**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of National Consultancy Services in the Field of Migration in** **Türkiye**

The Council of Europe is currently implementing an action on “Strengthening the Human Rights Protection in the Context of Migration in Türkiye’’, which started on 01.01.2023 and will end on 31.12.2025. The action is implemented under the joint European Union (EU) and Council of Europe programme “Horizontal Facility for the Western Balkans and Turkey III (2023-2025)”. In that context, it is looking for Provider(s) for the provision of national consultancy services in the field of migration in Türkiye to be requested by the Council of Europe 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, 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: “HF-13: Migration-National 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 Council of Europe 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: “Question: HF-13 Migration-National Consultancy Services”.**

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| --- | --- |
| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until 31 December 2025 |
| **Deadline for submission of tenders/offers ►** | **27 February 2023** |
| **Email for submission of tenders/offers ►** | ankara.office@coe.int |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 06 March 2023 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The action “Strengthening the Human Rights Protection in the Context of Migration in Türkiye” (hereinafter, the action) aims at supporting the Turkish authorities in enhancing detention conditions in the context of migration and ensuring that appropriate procedural safeguards are in place in line with European and international standards. Special attention will be given to strengthening guarantees for the identification, protection and referral of persons in vulnerable situations, especially children. To this end, the action will, inter alia, aim at fostering multi-disciplinary co-operation and strengthening the capacities of relevant authorities and other professionals in the field.

The action is implemented from 1 January 2023 until 31 December 2025 under the European Union and Council of Europe co-operation framework “Horizontal Facility for the Western Balkans and Turkey III” (hereinafter, Horizontal Facility III).

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The Council of Europe is looking for a maximum of forty-five (45) Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the action with a particular expertise on – but not limited to – identification, referral and protection of vulnerable persons; gender mainstreaming and human rights consideration in the context of migration; reception conditions and support services; immigration detention and procedural safeguards; access to remedies, legal support and information; alternatives to immigration detention; child-protection systems and procedures including guardianship, best interests, age assessment, alternative care arrangements and transition to adulthood; combating violence, exploitation and abuse (the above list of indicated areas is not exhaustive).

This Contract is currently estimated to cover up to forty-five (45) activities, to be held by 31 December 2025. 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 800.000 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: Capacity building and development of training materials | 25 |
| Lot 2: Protection of vulnerable persons in migration | 20 |

**Lot 1** focuses on providing capacity building activities and developing training materials for a wide range of professionals on various issues related to migration and asylum, in particular but not exclusively on immigration detention and procedural safeguards, access to justice and effective remedies, legal support and information, alternatives to immigration detention, etc. For example, carrying out needs assessment on training needs, preparation of various training materials and training/teaching curricula, delivery of tailor-made trainings, organisation of events and conferences.

**Lot 2** focuses on strengthening the protection of vulnerable persons in migration especially children. The support to be provided aims  ̶  but is not limited  ̶  to enhancing identification, referral and protection systems, improving support services and inter-agency coordination,  strengthening child-protection procedures including guardianship, best interests, age assessment, alternative care arrangements and transition to adulthood, and combating violence, exploitation and abuse, etc.

The Council of Europe 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). **Tenderers may tender for one or several lot(s).**

**Scope of the Framework Contract**

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

**Under Lot 1: Capacity building and development of training materials**

* Design and deliver on-site and remote capacity building activities (training of trainers, round tables, seminars, workshops, consultations, e-learning courses) for migration authorities, civil servants, legal professionals, law enforcement officers, education, health and social care personnel, etc.;
* Develop, revise and/or proofread training methodologies, curricula, modules, e-learning courses and other training materials on the human rights protection of persons in the context of migration on, for example, immigration detention, the case law of the European Court of Human Rights, etc.;
* Participate in working/expert meetings with various stakeholders on drafting/adaptation of training materials for training of trainers;
* Contribute to conferences, meetings, round-tables and other online and face-to-face events, including through moderating discussions and delivering presentations;
* Provide other intellectual services for activities related to human rights protection in the context of migration.

**Under Lot 2: Protection of vulnerable persons in migration**

* Conduct research, draft and review comprehensive documents (needs assessments, analysis, reports, studies, etc.) on various issues related to the protection of vulnerable persons, especially children in migration;
* Develop, review and proofread user-friendly materials and guidelines on the protection of vulnerable persons, especially children in the context of migration;
* Design outreach activities aimed at promoting good practices on issues related to the protection of children and other vulnerable persons, etc.;
* Provide other intellectual services for activities related to special needs of vulnerable migrants with a special focus on children in migration.

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 G. 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. 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.]

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

*Eligibility criteria*

**For Lot 1: Capacity building and development of training materials**

* University degree in law, political/ social sciences, international relations, public policy, or related fields; OR being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling (for legal persons);
* At least four (4) years of professional experience on capacity building activities and development of training materials, modules and curricula on migration issues;
* Excellent oral and written knowledge of Turkish language (preferably mother tongue level);
* Excellent oral and written knowledge of English language (at least B1 or B2 level of the Common European Framework of Reference for Languages (CEFR)).

**For Lot 2: Protection of vulnerable persons in migration**

* University degree in law, education, social/political sciences, or other relevant fields; OR being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling (for legal persons);
* At least four (4) years of experience in the field of protection, provision of services, counselling, conducting research and/or capacity building on vulnerable persons in migration with a special focus on children;
* Excellent oral and written knowledge of Turkish language (preferably mother tongue level);
* Excellent oral and written knowledge of English language (at least B1 or B2 level CEFR).

*Award criteria*

* Quality of the offer (80%), including:
	+ Relevance of the experience of the tenderer in the areas covered by this call (40%);
	+ Experience in working for/with international organisations or in EU funded projects, (20%);
	+ Research, analysis, communication, drafting and/or training skills (20%);
* Financial offer (20%).

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

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;
* A list of all owners and executive officers, for legal persons only;
* Up to 1 A-4 page motivation letter describing how the tenderer fulfils the eligibility criteria and has experience that matches the areas mention in the relevant Lots;
* A sample of previously accomplished assignment(s), preferably in a form of references/links to publications, analyses, reports, assessments, studies, etc. relevant to the experience the tenderer claims (in English or a summary in English if these are prepared in another language);
* Registration documents, for legal persons only.

At the time a specific assignment is ordered from a tenderer belonging to the category of 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 their employer that secondary activities of civil servants 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.

**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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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;

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). [↑](#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)