

TENDER FILE / TERMS OF REFERENCE

(Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

For the provision of consultancy services in the anti-corruption, asset recovery and anti-money laundering fields in the Republic of Moldova

Contract N°: FC 01/2018

The Council of Europe is currently implementing a Joint CoE/EU Project on Controlling Corruption through Law Enforcement and Prevention (CLEP) in the Republic of Moldova. The objective of the project is to support the reform of the anti-corruption regulatory framework and relevant institutions in line with European and international standards and to re-enforce national and international co-operation of specialised law enforcement and prevention systems. In that context, CLEP is looking for Provider(s) for the provision of consultancy services in the anti-corruption, anti-money laundering and asset recovery fields, to be requested by the Council on an as needed basis.

A. TENDER RULES

This tender procedure is a 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 tender is published and for up to €25,000 tax exclusive.**

This specific tender procedure aims at concluding a **framework contract** for the provision of deliverables described below. 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 a natural person or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the person mentioned in Annex 1 (and further signatory to the Framework Contract) 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 Framework Contract shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Annex 1 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: CLEP Consultants, Republic of Moldova.** 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: CLEP Consultants Republic of Moldova.**

Type of contract ►	Framework contract
Duration ►	Until 31 May 2020
Deadline for submission of tenders/offers ►	15 January 2019
Email for submission of tenders/offers ►	Nadejda.plamadeala@coe.int
Email for questions ►	Nadejda.plamadeala@coe.int
Expected starting date of execution ►	15 February 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 Project Controlling Corruption through Law Enforcement and Prevention (CLEP) started in June 2017, with an overall duration of 36 months. It is implemented by the Economic Crime and Cooperation Division under the Directorate General I of the Council of Europe. The project aims at strengthening the anti-corruption framework in the Republic of Moldova in line with European and international standards, through addressing the legislative and regulatory framework gaps; capacity building to authorities to design and implement corruption and money laundering prevention measures; strengthened asset recovery framework and capacities, upgraded information IT and information sharing systems; enhanced national and international cooperation on data exchange and international tracing of crime proceeds concerning corruption and other forms of economic crime; public awareness in the fight against corruption.

The present tendering procedure aims to select Providers to support the implementation of the project activities. Throughout the duration of the Framework Contract, pre-selected Providers may be asked to work in close cooperation and support the work of CLEP team on a number of tasks, as follows:

1. Review/analyse the Moldovan legal framework, including but not limited to:
 - a. Legal and regulatory framework in anti-corruption/anti-money laundering/ asset recovery;
 - b. International cooperation in the fight against corruption/money laundering/ asset recovery;
 - c. Legal incentives for private sector to comply with anti-corruption standards and internal anti-corruption/integrity policies;
 - d. Compensation scheme for victims of corruption and related regulatory framework.
2. Analyse and evaluate the implementation of the anti-corruption and anti-money laundering/counter financing of terrorism strategies;
3. Moderate/provide support to stakeholders consultations and meetings organised by the Project on anti-corruption/integrity, asset recovery or anti-money laundering topics;
4. Develop (or support to develop) training materials/guidelines and participate as a trainer/co-trainer in a number of Project activities including but not limited to:
 - a. Anti-corruption compliance and internal control for Moldovan Small and Medium Enterprises as well as State-Owned Enterprises;
 - b. The compensation scheme for victims of corruption for Moldovan legal aid lawyers;
 - c. Evidence in criminal cases with international aspects for Moldovan judges;
 - d. Anti-corruption reporting for journalists;
 - e. Anti-money laundering/counter financing of terrorism coverage by journalists.
5. Research cases involving money laundering and asset recovery in the Republic of Moldova.

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 included in the present Call.

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.

C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in the Annex 1. 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 the Framework 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 Order 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 in Annex I and further in the Contract, tax exclusive);
- the total amount per type of deliverables (in the currency indicated in Annex I and further in the Contract, tax exclusive);
- the total amount (in the currency indicated in Annex I and further in the Contract), 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 Contract, you will 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

- University degree (master's or equivalent preferable) in law, economy, finance, public administration or related fields;
- At least 5 years of experience in good governance, anti-corruption, anti-money laundering, combating of terrorism financing, public sector integrity, asset recovery and asset management or the public administration.

Award criteria

Criterion 1. Professional experience in the fields of expertise covered by this tender (50%), including:

- Length of experience;
- Proven track record of achievements in the given field.

Criterion 2. Quality of the sample deliverables produced by the tenderer (30%):

- Sample written research/analysis in English and/or Romanian produced by the tender on a subject matter laid out under B (above) and/or
- Training outlines or training methodologies in English and/or Romanian used by the tenderer in the fields included in this tender.

Criterion 3: Financial offer (20%).

² It must strictly respect the fees indicated in the Annex 1. 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.

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 **Annex 1**⁴ (See attached);
- A detailed CV in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Motivation letter (half a page maximum) demonstrating the tenderer's understanding of the Council of Europe needs, as well as its compliance with the eligibility criteria listed above according to the areas of the required expertise;
- Sample of an English (preferably) or Romanian text recently drafted by the tenderer and/or training outlines/methodologies (see E above);
- 3 (three) recent and relevant references with full contact details.

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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⁴ The Annex 1 must be completed and scanned in its entirety (i.e. including all the pages). The scanned Annex 1 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.