

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

Purchase of consultancy services on national standards in relation to the implementation of the "Quality Education for All (Quality Ed – Bosnia and Herzegovina)" project in Bosnia and Herzegovina *Contract N° BH4678/FC/2019/2*



The Council of Europe Europe is currently implementing and until 23 May 2022 will implement a joint Council of Europe/European Union Horizontal Facility project "Quality Education for All" in Bosnia and Herzegovina. In that context, it is looking for Provider(s) for the provision of consultancy services based on national standards 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 below (pp. 2-3). 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, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement 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 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).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: National consultancy services – Quality Education for All (Quality Ed – 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: National consultancy services – Quality Education for All (Quality Ed – Bosnia and Herzegovina): clarifications.**

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|---|----------------------------------|
| Type of contract ▶ | Framework contract |
| Duration ▶ | Until 23 May 2022 |
| Deadline for submission of tenders/offers ▶ | 31 January 2020 |
| Email for submission of tenders/offers ▶ | tender.BIH-BH4678@coe.int |
| Email for questions ▶ | tender.BIH-BH4678@coe.int |
| Expected starting date of execution ▶ | 17 February 2020 |

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](#).

EXPECTED DELIVERABLES

Background of the Project

"Quality education for all" is an action on education implemented in Bosnia and Herzegovina within the framework of the second phase of the "European Union - Council of Europe Horizontal Facility for Western Balkans and Turkey (HF)". The Horizontal Facility supports justice reform, the fight against corruption and money laundering and combating discrimination and protecting the rights of vulnerable groups, and covers Albania, Bosnia and Herzegovina, Montenegro, Republic of North Macedonia, Serbia as well as Kosovo².

The project is implemented throughout a period of 36 months (23 May 2019 – 23 May 2022) by the Education Department and the project team based in the Council of Europe office in Sarajevo. The main partners of the project are the Ministry of Civil Affairs of Bosnia and Herzegovina, all relevant entity and cantonal ministries of education.

The main goal of the project is to foster a quality education for all by promoting inclusion and solutions to address discrimination in the education system and in this way contribute to an inclusive, peaceful and democratic society with engaged citizens in Bosnia and Herzegovina. The main impact hypothesis is that education plays a key role in developing the knowledge and competences necessary for someone to become an engaged citizen. The project will help strengthen the capacity of the Bosnia and Herzegovina education system to fulfil this role.

The Council of Europe is looking for a maximum of 10 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on development of anti-discrimination, inclusive education and a democratic school culture based on national standards.

This Contract is currently estimated to cover up to 15 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.

Scope of the Framework Contract

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

- Develop mechanisms and systems that will enhance capacity of schools to remove prejudices and discriminatory approaches towards vulnerable groups;
- Develop standards and principles of mainstreaming and promoting good practice for democratic school culture throughout Bosnia and Herzegovina;
- Participate in and, where applicable, facilitate conferences, seminars, workshops, roundtables, training of trainers sessions and work with schools, education professionals and other project target groups;
- Coordinate selected schools in their work on implementation of CDC including, but not limited to, inception visits, progress reporting, coordination of expert groups, supervising school development plans etc;
- Support development, preparation and delivery and/or independently develop, prepare and deliver training modules and methodological tools/materials for professionals and institutions which might involve but is not limited to development of guidelines, training curricula, handbooks, rulebooks, training materials or revise and update existing materials;
- Support the production/produce different specialised materials based on the participants needs analysis.

² This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

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).

B. 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 C below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

C. 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 quote³ (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;

³ 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.

- 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 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.

D. 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)⁴

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

- University degree in education, pedagogy, social sciences, political sciences or any related field;
- At least 10 years of professional experience at international and/or national level in areas related to human rights education, democratic citizenship, anti-discrimination and inclusive education;
- Good oral and written knowledge of English.

Award criteria

- Quality of the offer (90%), including:
 - Prior experience in working with education authorities regarding policy development and fostering democratic school culture;
 - Knowledge of recent developments in the education sector in BiH and the region;
 - Familiarity with BiH legislation and standards in the area of democratic citizenship, anti-discrimination, human rights and inclusive education;
 - Familiarity with the Reference Framework of Competences for Democratic Culture;
 - Demonstrated ability to work in international, multicultural environments, and demonstrated analytical, research and reporting skills.
- Financial offer (10%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

⁴ 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 register or other official document proving ownership and control of the Tenderer.

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁵ (See attached);
- 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);
- A list of all owners and executive officers, for legal persons only;
- A detailed CV in English, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A motivation letter in English demonstrating how the tenderer meets the award criteria and in particular highlighting the experience in conducting activities to foster a democratic school culture and the above-mentioned topics and standards;
- Contact details of three referees/recent employers.

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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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.