

## Questions and Answers

### **Call for Tenders - Provision of consultancy services for the design and delivery of a series of workshops under Council of Europe Project “Support to the Office of the Ombudsperson in the protection of human rights in the Republic of Moldova - Phase II”**

1. Meaning of national consultancy services. Does the description “national consultancy services” impose any requirement concerning Moldovan nationality, residence, fiscal residence or professional registration? In particular, may a natural persons consortium include Romanian nationals residing and fiscally registered in Romania, provided they meet the stated professional and Romanian language requirements and they can travel as needed?

*The term “national consultancy services” refers to the expertise required for the assignment, particularly knowledge of the local or national context, relevant policies and legislation, and the necessary language skills. It does not impose any requirements concerning nationality, place of residence or fiscal residence. Accordingly, Romanian nationals residing in Romania may participate in the tender, including as members of a consortium, provided they meet the eligibility criteria and other requirements set out in the Tender File.*

2. Experience with national public institutions. Under the award criterion allocating 30 points to “experience in working with national public institutions”, does relevant experience with public institutions in Romania and other countries qualify, or is this criterion restricted to institutions in the Republic of Moldova? If both qualify, is Moldova specific experience assessed differently? Also, does the criterion covers sub-national or regional public bodies (e.g., agencies, inspectorates, regulatory authorities) in addition to central government institutions?

*Experience with national public institutions may be considered regardless of their administrative level. Such experience will be assessed on the basis of the documentation submitted by tenderers, in accordance with the requirements of the Tender File and its relevance to the specific assignment.*

3. Assessment of consortium experience. The Tender File provides for a consolidated assessment of the combined capacity of eligible consortium members. Could you explain how the three members’ experience will be combined for each quality criterion, including the treatment of overlapping experience and complementary specialisations?

*The consortium is evaluated as a whole, taking into account the combined relevant experience and expertise of its eligible members against each award criterion, rather than assessing and scoring each member separately. Complementary expertise would therefore be considered as part of the consortium’s overall capacity, while overlapping experience would not result in additional points.*

4. Please also provide any applicable scoring bands, minimum quality threshold and the formula used to award the 30 financial points.

*The financial offer will be evaluated on the basis of the total price quoted*

5. The exclusion criteria require a separate disclosure document where personal interests exist but specify no format. Is there a standard template for this disclosure, and could it be shared?

*By signing the required Act of Engagement, the tenderer confirms that no such personal interests exist. If any relevant personal interest or potential conflict of interest exists, it must be disclosed separately, in a free format.*

6. Previous work samples. Does the requirement for at least two samples apply to the consortium as a whole or to each individual member? May jointly authored outputs be submitted with a statement identifying each member's contribution? Given that samples also support the Romanian language criterion, is at least one Romanian language sample required from each member, notwithstanding the general acceptance of samples in Romanian and/or English?

*Each consortium member will be assessed individually against the eligibility criteria. Therefore, each member must provide at least two samples of previous work relevant to the experience claimed, which may include jointly authored outputs, provided that the member's contribution is clearly identified. Samples may be submitted in Romanian and/or English.*

7. Technical proposal. In addition to the signed Act of Engagement, CVs and work samples, is a methodology, work plan, proposed workshop agenda or allocation of tasks between consortium members required or expected? If so, please specify the format, length and how this material will be assessed.

*The documents required to be submitted at the tender stage are specified in the Tender File.*

8. Consortium agreement and coordinator mandate. Article 10 of the Act of Engagement requires a written consortium agreement. Must this agreement be submitted with the offer, before contract signature or before implementation begins? Is there a prescribed template, and is a separate mandate authorising the coordinator required in addition to the Act of Engagement signed by all three members?

*The written consortium agreement is required under Article 10.5 but does not need to be submitted at the bidding stage. By signing the Act of Engagement, the Providers confirm their commitment to comply with this requirement. The Council of Europe reserves the right to ask tenderers, at a later stage, to supply additional supporting documents if needed.*

9. Signature arrangements and supporting declarations. May the three members sign identical counterparts of the Act of Engagement, subsequently submitted together, or must all signatures appear on the same copy? Are electronic signatures accepted? Please also confirm whether separate member declarations or evidence of employer approval under Article 3.9 are required at submission or only subsequently upon request.

