

INTENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of National consultancy services on Human Rights of members of the armed forces within the framework of the Project “Fostering Human Rights in the Armed Forces in Armenia”.

The Council of Europe is currently implementing and until 31 December 2024 will implement a Project on Fostering Human Rights in the Armed Forces in Armenia (hereinafter the Project). In that context, it is looking for Providers for the provision of national 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 €6,000 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 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 - National consultancy services: Human Rights in the Armed Forces Project**. 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 Council of Europe contact details indicated below for any question you may have. **All questions shall be submitted at least 7 (seven) 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 - National consultancy services: Human Rights in the Armed Forces Project**.

Type of contract ►	Framework contract
Duration ►	Until 31 December 2024
Deadline for submission of tenders/offers ►	01 October 2023, 24:00 ARM time
Email for submission of tenders/offers ►	tender.armenia-bh8089@coe.int
Email for questions ►	tender.armenia-bh8089@coe.int
Expected starting date of execution ►	10 October 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

The Project is implemented in the Republic of Armenia within the scope of the Council of Europe Action Plan for Armenia 2023-2026 and will be continue until 31 December 2024. The Project's expected results are: 1) The Ministry of Defence, Human Rights Defenders Office, judicial and law-enforcement bodies engage with Council of Europe experts in revising the relevant policies, legal and regulatory frameworks with a view to: a) ensure prevention of human rights violations in the armed forces, and effective examination thereto, and b) to enable stronger internal systems to detect, record and prevent alleged human rights violations in the army; 2) Relevant services of the Ministry of Defence possess the expertise to revise and/or develop internal regulatory instruments and procedures to ensure effective application of gender equality, healthcare and social guarantees into the daily life of military servicepersons; 3) Armed forces personnel, law-enforcement, and judicial bodies, the Human Rights Defenders Office have enhanced knowledge and skills to effectively address human rights violations in the army through application of European human rights standards in their respective functions; 4) Professional and operational capacities of relevant entities responsible for ensuring and promoting the enhancement of participation of women serviceperson within the military are further strengthened; 5) The policymakers and relevant actors in the armed forces introduce and apply a human rights-based approach in line with the Council of Europe standards in the armed forces, military education, research and awareness raising activities.

The Council of Europe is looking for a maximum of 45 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on human rights and good governance, sociology, and psychology in military context (in the defence sector).

This Contract is currently estimated to cover up to 50 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 600,000 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 present tendering procedure aims to select Providers to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Human Rights and Good Governance in the armed forces	10
Lot 2: Human Rights education and awareness raising in the armed forces	10
Lot 3: Human-Rights-related psychological research, operational support and training in the armed forces	10
Lot 4: Legal proof-reading	7
Lot 5: Studies and surveys on human rights in the armed forces	8

Lot 1 concerns production, assessment and review of policy documents, laws, by-laws, procedures, and other documents relating to human rights protection and promotion and good governance in the armed forces, legal research and analysis and subsequent report production based on the Armenian regulatory framework on human rights and good governance in military.

Lot 2 concerns training and education needs assessment, production (including methodological aspects) of educational and awareness raising materials (handbooks, manuals, booklets, etc.), training curricula and training materials, delivery of training and seminars, training of trainers on the topic of human rights in the

armed forces based on the requirements of the Armenian regulatory framework on human rights and good governance in military.

Lot 3 concerns psychological research, operational support and capacity development, education, and training in the armed forces in context of human rights protection and promotion including psychological aspects of human rights violations and prevention thereof based on the Armenian regulatory framework on human rights and good governance in military.

Lot 4 concerns proof-reading (review and editing) of texts (documents) translated from English into Armenian, and from Armenian into English, which include legal (relating to human rights, rule of law, good governance in the armed forces etc.) as well as military terminology.

Lot 5 concerns studies and surveys on various aspects of human rights in the armed forces including fieldwork (interviews, queries, data and statistics collection etc.), and/or production of reports, recommendations based on collected and/or provided data aimed to assess attitudes towards human rights, violations thereof, root causes of latters, ways of working, other operational aspects of human rights protection and promotion in the armed forces etc. based on the requirements of the Armenian regulatory framework on human rights and good governance in military.

