**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of local intellectual services for implementing the project “Reinforcing the Fight against Violence against Women and Domestic Violence in Kosovo\* - Phase III”**

**Contract N.1/2021**

The Council of Europe is currently implementing a Project on “Reinforcing the Fight against Violence against Women and Domestic Violence in Kosovo\* - Phase III”. The Project will end on 28 February 2023. In that context, it is looking for Provider(s) (local consultants) for the provision of intellectual services to be requested by the Council on an as-needed basis.

1. **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[[1]](#footnote-1), 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 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 -local consultants Violence against Women/Domestic Violence.** 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\_ local consultants Violence against Women/Domestic Violence**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 28 February 2023 |
| **Deadline for submission of tenders/offers ►** | **06 December 2021** |
| **Email for submission of tenders/offers ►** | **vaw.pristina@coe.int** |
| **Email for questions ►** | vaw.pristina@coe.int |
| **Expected starting date of execution ►** | 01 January 2022 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe project “Reinforcing the Fight against Violence against Women and Domestic Violence in Kosovo\* - Phase III” aims at defining a concrete roadmap for strengthening Kosovo’s\* legal and policy frameworks in co-operation with the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) as well as building institutional capacities to prevent and counter violence against women and domestic violence in line with the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The project builds on the results of the project "Reinforcing the fight against violence against women and domestic violence in Kosovo\*" implemented in 2016-2017 and the project "Reinforcing the fight against violence against women and domestic violence in Kosovo\* (phase II)" implemented in 2018-2021.

The key project partners are the National Coordinator against Domestic Violence, the Ministry of Labour and Social Welfare, Kosovo\* Academy of Justice and the Agency for Gender Equality. Additionally, the Council of Europe co-operates with different institutions, non-governmental organisations and international and donor organisations working in the field of combating violence against women and domestic violence.

The Council of Europe is looking for a maximum of14 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on preventing and combating violence against women and domestic violence in Kosovo\*.

This Contract is currently estimated to cover up to 17 activities to be held by 28 February 2023. 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 400 000 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 Provider(s) to support the implementation of the project and is divided into the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| Lot 1: conduct research and developing and delivering capacity building/trainings for legal professionals on violence against women and domestic violence and women’s access to justice | 3 |
| Lot 2: conduct research on the Kosovo\* legal/policy framework and practices on violence against women and domestic violence against the standards of the Council of Europe Istanbul Convention four pillars (prevention, protection, prosecution and comprehensive policies) | 4 |
| Lot 3: developing and delivering capacity building/trainings for staff working on shelters for victims of VAW/DV and centres for social work and for staff working on perpetrators programmes. | 4 |
| Lot 4: developing and designing awareness raising tools and campaigns on violence against women and domestic violence. | 3 |

Lot 1 concerns work in co-operation with the Kosovo’s\* Academy of Justice.

The listed activities should be carried out by the selected consultant together with international consultant(s) and in co-operation with the Council of Europe project team:

* Align the Human Rights Education for Legal Professionals (HELP) online courses on women’s access to justice and violence against women and domestic violence with the local legislation and practice and tutor their implementation.
* Undertake translation and proofreading as necessary of the HELP online course in Albanian and Serbian languages.
* Participate in the launch and other events linked to the HELP online courses on violence against women and women’s access to justice in Kosovo\*.
* Conduct research on court practices and other substantial matters related to the prosecution and adjudication of cases of violence against women and domestic violence in Kosovo\*.
* Conduct trainings and Training of Trainers (ToT) sessions for the Academy of Justice on preventing and combating violence against women and domestic violence on the basis of their training curricula and additional materials.
* Participating in conferences and events related to prosecution and adjudication of cases of violence against women and domestic violence.
* Assist in proofreading developed materials from English to Serbian and/or Albanian.

Lot 2 concerns assisting the assessment to be conducted by GREVIO in Kosovo\* and other related research activities to inform the project and GREVIO assessment. Research should involve knowledge of quantitative and qualitative techniques and understanding of the local frameworks for addressing violence against women and domestic violence and their alignment with the council of Europe Istanbul Convention.