*As indicated in the Act of Engagement, in case of the bidder being a consortium, indicate one signatory for each consortium member. The field "Signature" must include the signatures of all consortium members. Electronic signatures are accepted. No separate declarations or supporting evidence under Article 3.9 are required at submission stage.*

10. Deliverable 1: Expected scope, existing materials and preparation period. The expected start date of 26 October 2026 and submission deadline of 29 October leave approximately three days to review the regulatory framework and the Ombudsperson's Office's existing documentation and practices, and to develop the presentation, practical templates/handouts and pre- and post-activity questionnaires. This appears particularly short for a methodologically rigorous review and the preparation of tailored workshop materials. Therefore:

- Could you clarify the expected depth and outputs of the desk review - for example, whether a documented institutional/process assessment is required or whether the review is intended solely to inform the training materials for the workshop?

*The desk review is intended to inform the preparation of the training materials for the workshop. No separate assessment is required.*

- Please also specify the availability and timing of existing materials - what existing assessments, process documentation, training resources and templates, including outputs from the previous project phase, will be available for the Provider to build upon, and when these will be supplied. Will these materials be provided prior to the contract signature, so as to enable timely preparation of the workshop package?

*The relevant existing materials will be provided to the selected Provider following the award of the contract.*

- If these materials are not already substantially developed, would the Council consider bringing forward the contractual start date or revising the delivery and workshop timetable to allow sufficient time for analysis, consultation with the Office and preparation and quality assurance of the materials?

*Any modification of the deadline will require an amendment to the contract in accordance with Articles 6.1 and 6.2 of the Act of Engagement.*

11. Number of workshops and expert attendance. Although the assignment title refers to a "series of workshops", Deliverable 2 specifies a three-day workshop on 4–6 November 2026. Please confirm whether this is the only workshop required, or whether additional preparatory or follow-up sessions are included. Must all three consortium members attend all three days, or may attendance reflect their proposed division of responsibilities?

*The assignment is limited to the deliverables specified in the Terms of Reference (Section A of the Act of Engagement). Please refer to Article 10 for information on consortia. The Council of Europe does not impose any specific division of work among consortium members; the allocation of tasks is to be determined by the consortium itself.*

12. Deliverable 3 references nine structural subdivisions of the OO. Could you confirm the names or functions of these subdivisions, and whether all nine are expected to participate in the three-day workshop? This information is relevant to planning the facilitation schedule and estimating the workload for the process review phase.

*As indicated under Deliverable 3, the participation of nine structural subdivisions is envisaged, with at least two internal processes to be reviewed per participating subdivision, resulting in an estimated minimum of 18 processes. The Tender documentation provides the information necessary for preparing an offer. Information on the organisational structure and functions of the Ombudsperson's Office is publicly available on its official website. Further details regarding the participating subdivisions and practical arrangements will be clarified with the selected Provider during the preparation of the assignment.*

13. Venue and participant profile. Please specify the workshop location, whether delivery will be entirely in person, the expected number of participants and daily training hours. Could you also identify the nine participating structural subdivisions and indicate participants' responsibilities and previous experience in documenting internal processes?

*The workshop is scheduled to take place in Chişinău on 4–6 November 2026. It will be delivered in person, over three full days, with approximately 30 participants. Representatives of all nine structural subdivisions are expected to attend. The exact venue will be communicated to the selected Provider.*

14. Workshop logistics. Which party will provide and pay for the venue, equipment, internet access, printing, refreshments and participant travel or accommodation? Will the Council or the Ombudsperson's Office manage invitations, venue booking, attendance records and other administrative arrangements or is the Provider expected to manage all logistical arrangements independently? Will the workshop be conducted entirely in Romanian or any sessions or materials require bilingual delivery? Could simultaneous interpretation be provided to enable the participation of international consultants if possible?

