



CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF GOOD GOVERNANCE AND COMBATING ECONOMIC CRIME

2023/AO/57

Object of the procurement procedure ►	Provision of consultancy services in the area of good governance and combating economic crime
Project ►	Council of Europe Economic Crime and Cooperation Division
Organisation and buying entity ►	Council of Europe Economic Crime and Cooperation Division
Type of contract ►	Framework Contract
Duration ►	Until 31 December 2026 (renewable annually until 31 December 2028)
Expected starting date ►	01 September 2023
Tender Notice Issuance date ►	15 June 2023
Deadline for tendering ►	31 July 2023

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The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

The ACT OF ENGAGEMENT (See Document attached) is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A FRAMEWORK CONTRACT WORK?

STAGE 1:

SELECTION of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

STAGE 2:

ORDER(S) are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

EXECUTION as from the date of signature of each Order, unless the Order concerned provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I – TERMS OF REFERENCE

CALL FOR TENDERS FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF GOOD GOVERNANCE AND COMBATING ECONOMIC CRIME 2023/A0/57

A. BACKGROUND

The Economic Crime and Cooperation Division (ECCD) of the Council of Europe carries out technical cooperation projects in Council of Europe member states and neighbouring jurisdictions aimed at combating corruption, money laundering, terrorism and its financing, economic and organised crime.

The Council of Europe is looking for a maximum of 230 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the ongoing and future initiatives of the ECCD with a particular expertise on analysing and advising on policy, legislative and institutional responses to countering economic crime, and in supporting the enhancement of measures and capacities to counter corruption, money laundering and the financing of terrorism (ML/FT) as well as financing of proliferation of weapons of mass destruction and application of targeted financial sanctions.

For information purposes only, the total amount of the object of present tender is estimated at 2,000,000 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 and the actual total amount will depend on the number and scope of the ongoing and future projects implemented by the Economic Crime and Cooperation Division for the duration of the Framework Contract.

B. LOTS

The present tendering procedure aims to select Provider(s) to support the implementation of the ongoing and future initiatives of the Economic Crime and Cooperation Division and is divided into the following lots:

Lots	Maximum number of Providers to be selected
<p><u>Lot 1 - Anti-corruption and good governance, including any or all of the following areas:</u></p> <ol style="list-style-type: none"> 1. Policies, strategies and institutional frameworks; 2. Legislative and regulatory frameworks; 3. Asset declarations and illicit enrichment; 4. Conflict of interest, integrity, ethics and codes of conduct; 5. Corruption-proofing of legislation; 6. Corruption risk assessment; 7. Whistleblower protection; 8. Lobbying; 9. Public procurement; 10. Political party and electoral campaign financing; 11. Administrative anti-corruption inquiries and inspections; 12. Transparency and access to information; 13. Anti-corruption measures and integrity in the private sector; 14. Simplification of administrative procedures and lean management of administration; 15. Law enforcement investigations, prosecution and adjudication of corruption offences; 16. International cooperation and exchange of information; 17. Statistics and case-tracking systems; 18. Judicial and prosecutorial independence, integrity and specialisation; 19. State audit and corruption control; 20. Preventing corruption in specific economic sectors (education, healthcare, sport, etc.); 21. Preventing corruption and promoting integrity in state-owned enterprises; 22. Preventing corruption and promoting integrity in sub-national authorities and local government; 23. Design and use of IT systems; 24. Optimisation and digitalisation of anti-corruption reporting and monitoring processes. 	45

