

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of consultancy services on preventing and combating trafficking in human beings in Bosnia and Herzegovina

Contract N° BH4677/FC/2019/3

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing and until 23 May 2022 will be implementing a Horizontal Facility (HF 20) action on Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina. In that context, it is looking for Providers for the provision of consultancy services 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 €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 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, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is a legal representative of the entity 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 Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure). In addition to the foregoing, the tenderer may also be a duly registered non-profit making legal person that operates independently of any government.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Consultancy services on preventing and combating trafficking in human beings in Bosnia and Herzegovina.** 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: Q&A consultancy services in Bosnia and Herzegovina**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2020, renewable until 23 May 2022
Deadline for submission of tenders/offers ▶	27 September 2019
Email for submission of tenders/offers ▶	tender.BiH-BH4677@coe.int
Email for questions ▶	tender.BiH-BH4677@coe.int
Expected starting date of execution ▶	21 October 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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

Duration of the Framework contract should be until 31 December 2020. It may be renewed with the written agreement of both parties, and shall not be renewed beyond the end of the action, which is currently foreseen for 23 May 2022. In the event that the donor has granted extension of the action, the contract may be renewed beyond that date but only up to a total maximum duration of 5 years. Each renewal must be notified by the Council of Europe to the Provider at least 1 (one) month before the end of the term; the Provider must notify the Council of Europe in writing of its agreement or otherwise to the renewal at the latest 10 (ten) working days following reception of the Council of Europe's notification.

B. EXPECTED DELIVERABLES

Background of the Project

Within the European Union/Council of Europe joint Horizontal Facility for the Western Balkans and Turkey Programme (phase II), which aims at assisting beneficiaries in South-East Europe to comply with the Council of Europe standards and European Union *acquis* in the framework of the enlargement process, the Council of Europe is implementing the HF 20 action on "Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina". The action seeks to enhance the protection of rights of trafficking victims by assisting the beneficiary institutions to follow up on the recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) provided in the second evaluation report (GRETA(2017)15). In particular, the HF 20 action focuses on the following areas of intervention:

- i) improved anti-trafficking responses and victim protection measures through capacity-building of key stakeholders, including legal professionals, media representatives/journalists, and health care professionals;
- ii) improved detection and identification of, and assistance to victims of human trafficking for the purpose of labour exploitation;
- iii) improved detection and identification of, and assistance to child victims of human trafficking and improved anti-trafficking responses through capacity-building of education professionals;

The duration of the action is foreseen until 23 May 2022.

This Contract is currently estimated to cover up to 25 activities, to be held by 23 May 2022. 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 715,000 Euros and 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 Council of Europe is looking for up to eight Provider(s) per area of expertise outlined below (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Horizontal Facility action on Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina with a particular expertise on:

Lots
Lot 1: Preventing and combating trafficking in human beings for the purpose of labour exploitation (detection, identification, referral of, and/or assistance to the victims of human trafficking and capacity building including training of the relevant key actors, in particular labour and other relevant inspectors, trade union members, recruitment agencies, private sector entities etc.)
Lot 2: Preventing and combating trafficking in children (detection, identification, referral of, and/or assistance to child victims of trafficking and capacity building including training of relevant actors, such as education professionals etc.)

Lot 3: Support provided by legal professionals in preventing and combating trafficking in human beings (prevention, investigation, prosecution, adjudicating of cases concerning trafficking in human beings, provision of legal assistance to victims of human trafficking, substantive and procedural law, protective measures and capacity building including training, protection of the private life and identity to all victims of trafficking, including national victims)

Lot 4: Preventing and combating, in the context of a health-care system, the trafficking in human beings (detection, identification, referral of and/or assistance to victims of trafficking in public or private health institutions, including primary assistance, specialised assistance (e.g. gynaecology, emergency unit etc.); provision of psychosocial assistance and psychological support and capacity building including training)

Lot 5: Ethical reporting on trafficking in human beings (producing fact-based media/news reporting on human rights issues in a fair, balanced, ethical and gender-sensitive manner and capacity building including training)

Lot 6: Gender mainstreaming in anti-trafficking responses (integrating gender perspective and promoting gender equality in anti-trafficking actions/responses)

The Council will select the above-mentioned 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). Tenderers are invited to tender for one, more or all lots of required expertise in accordance with their specialisation, experience and work preferences. Tenderers are requested to describe their specific fields of expertise and experience in their motivation letters (see below section G on documents to be provided).

Scope of the Framework Contract

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

Conduct research, make analysis and draft reports, including but be not limited to the following:

- analysis of specific laws with a view to identifying gaps;
- review of policy documents;
- research on new trends in trafficking in human beings;
- analysis of relevant case-law;
- gender analysis and impact assessment.

Provide institutional capacity building, including but be not limited to the following:

- trainings/workshops/round tables or training of trainers for different professional groups (e.g. labour inspectors, law enforcement officials, legal professionals, representatives of private sector, trade unions, recruitment agencies, civil society organisations, social workers, education professionals, health care professionals and media representatives).

Prepare training modules and methodological tools/materials to professionals and institutions, including but be not limited to the following:

- developing guidelines, training curricula, standard operative procedures, upgrading existing tools;
- producing training materials based on the participants' needs analysis.

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;
- The deliverables are provided personally by the persons identified in the Provider's offer, whose CVs have been provided to the Council of Europe.

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 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;
- 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

² It must strictly respect the fees indicated in the Act of Engagement. 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.

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;
- 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;
- 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

- Bachelor's degree or higher qualification in a field relevant to the Lot(s) tendered for, such as Law, Public Policy, Political Science, Social Sciences, Social Work, Media and Communication, Psychology, Security, Medicine or any related field;
- At least 3 years of professional experience in the area of interest relevant to the Lot(s) tendered for;
- Excellent knowledge of Bosnian language (at least level C1 of the CEFR⁴);
- Good command of English;

Award criteria

- Quality of the offer (90%), including:
 - Relevance of the experience of the tenderer in the areas covered by this call;
 - Experience in working with international organisations and/or the knowledge of international standards in the field of anti-trafficking;
 - Excellent knowledge of the national context in the anti-trafficking field;
 - Excellent knowledge of Bosnian language and good knowledge of English language.
- Financial offer (10 %).

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.

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 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;

- For legal persons, an extract from the companies and CSOs registers or other official document proving ownership and control of the Tenderer.

⁴ http://www.coe.int/t/dg4/linguistic/Source/Framework_EN.pdf

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁵ (See attached);
- A detailed CV in English, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria. In the case of legal persons, the CV of all persons who will be designated to execute the contract must be provided;
- A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons);
- Registration documents, for sole proprietorships only;
- A list of all owners and executive officers, for legal persons only;
- Registration documents of legal persons accompanied by a list of all potential providers representing the organisation;
- Sample of relevant work (article, legal opinion, report, research analysis, training material etc.) in Bosnian or English language drafted by the tenderer;
- A motivation letter in English (2 pages maximum) highlighting the most relevant expertise regarding the lot(s) tendered for and demonstrating how the tendered meets the criteria listed above;
- Two references (contacts including phone number and e-mail address);

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.

* * *

⁵ 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.