*The Council of Europe will cover the workshop logistics and coordinate the related administrative arrangements. The workshop will be conducted in Romanian. The applicable language requirements, including the requirement for specified deliverables to be provided in English, are set out in the Act of Engagement. Knowledge of Romanian for the delivery of the workshop is an eligibility criterion; therefore, no interpretation will be provided.*

15. Consultant travel and subsistence. Under Article 4.4, should necessary travel and subsistence be excluded from the consultancy fees and reimbursed separately following prior approval? Would this apply to all three consortium members where their attendance is agreed, including members travelling from Romania? Please indicate the applicable limits and booking or reimbursement arrangements. Will travel and subsistence for consortium members who are not based in Chişinău be reimbursed for all workshop attendance days or only for specific events? Will the same Council rates apply regardless of the member's country of residence?

*Where applicable, travel and subsistence allowances will be paid in accordance with the Council of Europe's applicable rules, as referenced in the footnote on page 11 of the Act of Engagement. Further details are provided in Article 4.4. Please note that the Act of Engagement specifies a maximum of two consortium members.*

16. Number and complexity of processes. Deliverable 3 requires at least two processes per participating subdivision, with at least 18 processes envisaged. What number or maximum volume should bidders use as the common basis for their fixed-price offers? Have the processes already been selected, and could an indicative list and an example of the expected level of detail be provided? How would additional processes or participating subdivisions be addressed?

*Tenderers should prepare their financial offers on the basis of the scope of work and requirements specified in the Terms of Reference. Any changes to the agreed scope of work would be addressed in accordance with the applicable contractual provisions.*

17. Responsibility for drafting and finalisation. Are participating subdivisions expected to prepare complete process drafts for the Provider to review, or must the Provider develop substantial parts of the documentation? Does the required output consist of

reviewed drafts with comments and tracked changes, or complete, validated procedures ready for formal adoption? Please also identify any prescribed templates, process-mapping conventions or institutional requirements beyond the framework referenced in the Act of Engagement.

*Participating subdivisions are expected to prepare the internal process drafts during the participatory workshops. The Provider's role should be limited to reviewing these drafts and providing comments and recommendations, as necessary, to support their finalisation.*

*Regarding the applicable framework, the Terms of Reference (Section A of the Act of Engagement) identify the general national legislation and regulatory framework that should guide the implementation of the assignment.*

18. Review rounds and follow-up support. How many rounds of comments, revision and consultation should be included for each process? Are follow-up meetings, individual coaching or additional workshops expected between the November workshop and the final report? By what date will subdivisions provide their drafts and consolidated responses?

*The deliverables to be provided by the selected Provider are limited to those specified in the Terms of reference of the Act of Engagement (Section A). Following the workshop, the project team will coordinate the collection of the process drafts prepared by the participating subdivisions and transmit them to the selected Provider for review and comments. The number of rounds of comments, if any, will depend on the quality and completeness of the documents submitted. In this regard, please also refer to Article 3.1.2 of the AoE.*

19. Timetable and dependencies. The expected start date is 26 October 2026, while training materials are due on 29 October. What procedure will apply to adjusting deadlines if contract signature, access to documentation, submission of process drafts or institutional feedback is delayed for reasons outside the Provider's control, particularly in relation to Article 4.5? By what date does the Council expect subdivisions to submit their process drafts to the Provider, given the 27 November deadline for Deliverable 3? Also, does the word-count limit in Article 3.2.3 (5,000 words) applies to the process documentation outputs, which may be significantly longer.

*In accordance with Article 2 of the Act of Engagement, the services shall be executed within the timeframe indicated in the Terms of Reference or, by default, as agreed in prior correspondence. Any modification of the contractual deadline shall be made in accordance with Articles 6.1 and 6.2 of the Act of Engagement.*

*Submission of process drafts by the relevant subdivisions of the Ombudsperson's Office will be coordinated by the project team, after the workshops, taking into account the deadline for Deliverable 3.*

20. Acceptance and language requirements. Who will consolidate comments and approve each deliverable, and what review period and acceptance criteria will apply? Does acceptance of Deliverable 3 depend on formal adoption of the processes by the Ombudsperson's Office? Please also clarify whether each Romanian-language output requires a separate English or French summary under Article 3.2, and whether the general document length provisions apply to the process documentation.

