

**TENDER FILE / TERMS OF REFERENCE**  
**(Competitive bidding procedure / One-off contract)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

***Purchase of consultancy services for the development of guidelines and conducting trainings on "Risk-based approach measures for the supervisory institutions and DNFBPs" within the framework of the Action against Economic Crime in Albania of EU/CoE Horizontal Facility for Western Balkans and Turkey – Phase II***  
***[Contract N° HFII-AEC-AL-2021-STC-3]***

Within the framework of the EU/CoE Horizontal Facility for Western Balkans and Turkey – Phase II, the Economic Crime and Cooperation Division (ECCD) of the Council of Europe is currently implementing the "Action against Economic Crime in Albania" (AEC-AL).

The European Union/Council of Europe Horizontal Facility for the Western Balkans and Turkey (also referred to as: Horizontal Facility phase II or HF II) is a co-operation initiative of the European Union and Council of Europe for South East Europe. The first phase of the Horizontal Facility ran from May 2016 to May 2019, and was succeeded by Horizontal Facility phase II, which will be implemented from May 2019 to May 2022. The second phase of the Horizontal Facility will continue to build on the Statement of Intent signed on 1 April 2014 by the Secretary General of the Council of Europe and the European Union Commissioner for Enlargement and European Neighbourhood Policy, in which both Organisations agreed to further strengthen their co-operation in key areas of joint interest.

More information on the Action can be found on the following website: [www.coe.int/HF-II-AEC](http://www.coe.int/HF-II-AEC).

The Action is organising activities aimed at strengthening the capacity and institutional development for anti-money laundering risk-based compliance and supervision concerning the non-financial sector. In this respect, the Economic Crime and Cooperation Division seeks to identify a consultant who would undertake to develop: i) Best practices on risk based approach (RBA) to supervision of DNFBPs; ii) Guidance for obliged entities on implementation of risk-based to AML/CFT compliance; and to deliver trainings on "AML/CFT compliance for obliged entities".

For more details please see Section A of the enclosed Act of Engagement.

**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 Europe, 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 one-off contract for the provision of deliverables described in the Act of Engagement (See attached). 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: Consultancy services: Development of guidelines and conducting trainings on "Risk-based approach measures for the supervisory institutions and DNFBPs"**. 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 3 (three) 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: Consultancy services: Development of guidelines and conducting trainings on "Risk-based approach measures for the supervisory institutions and DNFBPs"**.

<b>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	<b>26 February 2021</b>
<b>Email for submission of tenders/offers ▶</b>	<b>Adela.Methasani@coe.int</b>
<b>Email for questions ▶</b>	Adela.Methasani@coe.int
<b>Expected starting date of execution ▶</b>	08 March 2021

## B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached).

## C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead 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.

## D. ASSESSMENT

### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement,<sup>1</sup> you declare on your honour not being in any of the below situations)

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 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](http://www.sanctionsmap.eu)).

### *Eligibility criteria*

- A University degree in Law, Economics, or related field;
- At least 5 years' hands-on experience in drafting and implementation of AML/CFT policies;
- Excellent knowledge of international standards, FATF and MONEYVAL recommendations and EU AML/CFT Directives;
- Very good writing and presentation skills;
- Previous experience in the geographical area would be considered an advantage;
- Proficiency in English (at least level C1 of the CEFR for English). Knowledge of Albanian language would be an asset.
- Relevant experience in supervision of Financial and Non-financial Institutions would be an advantage.
- Tenderers belonging to the category of civil servant or other public administration staff are excluded.

### *Award criteria*

Quality of the offer (80%), including:

- Relevant experience of the tenderer in drafting and implementation of AML/CFT policies (65%), including:
- Length of experience;
- Proven track record of practical achievements in the given field; and

<sup>1</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 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).

- Relevant experience in delivering trainings (15%).

Financial offer (20%).

Multiple tendering is not authorised.

#### 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

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement<sup>2</sup> (See attached);**
- A detailed CVs, preferably in Europass Format;
- A motivation letter in English, demonstrating the tenderer's understanding of the Council of Europe needs and the way in which his/her/its previous experience corresponds to this need;
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- A list of all owners and executive officers, for legal persons only;
- **Portfolio of previous similar engagements;**
- 2 (two) recent references with full contact details; and
- An indication of the tenderer's availability for the provision of services, as indicated in the terms of reference.

**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.**

\* \* \*

---

<sup>2</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.