

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

Purchase of local consultancy services in relation to the implementation of the "Quality Education for All (Quality Ed – Bosnia and Herzegovina)" project in Bosnia and Herzegovina *Contract N° BH5040/FC/2023/1*



The Council of Europe is currently implementing and until 31 December 2026 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 local 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 €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 in section B - Scope of the Framework Contract. 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, a legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender HF 24 – Local consultancy services.** 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: Questions - Tender HF 24 – Local consultancy services**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2026
Deadline for submission of tenders/offers ▶	02 April 2023
Email for submission of tenders/offers ▶	BH5040-BiH_tender@coe.int
Email for questions ▶	BH5040-BiH_tender@coe.int
Expected starting date of execution ▶	17 April 2023

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](#).

B. 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 third phase of the European Union and Council of Europe "Horizontal Facility for Western Balkans and Türkiye". The project is implemented throughout a period of 48 months (January 2023 – December 2026) 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 and all relevant entities and cantonal ministries of education. The action aims to foster implementation of the Policy Recommendations with a Roadmap for improving inclusive education in Bosnia and Herzegovina.

The action builds upon the results achieved during the implementation of the previous actions (HFI 38 "Quality Education in Multi-ethnic Societies" and HFII 21 "Quality Education for All") and is built along three main lines of action: 1) Supporting the coordination of all relevant ministries and other relevant stakeholders in developing educational vision and goals in Bosnia and Herzegovina; 2) Improving the competences of teachers, school leaders and other school staff to implement Roadmap objectives ; 3) Promote education as a social value by raising awareness of the society on quality education as a public good and a basic human right.

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 education policy development, development of democratic school culture and teacher training.

This Contract is currently estimated to cover up to 30 activities, to be held by 31 December 2026. 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 750,000 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.

Scope of the Framework Contract

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

- Support education decision-makers and practitioners to align Bosnia and Herzegovina's education standards and approaches with European standards
- 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.

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 and 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).

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 3 (three) 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.

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3.0 will be selected.

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;

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.

- 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 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, 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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
- 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 one of the following fields: education, pedagogy, social sciences, political sciences or other related field;
- At least 10 years of professional experience at national level in areas related to human rights education, democratic citizenship, anti-discrimination and inclusive education;
- Advanced oral and written knowledge of English equivalent to at least B2 level under the Common European Framework of Reference for Languages (CEFR);
- Excellent oral and written knowledge of the official languages of Bosnia and Herzegovina.

Award criteria

- Quality of the offer (90%), including:

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 and sixth 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;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

- 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.
- Financial offer (10%).

The Council reserves the right to hold interviews with 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.

G. DOCUMENTS TO BE PROVIDED (IN PDF, JPG OR WORD FORMAT)

- **A completed and signed copy of the Act of Engagement⁴** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (when a legal person or consortium of natural and/or legal person, a CV should be provided for each person engaged);
- A list of all owners and executive officers, for legal persons only;
- For legal persons, registration documents or other official documents that provide information about the ownership;
- 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;
- Example of previous work in the relevant areas (report, research analysis, articles, training materials etc.);
- Contact details of three referees/recent employers.

At the time a specific assignment is ordered from a tenderer (natural person) belonging to the category of local⁵ civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to submit a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the tenderer to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

Alternatively, at the time a specific assignment is ordered from a tenderer (legal person) assigning the production of the expected deliverables to an individual belonging to the category of local civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to verify and provide the Council of Europe with the necessary supporting documents confirming that this individual submitted a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the individual to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

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 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.

⁵ For the purpose of this document, the term « local » designates consultants from one of the Horizontal Facility Beneficiaries region and Türkiye.