*In line with Articles 9 and 4.3 of the Act of Engagement, the deliverables will be reviewed and accepted by the Council of Europe. No conditions or requirements that are not provided for in the AoE will be applied as part of the acceptance procedure.*

*Documents/deliverables to be submitted in English are specified in the in the Terms of Reference.*

21. Article 6.4 requires Council's written approval for any subcontracting. Does this requirement apply to minor ancillary services related to delivery, such as graphic design, layout or printing of workshop materials? If so, may such subcontracts be notified and approved after contract signature rather than at bid stage?

*Article 6.4 applies to subcontracting in relation to the consultancy services required under the Terms of Reference. In this case, when submitting their offers, the suppliers must inform the Council of Europe if they are willing to subcontract a part (or the totality) of the planned activities. The Council of Europe can accept or refuse such a demand. If the subcontracting has not been requested during the tendering phase, a request should be addressed to the Organisation for its approval. In any case, a supplier does not have the right to subcontract a part (or the totality) of their contract without having received an authorisation from the Council of Europe.*

22. AI questionnaire and handling of information. Could you provide the mandatory AI tool questionnaire and any associated instructions? Will the Provider receive anonymised materials, or need access to personal or sensitive case information? Please identify any prescribed tools or restrictions for storing, sharing or processing such information, including through AI services.

*Each deliverable must be accompanied by a completed [AI tool questionnaire](#), in accordance with Article 9 of the Legal Conditions. The applicable provisions on data protection, loyalty and confidentiality are set out in Articles 3.8 and 3.5 of the Act of Engagement, respectively, and must be complied with throughout the performance of the contract.*

23. Budget and price presentation. Is there an indicative budget or maximum financial envelope for this assignment, distinct from the general procurement thresholds quoted in the Tender File? Beyond the fee for each of the four deliverables, is a breakdown by expert, working days and daily rate required? Please confirm whether any budget ceiling includes separately reimbursable travel and subsistence.

*Tenderers are invited to submit their financial offer by completing the table of deliverables in the dedicated "fees" section. The Council reserves the right to reject any bid if, in its sole judgement, the financial offer is considered abnormally low or high. The Council may request clarification from the tenderer before making its determination.*

*Where the Terms of Reference do not specify that the proposed fees are to include travel and subsistence expenses, Article 4.4 of the Act of Engagement shall apply.*

24. Payment milestones and advance. May each deliverable be invoiced following its written acceptance, or will payment be made only after acceptance of the complete assignment? Is an advance payment available and, if so, what percentage and conditions apply? Could you confirm whether tenderers may — and are encouraged to — indicate separate fees per deliverable? Given that the liquidated damages clause (Article 4.5) calculates penalties on the contractual price of the delayed deliverable, a breakdown per deliverable would provide greater clarity and fairness for both parties.

*In accordance with Article 4.3.1 of the Act of Engagement, upon acceptance of the deliverable(s) by the Council, the Provider shall submit an invoice or request for payment in triplicate and in the currency specified in the Table of Fees. No advance payment is foreseen.*

*Tenderers should complete the table of deliverables in the dedicated fees section by indicating the proposed fee in the corresponding box for each deliverable, together with the total amount. No restrictions on the completion of the table are established (breakdown or lump sum).*

25. Payment documentation for a consortium of natural persons. We understand that the Council will pay the coordinator, who will distribute payments to the other members. What invoice or request-for-payment documentation does the Council require in this arrangement: one document issued by the coordinator, or member-level documents submitted through the coordinator?

