**CALL FOR TENDERS**

for the provision of local consultancy services under the Council of Europe Project “Enhanced social protection in Ukraine”

**2023/AO/26**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | local consultancy services  |
| **Project ►** | THE COUNCIL OF EUROPE PROJECT“ENHANCED SOCIAL PROTECTION IN UKRAINE” |
| **Organisation and buying entity ►** | Council of EuropeCouncil of Europe Office in Ukraine |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 31 December 2024 |
| **Expected starting date ►** | 10 May 2023 |
| **Tender Notice Issuance date ►** | 17 March 2023 |
| **Deadline for tendering ►** | 10 April 2023 |

**TABLE OF CONTENTS**

This Tender File contains:

* [**The TERMS OF REFERENCE** 3](#_Toc445392375)

The TERMS OF REFERENCE describe what will be expected from the selected Providers.

* [**The TENDER RULES** 6](#_Toc445392376)

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

* **The ACT OF ENGAGEMENT** **(See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

**HOW DOES A FRAMEWORK CONTRACT WORK?**

**Stage 1:**

**Selection** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

**Stage 2:**

**Order(s)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**Execution** as from the date of signature of each Order, unless the Order concerned provides otherwise.

**HOW TO SUBMIT A TENDER?**

**Step 1:** Read the **TENDER FILE**

**Step 2:** Complete the **ACT OF ENGAGEMENT** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

**CALL FOR TENDERS**

for the provision of local consultancy services under the Council of Europe Project “Enhanced social protection in Ukraine”

**2023/AO/26**

1. **Background**

The Project “Enhanced Social Protection in Ukraine” (hereinafter – the Project) implemented by the Council of Europe until 31 December 2024 within the framework of the Council of Europe Action Plan for Ukraine “Resiliency, Recovery and Reconstruction” for 2023-2026, is aimed to attain that people form vulnerable groups, including war-affected population in Ukraine, enjoy improved level of social rights and social protection. To achieve this, a combination of targeted activities is envisaged in two directions - through further aligning the policy and legislative framework on social rights with the European standards, including the European Social Charter and case law of the European Committee of Social Rights, as well as contributing to promoting by national and regional authorities the social rights of people from vulnerable groups and the general public, in particular addressing issue of non-take up of social rights.

The protection of social human rights has become especially imminent with the beginning of the full-scale war in Ukraine, given the forced displacement of millions of people (both internally and abroad), the loss of homes, property, employment and means of livelihood by hundreds of thousands of people, damage to physical and psychological health, and many more. The Project is aimed at further supporting Ukrainian authorities in addressing current challenges posed by the war in the area of social rights, implementing the reforms already embarked in above mentioned areas, in line with the requirements of the European Social Charter and relevant European standards and ensuring that the post-war recovery phase is as short and effective as possible.

The Council of Europe is looking for 60 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the European Social Charter and social and economic rights.

This Contract is currently estimated to cover up to 60 activities, to be held by 31 December 2024. 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 1 080 000.00 Euros and the total amount of the object of present tender should in principle not exceed 129 000.00 Euros 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.

1. **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:** Alignment of social rights policies, legislative framework and practices on local and national levels in Ukraine with the European standards in the field of social and economic rights, including, but not limited to one or more of the following areas: right to work (vis-à-vis Art. 1-4 European Social Charter (ESC), right to protection of health (vis-à-vis Art. 11 ESC), rights of children (vis-à-vis Art.7&17 ESC), right to benefit from social welfare services (vis-à-vis Art. 14 ESC), rights of persons with disabilities (vis-à-vis Art. 15 ESC), rights of older people (vis-à-vis Art 23 ESC), right to protection against poverty and social exclusion (vis-à-vis Art. 30 ESC), right to housing (vis-à-vis Art. 31 ESC). | 33 |
| **Lot 2:** Capacity enhancement of the Ukrainian national stakeholders to improve the reporting procedure on the implementation of the European Social Charter and raise awareness on the system of collective complaints under the European Social Charter. | 7 |
| **Lot 3:** Trainings and capacity building activities for target groups (students, legal professionals, representatives of the national and regional authorities’ etc.) to develop, implement and promote better quality and gender sensitive social policies in Ukraine in line with the European Social Charter and the case law of the European Committee of Social Rights. | 20 |

Lot 1 concerns national socially-oriented legislation, policy documents and practices at local and regional levels; international documents, including but not limiting to the European Social Charter (Revised), case law of the European Committee on Social Rights and relevant case law of the European Court of Human Rights, their implementation at the national level.

Lot 2 concerns strengthening the capacities of the Ministry of Social Policy of Ukraine, Office of Ombudsperson and other relevant authorities and NGOs to submit quality national and shadow (parallel) reports to the European Committee of Social Rights, as well as advocating for accepting additional provisions of the European Social Charter and ratification of the Additional Protocol providing for a system of collective complaints.

Lot 3 concerns capacity building, awareness-raising activities/campaigns, trainings on social human rights and the European Social Charter in Ukraine, including online trainings and training for trainers, for different audiences.

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section F below), is equivalent to or higher than 3.5 will be selected under each lot.

