

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of national consultancy services within the Acton "Quality Education for All" *Contract N° BH4679*



The Council of is currently implementing and until 23 May 2022 will be implementing joint Council of Europe/European Union Horizontal Facility Action "Quality Education for All (Quality Ed – Montenegro)" in Montenegro. In that context, it is looking for Providers for the provision of consultancy services based on national standards 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 €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: National consultancy services - Quality ED – Montenegro.** 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 and clarifications: National consultancy (Quality ED – Montenegro).**

Type of contract ►	Framework contract
Duration ►	Until 23 May 2023
Deadline for submission of tenders/offers ►	11 November 2019
Email for submission of tenders/offers ►	Education.podgorica@coe.int
Email for questions ►	Education.podgorica@coe.int
Expected starting date of execution ►	22 November 2019

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

Within the European Union/Council of Europe joint Horizontal Facility for the Western Balkans and Turkey Programme (phase II), which aims at assisting beneficiaries in South-East Europe to comply with the Council of Europe standards and European Union acquis in the framework of the enlargement process, the Council of Europe is implementing the Action **"Quality Education for All (Quality Ed – Montenegro)**". The Action is building upon the achievements and results from the previous HF actions "Fostering a democratic school culture" and "Strengthen integrity and combat corruption in higher education". Hence, the general objective of the project is to foster quality education for all in pre-university and higher education based on Council of Europe standards and practices. It will support schools, their communities and relevant education institutions to fight discrimination in education and to accommodate and value vulnerable children in the education system through the promotion and implementation of the [CoE Reference Framework of Competences for Democratic Culture](#). On the other hand, the project will support institutional mechanisms such as Ethical Committee and provide capacity building of higher education institutions (HEIs) to effectively address violations of academic integrity.

The Action is built along three lines:

1) Policy

- Support the promotion and implementation of the Law on Academic Integrity developed under the previous HF Action (HF 20) including: assistance to the Ethical Committee once established according to the law in drafting of the Ethical Charter, rules of procedure, and other acts; assistance to the newly established Agency for Quality Assurance in Higher Education to set audit standards in relation to safeguarding academic integrity; assistance to the ethical boards within HEIs to handle violations of academic integrity.

-Implement the *"Roadmap to education policy for fostering democratic school culture in Montenegro"* - developed under the previous HF Action (HF26) and endorsed by the key stakeholders - and to scale up from the experiences of the pilot schools to the policy level by developing an education strategy base on those recommendations.

2) Capacity Building

- Build capacity of the members of the Ethical Committee and Ethical Boards within the HEIs to strengthen academic ethics and integrity by recognizing and addressing the issues of misconduct, plagiarism, cheating and other forms of unethical behaviors.

- Build capacity of schools and education professionals to adopt a democratic school culture and develop democratic competences in learners. This will include accreditation of the curriculum for in-service teacher training on competences for democratic culture developed under the HF 26, and cascade training on the Competences for Democratic Culture for 200 teachers and teacher trainers based on the new curriculum.

3) Heightened awareness of education professionals, schools and the wider communities of the benefits of a democratic school culture will be increased, while policy makers will be more aware of the common issues of inclusion and discrimination in the region and solutions to resolve them. A network of 26 schools established within the previous HF action will be reinforced with an additional 14 schools, thus 40 schools implementing a democratic culture will, *inter alia*, will be supported. Small grants will be provided to the NGOs for community-based school projects which will promote democratic education environment.

To achieve its objectives, the project is divided into two key set of activities:

Promotion of a culture of academic integrity and institutional capacity building for addressing academic misconduct; and

Fostering a democratic school culture at pre-university level through the network of 40 pilot primary and secondary schools;

The Council of Europe is looking for 30 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on:

- National situation pertaining to academic/research integrity;
- International standards of quality assurance in higher education and QA role in enhancing integrity in education;
- Strategic approaches to management and governance in academic institutions;
- Methodology and approaches for reaching out students and academic staff;

- Research and academic integrity issues in Montenegro and policy framework related to the reform of higher education in Montenegro;
- National and international standards and best practices in promoting and fostering democratic education environment in schools;
- Developing textbooks, manuals, handbooks, curricula, training materials and similar, aimed at education professionals, practitioners, policy makers, parents and wider public based on national experience and in the field of Human Rights Education and Democratic Citizenship Education;
- Developing and delivering training for education professionals and policy makers, including training of trainers, based on national experience, in the field of Human Rights Education and Democratic Citizenship Education;
- Conducting analyses and evaluations, producing reports concerning education and fostering a democratic culture in education;
- Gender mainstreaming integration and promotion of gender equality in education.