*The coordinator shall submit one invoice covering the total amount due for the consortium. Separate invoices from individual consortium members are not required.*

26. Finally, as the supplied files are marked "Draft", please confirm whether they constitute the definitive tender documents and whether the Council's clarification responses will form part of the applicable tender and contractual documentation. Also, will the Council's responses to clarification questions be communicated to all invited tenderers simultaneously and will they be incorporated into the contractual documentation?

*The Act of Engagement is to be completed by tenderers, in the dedicated sections only, as part of their submission. The contract awarded to the successful tenderer will be signed by the Council of Europe. No other modifications or additions will be made. Clarifications issued by the Council will be communicated to all tenderers via email in a separate document.*

27. Participation of Individual Service Providers. Are individuals operating under an Entrepreneurial Patent (Business Patent) eligible to participate in this tender procedure?

*Individuals operating under an Entrepreneurial Patent (Business Patent) may participate in this tender procedure. To be considered eligible, tenderers must demonstrate that they meet all the applicable eligibility criteria specified in the Tender File.*

28. If so, is there any requirement regarding the minimum validity period of the Entrepreneurial Patent at the date of submission of the tender and/or throughout the entire period of contract implementation?

*To be considered eligible, tenderers must demonstrate that they meet all the applicable eligibility criteria specified in the Tender File and submit the documents required therein to enable the Council of Europe to assess their eligibility and offers.*

*It remains the responsibility of each tenderer to ensure compliance, throughout the relevant period, with the applicable legal requirements in their country of residence, including those concerning legal registration or authorisation to carry out the relevant activity, fiscal obligations, and any other requirements necessary for the lawful provision of the services. In this regard, Articles 3.4, 3.9 and 3.10 of the Act of Engagement are also relevant.*

29. Participation as a Legal Entity. Where the tenderer is a legal entity, is it required to submit a service agreement or other contractual document concluded with the individual/expert who will actually perform the services specified in the Tender File?

*No service agreement or other contractual document is required to be submitted. However, the tenderer must identify the person(s) proposed to perform the services and submit the relevant documentation required under the Tender File, which will be assessed against the applicable criteria.*

30. If so, should such an agreement be submitted together with the tender documents, or may it be provided at a later stage, following the award of the contract?

*See answer to Q.29.*

31. When submitting the CV of the person proposed to perform the services, is it necessary to attach copies of supporting documents confirming the information stated in the CV, such as diplomas, professional qualifications or training certificates, documents confirming relevant professional experience, or other supporting evidence?

*For this procedure, no supporting documents are required to substantiate the information provided in the CV, unless expressly requested in the Tender File (e.g. samples of previous work demonstrating relevant professional experience).*

*By signing the contract, the provider declares that all information submitted to the Council of Europe in connection with this procedure is complete, accurate and truthful. The Council of Europe reserves the right to conduct interviews and request additional information or supporting documents, where necessary.*

32. When completing Section C, should the financial offer indicate a total amount for each deliverable, or is a detailed breakdown of the cost required?

*Tenderers should complete the table of deliverables in the dedicated fees section by indicating the proposed fee in the corresponding box for each deliverable, together with the total amount. No restrictions on the completion of the table are established (breakdown or lump sum).*

33. In the latter case, should the breakdown include, for example, the estimated number of working days, the daily fee/rate, and any other eligible costs associated with each deliverable?

*See answer to Q. 32*

34. Could you please clarify whether professional experience in the fields of public administration, legal practice and education/training may be considered as “another field relevant to the assignment” for the purpose of fulfilling the requirement of at least five years of relevant professional experience?

And

35. Could you also clarify whether experience in developing, reviewing or applying administrative, legal or institutional procedures within public institutions may be considered relevant for fulfilling the requirement concerning specific thematic expertise in developing, reviewing and/or improving internal processes and procedures?

*The relevance of the professional experience and thematic expertise referred to in both questions will be assessed against the eligibility criteria set out in the Tender File, on the basis of the information and supporting documentation submitted by tenderers.*

*Such assessments are carried out during the evaluation of tenders and cannot be made in advance at the clarification stage.*