<p><u>Lot 2 - Anti-money laundering (AML), including any or all of the following areas:</u></p> <ol style="list-style-type: none"> 1. Policies, strategies and institutional frameworks; 2. Legislative and regulatory frameworks; 3. National and sectoral risk assessments; 4. Operational and strategic analysis by financial intelligence units and use of open source intelligence; 5. Regulation and risk-based supervision of financial institutions; 6. Regulation and risk-based supervision of non-financial businesses and professions; 7. Risk profiling of supervised entities; 8. Compliance and internal controls in the private sector; 9. Customs enforcement, cross-border risks and controls of cash and cross-border financial flows; 10. Law enforcement investigations, prosecution and adjudication of ML offences; 11. International cooperation and information exchange; 12. Design and use of IT systems for risk assessment, financial intelligence and financial investigation purposes; 13. Design and use of IT systems for supervisory purposes (risk-based AML/CFT supervision); 14. Design and use of IT systems for compliance purposes (private sector); 15. EU standards and EU internal market regulation for AML/CFT purposes; 16. Application of data protection requirements related to AML/CFT measures; 17. Auditing the AML/CFT internal control systems; 18. Transparency of beneficial ownership; 19. Set up and use of central registers for AML/CFT purposes; 20. Assessment and monitoring of the effectiveness of application of AML/CFT measures in a jurisdiction; 21. Developing ML/TF typologies. 	45
<p><u>Lot 3 - ML/FT risks and vulnerabilities associated with new technologies, including any or all of the following areas:</u></p> <ol style="list-style-type: none"> 1. Assessment of risks associated with new financial technologies and payment services; 2. Regulation and supervision of new financial technologies, use of supervisory technologies, including the application of relevant EU standards; 3. Remote application of customer due diligence (CDD); 4. Use of digital identity in the CDD process; 5. Outsourced AML/CFT compliance; 6. Virtual assets service providers and application of related AML/CFT measures; 7. Development and use of databases and registers for AML/CFT compliance purposes and interconnectivity; 8. Application of data analytics for AML/CFT purposes; 9. Application of related data protection rules; 10. Support to legislative, institutional, policy, structural and administrative measures associated with digital transformation in the AML/CFT area; 11. Support to digital detection, analysis and investigative capacities of ML/TF. 	30
<p><u>Lot 4 - Asset recovery and asset management, including any or all of the following areas:</u></p> <ol style="list-style-type: none"> 1. Policies, strategies and institutional frameworks; 2. Legislative and regulatory frameworks; 3. Asset tracing and financial investigations; 4. Asset freezing, seizure and confiscation; 5. Asset management and asset valuation; 6. International cooperation to seize and recover assets; 7. International sharing of assets; 8. International exchange of information for tax purposes, investigation and analysis of tax fraud and related offences and assessment of effectiveness of preventive and repressive system; 9. IT design and support for asset management and asset recovery systems. 	30
<p><u>Lot 5 - Combating organised crime, including any or all of the following areas:</u></p> <ol style="list-style-type: none"> 1. Policies, strategies and institutional frameworks; 2. Law enforcement investigations, prosecution and adjudication of organised crime; 3. Organised crime threat assessments; 4. Criminal intelligence methodologies and practices. 	20
<p><u>Lot 6 - Mutual legal assistance (MLA) and other forms of cooperation in Criminal and Administrative Matters, including any or all of the following areas:</u></p> <ol style="list-style-type: none"> 1. Informal international cooperation in criminal matters, with an emphasis on combating economic crime; 2. Exchange of information in criminal cases; 	30

3. Transparency and exchange of information for tax purposes; 4. Legislative and procedural frameworks; 5. Institutional procedures and effectiveness; 6. International cooperation using MLA; 7. Formulation and execution of MLA requests; 8. Extradition; 9. MLA statistics and case tracking systems.	
<u>Lot 7 - Combating terrorism, proliferation and their financing, including any or all of the following areas:</u> 1. Policies, strategies and institutional frameworks; 2. Risk and threat assessments; 3. Preventive measures against terrorism; 4. Preventive measures against financing of terrorism; 5. Targeted financial sanctions, including the EU sanctions regime; 6. Financing of proliferation of weapons of mass destruction; 7. Assessment of terrorist financing (FT) risks associated with the non-profit sector and application of related preventive measures; 8. Law enforcement investigations, prosecution and adjudication of terrorism and/or the financing of terrorism; 9. EU standards and EU internal market application of measures against FT.	30

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 will be selected under each Lot.

C. SCOPE OF THE FRAMEWORK CONTRACT

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

- Draft analytical reports, such as: risk assessments, needs and gap analysis, institutional reviews, effectiveness reviews, inclusive of desk work and participation in on-site assessment visits, where required. Furthermore contribute to the preparation of assessment reports and of technical specification or other documents as required.
- Draft opinions on draft legislation and legislative reforms.
- Develop methodological assessment tools at national and sectoral levels.
- Contribute to the preparation of strategic documents, action plans and other similar documents in the area of fight against economic crime.
- Prepare training curricula, training modules and related training materials.
- Conduct training activities.
- Undertake on-the-job-training/mentoring of staff in beneficiary institutions on specific working processes or cases.
- Participate and contribute to events (conferences, workshops, seminars, roundtable discussions, high-level meetings, on-site assessments 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).

D. FEES

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of 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 E below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

E. 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 carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council). The consultant is not obliged to contract the proposed services due to lack or limited availability or substance-related aspects despite the existence of a valid Act of Engagement. Moreover, the consultant may request amendment of specific terms of reference indicated in the Order Form (for example scope and deadlines for the deliverables) provided that this does not change the general terms of reference of the Framework Contract. The admissible amendment of the terms of reference would be agreed in consultation between the Council of Europe and the Provider.