The Council will select the abovementioned number of Providers 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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3,00 will be selected under each Lot. Should there be more applicants scoring above this score in each lot than the maximum number indicated above for each lot, then the top scoring providers will be selected up to the maximum number in each lot.

Scope of the Framework Contract

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

Under **Lot 1**:

- Produce (draft) strategic documents, policies, procedures and other similar documents;
- Produce analytical papers (assessment reports, gap analysis reports, etc.) on strategic documents, laws, by-laws, policies, procedures, and other documents based on the Armenian regulatory framework on human rights and good governance in military;
- Participate in and contribute to conferences, roundtables, workshops, high-level meetings and other events, including through moderating/facilitating discussions, mentoring and delivering presentations;
- Carry out reviews, research, assessments, surveys, focus group meetings and/or interviews and prepare analytical reports and/or studies;
- Participate in the planning cycle of capacity development activities, including drafting the concept, agenda, content, materials, exercises, methodology for delivery, evaluation questionnaires, and report on the activities;
- Provide specific policy and strategic support to local authorities, including in the planning and implementation of initiatives in the areas of the present Lot;
- Undertake field visits, conduct or support in fact-finding missions and submit evaluation report(s) highlighting results and proposing follow-up actions.

Under **Lot 2**:

- Develop, review, adapt training modules/curricula and materials (including HELP training courses), methodological documents;
- Conduct training needs assessment exercises, produce subsequent reports, provide relevant recommendations;
- Produce tailored educational and awareness-raising materials including handbooks, manuals, guidelines, posters, booklets for different target groups including both legal professionals and non-legal professionals based on the requirements of the Armenian regulatory framework on human rights and good governance in military;
- Conduct tailored training for different target groups including both legal professionals and non-legal professionals, training of trainers;
- Contribute to workshops, seminars and other capacity development activities with lectures, presentations.

Under **Lot 3:**

- Conduct psychological training needs assessment exercises, produce subsequent reports, provide relevant recommendations;
- Produce tailored educational and awareness-raising materials on psychological aspects of human rights in the armed forces including handbooks, manuals, guidelines, posters, booklets for different target groups including both legal professionals and non-legal professionals based on the Armenian regulatory framework on human rights and good governance in military.
- Conduct tailored training on psychological aspects of human rights in the armed forces for different target groups including both legal-professionals and non-legal-professionals, training of trainers;
- Contribute to workshops, seminars and other capacity development activities with lectures, presentations on psychological aspects of human rights in the armed forces;
- Provide expertise for operational support and capacity development activities.

Under **Lot 4:**

- Conduct professional proof-reading, review and/or editing of documents translated from English into Armenian and from Armenian into English which include terminology on human rights, rule of law, and good governance in the armed forces as well as military terms;
- Conduct professional-linguistic peer-review of documents translated from English into Armenian and from Armenian into English which include terminology on human rights, rule of law, and good governance in the armed forces as well as military terms.

Under **Lot 5:**

- Produce questionnaires, queries and other documents (tools) aimed to collect data (statistics) for further analysis relating to subjects of human rights of members of the armed forces, good governance in the armed forces and other similar topics;
- Conduct surveys, interviews with militaries, legal-professionals, young recruits and/or general population etc. relating to the subjects of human rights of members of the armed forces, good governance in the armed forces and other similar topics;
- Analyse collected or provided data (statistics) and produce reports or other similar documents relating to the subjects of human rights of members of the armed forces, good governance in the armed forces and other similar topics;
- Develop recommendations based on the conducted analyses and research relating to the subjects of human rights of members of the armed forces, good governance in the armed forces and other similar topics.

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 for the lot concerned.

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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.

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 for the relevant lot 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.

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

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;

² It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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.

- 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.

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

For **Lot 1**:

- A university degree in one of the following fields: law, political sciences, social sciences, international relations, military education, public administration, or related fields;
- At least 5 (five) years of professional experience in human-rights-related legal research and analysis, production of strategic and/or operational documents and/or the other areas of expertise under the Lot;
- Excellent knowledge of the Armenian national legislation relating to military service;
- Fluency in the Armenian language (level C2 according to the Common European Framework of Reference for Languages);
- Knowledge of the English language (at least level B1 according to the Common European Framework of Reference for Languages).