The activities should be carried out by the selected consultant together with international consultant(s) and in co-operation with the Council of Europe project team:

Lot 3 concerns work in co-operation with the Ministry of Labour and Social Welfare, shelters for victims, centres for social work and other stakeholders working on perpetrators programmes.

The listed activities should be carried out by the selected consultant together with international consultant(s) and in co-operation with the Council of Europe project team:

* + Conduct needs assessment for training and capacity needs of shelters and centres for social work for delivering quality support of victims of violence against women and domestic violence in line with the Istanbul Convention and other relevant international standards and good practices.
* Provide peer to peer trainings for the staff of social work centres and shelters on the implementation of the Council of Europe [shelter quality guidelines](https://rm.coe.int/shelter-guideline-eng/1680a24ced) and other relevant standards.
* Assist in proofreading developed materials from English to Serbian and/or Albanian.
* Conduct needs assessment for training and capacity needs for setting up perpetrator programmes in Kosovo\* in line with relevant international standards and with the findings of recent [research](https://rm.coe.int/research-on-perpetrator-treatment-programmes-kosovo-eng/1680a24362) by the Council of Europe.
* Develop methodology and deliver pilot trainings for running perpetrators programmes.

Lot 4 concerns awareness raising initiatives on ending violence against women and domestic violence.

The listed activities should be carried out by the selected consultant together with international consultant(s) and in co-operation with the Council of Europe project team:

* Conduct the needs assessment and develop materials and tools for running gender sensitive campaigns on violence against women and domestic violence in line with the Istanbul Convention and other international standards and good practice.
* Prepare the methodology and conduct peer to peer trainings for institutions and women NGOs and workshops with media including through sharing of best practices.
* Assist in proofreading developed materials from English to Serbian and/or Albanian.

The Council will select the abovementioned 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).

**Scope of the Framework Contract**

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

Under Lot 1:

* Drafting analytical reports, conduct research and needs assesment reports.
* Participating in events
* Design and deliver trainings for legal professionals including through the use of the HELP courses on violence against women and domestic violence.

Under Lot 2:

* drafting needs assessment reports and conduct situational analysis
* design and deliver trainings for relevant stakeholders

Under Lot 3:

* Conduct desk research/reviews, run surveys and interviews and process administrative and statistical data.
* Draft research reports, gap analysis, assesments.

Under Lot 4:

* drafting needs assessment reports and conduct situational analysis
* develop awareness rasising materials and tools (online and offline)
* advising in delivery methods and channels to maximise disseminatio for awereness raising.
* Design and deliver trainings for media, civil society and other relevant stakeholders

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).]

1. 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. 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.]

1. 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 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 quote[[2]](#footnote-2) (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.

1. 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]](#footnote-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.

*Eligibility criteria*

*For lots 1, 2 and 3:*

* University Degree in Law, Social Science, Social Work, Gender Studies or other related fields and/or relevant professional experience in conducting research and developing training methodologies, learning materials and in conducting trainings for professionals in the area of violence against women and domestic violence and women’s access to justice;
* Profesional experience in editing and proofreading in the area of violence against women and domestic violence;
* Excellent oral and written English and Albanian and/or Serbian.

For lot 4:

* University Degree in Communication, Journalism, Marketing, or other related fields and/or relevant professional experience in designing awareness raising materials and tools and developing training methodologies, learning materials and in conducting trainings for media and other professionals in the area of violence against women and domestic violence;
* Excellent oral and written English and Albanian and/or Serbian.

*Award criteria*

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

- Thematic expertise in the field related to the scope of the project **(50%)**

- Writing and language skills **(40%)**

* Financial offer (**10%**).

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

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED

* A completed and signed copy of the **Act of Engagement[[4]](#footnote-4)** (See attached);
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* Registration documents, for legal persons only;
* Examples of previous professional work relevant to the scope of the Project;
* 2 (two) referees' contact details

**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.**

**\* \* \***

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)