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers of 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 quote¹ (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the 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

¹ It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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.

F. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

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;
- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu).

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):

For legal persons and consortia:

- At least 7 years of professional experience, for the **persons assigned to the execution of the contract**, in one or more of the following fields: anti-corruption, good governance, anti-money laundering/combating the financing of terrorism, asset recovery, asset management, combating organised crime, mutual legal assistance, combating terrorism, proliferation and their financing or IT systems design for government administrations;
- If tendering for Lot 3, at least 4 years of professional experience for **persons assigned to the execution of the contract**, in ML/FT risks and vulnerabilities associated with new technologies;
- University degree or equivalent in law, political or social science, economics or finance, information technology or in a related field, for the **persons assigned to the execution of the contract**.
- Written and spoken fluency in English or French of the persons allocated to the execution of the contract (Level C1/C2 on CEFR).

For natural persons:

- At least 7 years of professional experience, **as a natural person**, in one or more of the following fields: anti-corruption, good governance, anti-money laundering/combating the financing of terrorism, asset recovery, asset management, combating organised crime, mutual legal assistance, combating terrorism, proliferation and their financing or IT systems design for government administrations;
- If tendering for lot 3, at least 4 years of professional experience, **as a natural person**, in ML/FT risks and vulnerabilities associated with new technologies;

² 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;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

- University degree or equivalent in law, political or social science, economics or finance, information technology or in a related field.
- Written and spoken fluency in English or French (Level C1/C2 on CEFR).

Award criteria

For legal persons:

- **Criterion 1:** Professional experience of the persons assigned to the execution of the contract in the fields of expertise covered by this tender (50%), consisting of:
 - Length of relevant experience;
 - Proven track record of practical achievements or technical expertise in the given field;
- **Criterion 2:** Quality of sample deliverables recently produced by the persons assigned to the execution of the contract (30%):
 - Coherence of drafting; and/or
 - Relevance and adequacy of content.
- **Criterion 3:** Financial offer (20%).

For natural persons:

- **Criterion 1:** Professional experience in the fields of expertise covered by this tender (50%), consisting of:
 - Length of relevant experience;
 - Proven track record of practical achievements or technical expertise in the given field;
- **Criterion 2:** Quality of sample deliverables recently produced by the tenderer (30%):
 - Coherence of drafting; and/or
 - Relevance and adequacy of content.
- **Criterion 3:** Financial offer (20%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- **One** completed and signed copy of the Act of Engagement;³
- A list of all owners and executive officers, for legal persons only;
- Registration documents, for legal persons only;
- CV in English or French of the tenderer;
- CVs of persons assigned to the execution of the contract (for legal persons only);
- Motivation letter demonstrating the tenderer's understanding of the Council of Europe needs as well as its compliance with the eligibility criteria listed above. The motivation letter shall also indicate the areas of expertise of the tenderer for the lot(s) tendered for;
- At least one sample of an English or French text recently drafted by the tenderer; the legal persons shall submit one such sample for each person assigned to the execution of the contract;
- 3 (three) professional referees' contact details

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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³ 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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF GOOD GOVERNANCE AND COMBATING ECONOMIC CRIME 2023/AO/57

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Economic Crime and Cooperation Division (ECCD), Directorate
General Human Rights and Rule of Law (DGI), Council of Europe

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 180 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;

- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English or French, and shall be exclusively sent to the following address: DGI-EconomicCrime@coe.int with Subject: 2023/AO/57 Questions

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent **only** to cdm@coe.int with reference no. **2023AO57** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 31 July 2023 by 23:59 CET.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

* * *

⁴ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **One** completed and signed copy of the Act of Engagement;
 - A list of all owners and executive officers, for legal persons only;
 - Registration documents, for legal persons only;
 - CV in English or French of the tenderer;
 - CVs of persons assigned to the execution of the contract (for legal persons only);
 - Motivation letter demonstrating the tenderer's understanding of the Council of Europe needs as well as its compliance with the eligibility criteria listed above. The motivation letter shall also indicate the areas of expertise of the tenderer for the lot(s) tendered for;
 - At least one sample of an English text recently drafted by the tenderer; the legal persons shall submit one such sample for each person assigned to the execution of the contract;
 - 3 (three) professional referees' contact details.
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2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent **only** to cdm@coe.int with reference no. **2023A057** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 31 July 2023 by 23:59 CET.