For **Lot 2**:

- A university degree in one of the following fields: law, social sciences, international relations, military education, public administration, or related fields;
- At least 5 (five) years of professional experience in human rights training and education, development of training or awareness-raising materials and/or the other areas of expertise under the Lot;
- Excellent knowledge of the Armenian national legislation relating to military service;
- Fluency in the Armenian language (level C2 according to the Common European Framework of Reference for Languages);
- Knowledge of the English language (at least level B1 according to the Common European Framework of Reference for Languages).

For **Lot 3**:

- A university degree in psychology or related fields;
- At least 5 (five) years of professional experience in the areas of expertise under the Lot;
- Fluency in the Armenian language (level C2 according to the Common European Framework of Reference for Languages);
- Knowledge of the English language (at least level B1 according to the Common European Framework of Reference for Languages).

For **Lot 4**:

- A university degree in one of the following fields: law, linguistics or related fields;
- At least 5 (five) years of professional experience in the areas of expertise under the Lot;
- Fluency in the Armenian language (level C2 according to the Common European Framework of Reference for Languages);
- Excellent knowledge of the English language (at least level C1 according to the Common European Framework of Reference for Languages).

For Lot 5:

- A university degree in one of the following fields: law, social sciences, military education, public administration, or related fields;
- At least 5 (five) years of professional experience in the areas of expertise under the Lot;
- Fluency in the Armenian language (level C2 according to the Common European Framework of Reference for Languages);
- Knowledge of the English language (at least level B1 according to the Common European Framework of Reference for Languages).

Award criteria

- Quality of the offer (80%) for **ALL Lots**, including:

For Lots 1 and 2:

Criterion1: Professional experience in the fields of expertise covered by Lots of this tender (45%), consisting of:

- Length of relevant experience;
- Proven record of excellent knowledge of the Armenian legislation (regulatory framework) relating to human rights of members of the armed forces, good governance in the armed forces including but not limited to military legislation, strategic documents in the field, criminal justice sector legislation, disciplinary and/or administrative legislation etc.

Criterion 2: Quality of sample deliverables produced within the past 10 (ten) years (35%) under the Lots:

- Coherence of drafting; and
- Relevance and adequacy of content.

For Lot 3:

Criterion1: Professional experience in the fields of expertise covered by Lot of this tender (45%), consisting of:

- Length of relevant experience;
- Proven record of excellent knowledge of the Armenian context relating to human rights of members of the armed forces, good governance in the armed forces including but not limited to psychological aspects of military service, interpersonal relations in the armed forces, root-causes of and contributing factors to abusive behaviour in closed environments etc.

Criterion 2: Quality of sample deliverables produced within the past 10 (ten) years (35%):

- Coherence of drafting; and
- Relevance and adequacy of content.

For Lot 4:

Criterion1: Professional experience in the fields of expertise covered by Lot of this tender (45%), consisting of:

- Length of relevant experience;
- Proven record of excellent knowledge of the English and Armenian terminology relating to human rights of members of the armed forces, good governance in the armed forces including but not limited to the notions and categories in military legislation, criminal justice sector legislation, disciplinary and/or administrative legislation etc.

Criterion 2: Quality of sample deliverables produced within the past 10 (ten) years (35%):

- Coherence of drafting; and
- Relevance and adequacy of content.

For Lot 5:

Criterion1: Professional experience in the fields of expertise covered by Lot of this tender (45%), consisting of:

- Length of relevant experience;

- Proven record of excellent knowledge of technics (tactics) of performing tasks (deliverables) described under the Lot, as well as both traditional and modern trends (methods) in the given areas.

Criterion 2: Quality of sample deliverables produced within the past 10 (ten) years (35%):

- Coherence of drafting; and
- Relevance and adequacy of content.

- Financial offer for **ALL Lots** (20%).

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

- **A completed and signed copy of the Act of Engagement⁴** (See attached);
- A detailed CV (3 pages maximum), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and/or award criteria;
- Registration documents, for legal persons only;
- At least two samples of relevant work produced within the previous 10 (ten) years by the tenderer under a specific Lot, one in Armenian and one in English (for Lot 4, both the original and reviewed/produced documents must be submitted as one sample);
- At least two references (with position, phone number and email of reference persons).

All documents shall be submitted in English (except for the ones explicitly required in another language), 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.