

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## Purchase of international consultancy services to assess the application of the principles of the European Charter of Local Self-Government in Kosovo\*

### Contract No. 8734/07

The Council of Europe is implementing the project "Promoting Local Democracy in Kosovo\*" from July 2020 until December 2021. In that context, it is looking for maximum 10 Providers for the provision of International Consultancy services to conduct an assessment of the application of the principles of the European Charter of Local Self-Government in Kosovo\*, 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 Europe<sup>1</sup>, 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 a natural person, or a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: 8734/07 International consultancy services to assess the application of the principles of the European Charter of Local Self-Government in Kosovo\***. 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: 8734/07 Question: International consultancy services to assess the application of the principles of the European Charter of Local Self-Government in Kosovo\***

|   |  |
|---|--|
| Type of contract ▶                          | Framework contract   |
| Duration ▶                                  | Until 24 December 2021   |
| Deadline for submission of tenders/offers ▶ | <b>10 January 2021</b>   |
| Email for submission of tenders/offers ▶    | <a href="mailto:congress.cooperation@coe.int">congress.cooperation@coe.int</a> |
| Email for questions ▶                       | <a href="mailto:congress.cooperation@coe.int">congress.cooperation@coe.int</a> |
| Expected starting date of execution ▶       | 18 January 2021  |

<sup>1</sup> 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](#).

\* All references to Kosovo\*, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo\*.

## B. EXPECTED DELIVERABLES

### Background of the Project

The project "Promoting local democracy in Kosovo\*" (2020-2021) aims to improve local self-government and the quality of local democracy in Kosovo\* by fostering multilevel dialogue and strengthening the capacities of local authorities and elected representatives as drivers of change. It addresses key elements of good governance, including ways to prevent and combat corruption, to advance public ethics and to foster citizen participation as a means of reinforcing the accountability of local public administrations.

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 knowledge of the European Charter of Local Self-Government (ETS No. 122) and expertise on local democracy. The Providers will be required to assess the application of the principles of the European Charter of Local Self-Government in Kosovo\*, draft recommendations and propose follow-up actions.

This Contract is currently estimated to cover up to two phases, to be held by 24 December 2021. 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 phases, depending on the evolving needs of the Organisation.

The tenderer must be either a natural person, or a legal person except consortia. Legal persons will be required to assign individual employees to perform tasks under the contract and may not subcontract or replace any employees without explicit written acceptance of the Council of Europe. Should the requested deliverables be performed by a person other than the pre-approved employees or consultants, the Council of Europe reserves the right to terminate the contract. **Tenders may be submitted for multiple lots.**

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 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: Context analysis, consultations and Assessment report           | 5  |
| LOT 2: Support to the implementation of the Assessment recommendations | 5  |

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).

### Scope of the Framework Contract

Throughout the duration of the Framework Contract – and under the co-ordination of the Project team –, pre-selected Providers may be asked to:

Under Lot 1:

- Analyse the framework in which local authorities operate, assessing the relevance of the principles of the European Charter of Local Self-Government in the current evolving context;
- Conduct a data review and analysis of all information gathered, including through online surveys and questionnaires;

- Hold consultations and interviews with key representatives at central and local levels, civil society organisations and other relevant stakeholders. If the situation allows, field visits may be conducted;
- Draft an Assessment report of the application of the principles of the European Charter of Local Self-Government in Kosovo\*.

Under Lot 2:

- Support working group discussions with relevant stakeholders in view of the preparation of a Roadmap for the implementation of the Assessment recommendations;
- Draft a roadmap for the implementation of recommendations identified in the Assessment report and during working group discussions;
- Contribute to and facilitate thematic discussions, workshops and capacity development activities in the field of local self-government, and;
- provide relevant legislative and advocacy support to strengthen local self-government in Kosovo\*.

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. These fees are final and not subject to review.

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 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<sup>2</sup> (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)<sup>3</sup>

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.

##### *Eligibility criteria*

- Advanced degree (Master's or preferably PhD) in political sciences, public administration, local governance, fiscal decentralisation, social sciences, international relations and/or related fields;
- A minimum of 5 (five) years of relevant professional experience in monitoring the application of the principles of the European Charter of Local Self-Government as well as in the field of local democracy;
- Proven experience in data analysis and report writing;
- Knowledge of the situation and context and work experience in South-East Europe, in particular in Kosovo\*, would be an asset;
- Excellent command of English in speaking and writing.

##### *Award criteria*

- Quality of the offer (80%), including:
  - Thematic knowledge and expertise in areas described under the lot for which tenderer is applying (30%);

<sup>2</sup> 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.

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

- Relevant experience for the duties described under the Lot for which tenderer is applying (30%);
- Specific skills and capacities (20%), including:
  - Research, analysis, writing and reporting skills;
  - Communication and public presentation skills;
  - Knowledge of political situation and institutional setting of Kosovo\* is considered an asset.
- Financial offer (20%).

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

Tenderers can apply for one or two lots.

#### 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 Engagement**<sup>4</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Motivation letter in English, highlighting the specific area of expertise of the tenderer;
- Samples of previous work relevant to the lot for which the tenderer is applying (in English);
- Three referees' contact details (including phone number and e-mail address);
- 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);
- Registration documents, for legal persons only (scanned copy of the originals and if in language other than English, provide translation into English language).

**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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<sup>4</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.