanned **in its entirety** (i.e., including all the pages)
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria
- Registration documents and a list of all owners and executive officers, for legal persons only;
- Motivation letter highlighting skills and experience relevant to all tasks described under the Lot(s) to which the tenderer applies, and detailing the reasons for the application
- When applicable, a presentation of the company in relevant fields of work
- List of work done (consultancy services, employment, etc.) in the past 5 years, relevant for the duties described under the Lot(s) for which the candidate is applying
- At least 1 recent paper (article, legal opinion, report) or an example of document (or tool(s) / child-friendly materials or summary analysis for Lot 2, 3 and 4 respectively), in English, produced in fields relevant for the duties described under the Lot(s) for which the candidate is applying, providing proof of his or her drafting skills, experience and knowledge of the issues processed

- For tenderers applying to Lot 2, a document describing the methodology proposed for the elaboration of the handbooks/tools for practitioner and their proposed format
- For tenderers applying to Lot 3, a document describing the methodology proposed for the elaboration of child-friendly materials and their proposed format
- For tenderers applying to Lot 4, a document describing the methodology proposed for the analysis of the contributions received in different consultation processes (written procedures or hearings) involving 47 member states and/or other stakeholders working for and with children, and for the elaboration of the synthesis.

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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