



## CALL FOR TENDERS

### FOR THE PROVISION OF INTELLECTUAL SERVICES IN THE FIELD OF MONEY LAUNDERING AND TERRORIST FINANCING RISKS RELATED TO DIGITAL FINANCE AND VIRTUAL ASSETS

**2023/AO/92**

<b>Object of the procurement procedure ►</b>	Provision of intellectual services in the field of Money Laundering and Terrorist Financing risks related to digital finance and virtual assets
<b>Project ►</b>	Technical Support Instrument project: "Development of French Financial Intelligence Unit's expertise focused on Digital Finance and Virtual Assets"
<b>Organisation and buying entity ►</b>	Council of Europe Economic Crime and Cooperation Division (ECCD)
<b>Type of contract ►</b>	<b>Framework Contract</b>
<b>Duration ►</b>	Until 30 August 2025
<b>Expected starting date ►</b>	22 January 2024
<b>Tender Notice Issuance date ►</b>	13 November 2023
<b>Deadline for tendering ►</b>	06 December 2023 23h59 CET

# TABLE OF CONTENTS

This Tender File contains:

**The TERMS OF REFERENCE**.....3

The TERMS OF REFERENCE describe what will be expected from the selected Providers.

**The TENDER RULES**.....7

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 F 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 OF INTELLECTUAL SERVICES IN THE FIELD OF MONEY LAUNDERING AND TERRORIST FINANCING RISKS RELATED TO DIGITAL FINANCE AND VIRTUAL ASSETS 2023/AO/92

##### A. BACKGROUND

The Project "Development of Financial Intelligence Unit's expertise focused on Digital Finance and Virtual Assets" is part of the 2023 Council of Europe / European Union joint Technical Support Instrument (TSI) Programme that provides tailor-made technical expertise to EU Member States to design and implement reforms. The aim of the project is to support France in their efforts to strengthen institutional and administrative capacity, including at regional and local levels, to facilitate socially inclusive, green and digital transitions, to effectively address the challenges identified in the country-specific recommendations and to implement Union law. More specifically, the project will assist Tracfin with strengthening the capacities and knowledge in the area of virtual assets and decentralised digital finance, therefore also allowing to enhance the quality of Tracfin's strategic and operational analysis functions.

The Council of Europe is looking for a maximum of 8 (eight) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the field of ML/TF risks related to digital finance and virtual assets, and more specifically financial investigations of cases involving virtual assets.

This Contract is currently estimated to cover 16 project activities to be held by 30 August 2025. 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 103,400 Euros and the total amount of the object of present tender should in principle not exceed the abovementioned amount 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.

##### B. SCOPE OF THE FRAMEWORK CONTRACT

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

- 1) Draft analytical reports in the area of ML/TF risks related to digital finance and virtual assets, such as: needs and gap analysis, institutional effectiveness reviews, inclusive of desk work and participation in on-site assessment visits, where required.
- 2) Prepare training curricula, training modules and related training materials for FIU representatives on digital finance and virtual assets and main tools including:
  - a) blockchain and their main types, buying and selling methods and practice, block chain analytics tools, distributed ledger technology, Non-Fungible Tokens (NFTs), decentralised finance, smart contracts, decentralised exchanges, complex financial products and new mechanisms of financial engineering involving virtual assets;
  - b) criminal typologies and investigation methods; case scenarios and complex examples for advanced level training activities;
- 3) Conduct in person training activities on digital finance and virtual assets for FIU representatives.
- 4) 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 or French (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 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 **Error! Reference source not found.** below) the global fee corresponding to each deliverable, calculated on the basis of the daily 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 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).

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.

### 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.

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 Service Provider using the same criteria, and so on until a suitable Provider is contracted.

Only up to eight Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3.00 (within a scoring system from 0 to 5) will be selected for the pool.

### Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote<sup>1</sup> (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 Service Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping

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<sup>1</sup> 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 Service 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.

## E. ASSESSMENT

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

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 currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- 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](http://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 F):

#### For legal persons and consortia:

- University degree in law, economics or finance, information technology (IT) or in a related field of each of the persons allocated to the execution of the contract. Exceptionally, the degree or qualification requirement may be waived if the candidate has equivalent professional experience of more than eight years on the specific subject matter area.
- At least four years of relevant professional experience of each of the persons allocated to the execution of the contract at international and/or national levels in relation to main developments, trends and ML/TF risks related to virtual assets and digital finance; methods and tools to ensure compliance and enable investigation and follow-up.
- Written and spoken fluency in English or French of each of the persons allocated to the execution of the contract (Level C1/C2 on CEFR).

#### For natural persons:

- University degree in law, economics or finance, information technology (IT) or in a related field. Exceptionally, the degree or qualification requirement may be waived if the candidate has equivalent professional experience of more than eight years on the specific subject matter area.
- At least four years of relevant professional experience at international and/or national levels in relation to main developments, trends and ML/TF risks related to virtual assets and digital finance; methods and tools to ensure compliance and enable investigation and follow-up.
- Written and spoken fluency in English or French (Level C1/C2 on CEFR).

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<sup>2</sup> 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).

*Award criteria*For legal persons and consortia:

- Criterion 1: **Quality of the offer** (70%), including:
  - Demonstrated professional experience or technical expertise of each of the persons assigned to the execution of the contract in the areas of work covered by the tender.
  - Proven track record of contributions and achievements in the given field.
- Criterion 2: **Financial offer** (30%).

For natural persons:

- Criterion 1: **Quality of the offer** (70%), including:
  - Demonstrated professional experience or technical expertise in the areas of work covered by the tender.
  - Proven track record of contributions and achievements in the given field.
- Criterion 2: **Financial offer** (30%).

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

## **F. DOCUMENTS TO BE PROVIDED**

- **One** completed and signed copy of the Act of Engagement;<sup>3</sup>
- 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 (preferably in Word format);
- CVs of persons assigned to the execution of the contract (for legal persons only) (preferably in Word format);
- 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 in the areas of work covered by the tender;
- 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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<sup>3</sup> 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 INTELLECTUAL SERVICES IN THE FIELD OF MONEY LAUNDERING AND TERRORIST FINANCING RISKS RELATED TO DIGITAL FINANCE AND VIRTUAL ASSETS 2023/AO/92

#### ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

##### 1.1 Name and address

##### COUNCIL OF EUROPE

Directorate of Human Rights and Rules of Law (DGI)  
Information Society and Action against Crime Directorate  
Economic Crime and Cooperation Division

##### 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.<sup>4</sup>

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](mailto:DGI-EconomicCrime@coe.int)

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](mailto:cdm@coe.int) with reference no. **2023AO92** 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 6 December 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.

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<sup>4</sup> Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int)

# FINAL CHECK LIST

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## 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 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.
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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](mailto:cdm@coe.int) with reference no. **2023A092** 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 6 December 2023 by 23:59 CET.