This Contract is currently estimated to cover up to 60 activities, to be held by 23 May 2022. 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 800.000,00 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: Strengthen capacities of the HEIs in Montenegro to promote ethical values and safeguard academic integrity	15
Lot 2: Fostering a democratic culture in education based on relevant national standards and specifically the Council of Europe standards in the field of Human Rights Education and Democratic Citizenship Education as well as the Reference Framework of Competences for Democratic Culture	15

Lot 1 concerns institutional capacity building to be provided to the Ethical Committee, the Agency for quality assurance in higher education, and the ethical boards within the HEIs in the country as well as with promoting ethical standards in higher education.

Lot 2 concerns building capacity of schools and education professionals to adopt a democratic school culture and develop democratic competences in learners. It also concerns raising awareness of education professionals, schools and the wider communities of the benefits of a democratic school culture including common issues of inclusion and discrimination in the region and solutions to resolve them.

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:

- Provide technical expertise in drafting internal and strategic documents for the relevant institutions such as the Ministry of Education, the Ethical Committee, the Agency for quality assurance in higher education, HEIs and their ethical boards;
- Provide support in drafting/amendment of the relevant quality assurance standards;
- Conduct training needs analysis, prepare training materials and deliver trainings on the relevant topics and issues covered by the Action;

- Facilitate and assist in organisation of awareness raising activities such as public debates with students and academic staff;
- Develop an elective subject/course on ethical standards for students;
- Act as a key speaker and/or deliver presentations to the conferences, round-tables, seminars, trainings, public debates, consultation meetings and other relevant events with national stakeholders, including moderating/facilitating discussions;
- Provide ideas for design of a web-based material such as web presentation of relevant institutions;
- Carry out on-site missions for the collection of data and meetings with the national stakeholders;
- Advise and assist international experts by providing written inputs on regular basis or upon request;
- Participate in the project evaluation exercises;
- Contribute to the Steering Committee meetings.

Under Lot 2:

- Support provision of and/or independently provide grassroots capacity building and participate in and, where applicable, facilitate/devise/conduct conferences, seminars, workshops, roundtables, training of trainers sessions, awareness raising events, study visits and work with schools, education professionals and other project target groups;
- Develop manuals, textbooks, handbooks, baseline analyses, evaluations, guidelines, recommendations, activity reports and other specialised materials based on the participants needs analysis;
- Coordinate the pilot schools in incorporating CDC framework at the level of school governance and culture, co-operation with the community, and in the classroom;
- Assist in designing criteria for awarding small grants that will be provided for community based school projects and involvement in their implementation;
- Provide expertise in potential upgrade of the existing curriculums to reflect outcomes for CDC;
- Advise and assist international experts by providing written inputs on regular basis or upon request;
- Act as a rapporteur at the events to be organized under auspices of the Action;
- Contribute to the Steering Committee meetings.

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. 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.

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.

Should the Project end before the end date indicated in the Act of Engagement, the Council of Europe will cease ordering services and this Contract will not be used for any other Projects of the Council of Europe for ordering similar services.

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;

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 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).

- 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;
- 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).

Eligibility criteria

Lot 1

- A graduate degree or more than 5 years of relevant working experience;
- A minimum of 2 years' experience working in higher education sector in the country;
- Excellent understanding of the issues involved in academic integrity;
- Good understanding of education policies and quality assurance and standards;
- A very good knowledge of the Montenegrin educational context and of the related institutional environment;
- Very good analytical, presentation, synthesis, and report writing skills;
- Good oral and written knowledge of English (at least level B2 of the CEFR⁴ for English) and proficiency in Montenegrin language;

Lot 2

- University degree in education, pedagogy, social sciences, political sciences or any related relevant field;
- At least 2 years professional experience at national level in areas related to human rights education, democratic citizenship, democratic culture in education, anti-discrimination and inclusive education;
- Very good analytical, presentation, synthesis, and report writing skills;
- Good oral and written knowledge of English (at least level B2 of the CEFR for English) and proficiency in Montenegrin language;

Award criteria

- Quality of the offer (90%), including:
 - Relevant experience of the tenderer in the areas covered by this call (65%);
 - Motivation and/or assignment methodology to be acknowledged in the motivation letter (10%);
 - Previous cooperation experience with the Council of Europe, the Ministry of Education, the higher education institutions, the primary and secondary schools, and other relevant national institutions (10%).
 - Experience in curriculum review/development and/or web-based consultancies and/or gender mainstreaming issues (5%);
- Financial offer (10%).

The Council reserves the right to hold interviews with eligible 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

⁴ <https://www.coe.int/en/web/common-european-framework-reference-languages>

- A completed and signed copy of the **Act of Engagement**⁵ (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;
- Motivation letter describing how the tenderer meets the requirement of the expected service (see Section B above) including indication of the specific and/or preferred fields of expertise (max. 2 pages)

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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⁵ 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.