1. **SCOPE OF THE FRAMEWORK CONTRACT**

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

Under lot 1:

* Assessment of legal acts and policy documents (draft documents and documents in force) and/or practice and provision of advice (in the form of an oral and/or written advice), preparation of legal opinions, comments, recommendations, reports etc. in the field of social and economic rights;
* Development of methodology and conduct of needs assessment on specific aspects at national and regional levels related to the theme of the lot;
* Development of methodology on collecting/processing (disaggregated) data on the impact of social polices (particularly considering the gender perspective and human rights approach);
* Research and comparing Ukrainian regulatory framework with the best European practices in the sphere concerned;
* Conducting monitoring activities on the implementation of strategic documents at national and local levels, including further developing recommendations on best practices to follow;
* Preparing recommendations and/or guidelines on inclusion of social rights in policies of local communities and engagement of CSO active in the social rights sphere in decision making process at the local level;
* Participation and contribution to the conferences, round-tables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations in the field of social and economic rights, including, but not limited to one or more of the following areas: right to work (vis-à-vis Art. 1-4 European Social Charter (ESC), right to protection of health (vis-à-vis Art. 11 ESC), rights of children (vis-à-vis Art.7&17 ESC), right to benefit from social welfare services (vis-à-vis Art. 14 ESC), rights of persons with disabilities (vis-à-vis Art. 15 ESC), rights of older people (vis-à-vis Art 23 ESC);, right to protection against poverty and social exclusion (vis-à-vis Art. 30 ESC), right to housing (vis-à-vis Art. 31 ESC).

Under lot 2

* Assessment of legal acts and policy documents (draft documents and documents in force) and/or practice and provision of advice (in the form of an oral and/or written advice), preparation of legal opinions, comments, recommendations, reports etc. on the reporting procedure on the implementation of the European Social Charter and ratification of the Additional Protocol providing for a system of collective complaints (CC);
* Development of institutional internal regulations, guidelines and information materials on specific aspects related to reporting procedure on the implementation of the European Social Charter and ratification of the Additional Protocol providing for a system of CC;
* Preparing materials and developing curricula for trainings, awareness raising on the ESC reporting procedure and system of CC;
* Participation and contribution to the working group meetings, workshops, consultation meetings, conferences, round-tables, seminars, trainings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations on the reporting procedure on the implementation of the European Social Charter and ratification of the Additional Protocol providing for a system of CC.

Under lot 3

* Development of the methodology and conduct of training needs assessment to evaluate their impact/effectiveness and development of reports/recommendations thereof on specific aspects related to the theme of the lot;
* Development, adaptation of training courses (including on-line) and materials for different target audiences (students, legal professionals, representatives of the national and regional authorities’ etc) on better quality and gender sensitive social policies in Ukraine in line with the European Social Charter and the case law of the European Committee of Social Rights;
* Delivering trainings on better quality social policies in Ukraine in line with the European Social Charter and the case law of the European Committee of Social Rights;
* Provision of recommendations on draft curricula, training courses and materials on specific aspects related to the theme of the lot;
* Participation and contribution to the conferences, round tables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations solely related to the training and capacity building activities for target audiences (students, legal professionals, representatives of the national and regional authorities’ etc.);
* Provision of advice and delivery of trainings on adult learning methodology;
* Development of information campaigns, awareness raising materials on specific aspects related to the theme of the lot.

The above list are not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above lists of expected services, but related to the field of expertise object of the present Framework Contract.

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.

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 unit fees, by completing the table of fees, as attached in Section A of the Act of Engagement. These fees are final and not subject to review.

The Council will indicate on each Order Form (see Section E below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

1. **HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)**

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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.

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider for the relevant lot 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[[1]](#footnote-1) (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 Service 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* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[2]](#footnote-2)

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.

*Eligibility criteria*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

For natural persons:

* A university degree in law, social sciences, international relations, political sciences, human rights or related fields;
* At least 3 years of professional experience in areas related to the fields of expertise as described above under the scope of each lot the Tenderer is applying to;
* Excellent knowledge of the Ukrainian language (mother tongue level);
* Basic knowledge of the English language (at least level A2 of the Common European Framework of Reference for Languages).

For legal persons:

* Capacity to make available, for the purposes of the contract, one or several consultants:
* Holding a university degree in law, social sciences, international relations, political sciences, human rights or related fields;
* With an excellent knowledge of the Ukrainian language (mother tongue level);
* With a basic knowledge of the English language (at least level A2 of the Common European Framework of Reference for Languages);
* At least 3 years of professional experience in areas related to the fields of expertise as described above under the scope of each lot the Tenderer is applying to.

*Award criteria*

* **Criterion 1:** **Quality of the offer (80%),** including
* Thematic expertise in the social human rights sphere, in the areas covered by each specific lot (50%);
* Knowledge of the national and European regional context in the areas concerned by each specific lot (20%);
* Previous similar assignments with international organisations (10%).
* **Criterion 2: Financial offer (20%).**

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**
* **One** **completed and signed copy of the Act of Engagement**.[[3]](#footnote-3)
* **One completed and signed copy of the Annex to the contract 2023/AO/26;**
* FOR NATURAL PERSONS, a detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* FOR LEGAL PERSONS, the detailed CV(s), preferably in Europass Format, of the consultant(s) who is/are proposed to undertake the work under the contract, demonstrating clearly that the eligibility criteria are fulfilled;
* A motivation letter (up to 1 page), demonstrating clearly that the tenderer has the experience and expertise required;
* At least 2 (two) samples of work/deliverables references/links to publications, legal assessments/analyses, reports, studies, including records of trainings/conferences etc. relevant to the experience the tenderer claims in the areas covered by the lot(s) to which the tenderer applies (can be submitted in English or Ukrainian);
* Contact details of 3 (three) relevant referees, from among previous employers/clients/international organisations (name, surname, phone number and e-mail);
* FOR LEGAL PERSONS AND PRIVATE ENTERPRENEURS: copy of the registration documents (in Ukrainian) with brief translation into English of the key information about type of economic activities.

**All documents shall be submitted in English, except for those which may be submitted in Ukrainian, as specified above. 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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**for the provision of FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES UNDER THE COUNCIL OF EUROPE PROJECT “ENHANCED SOCIAL PROTECTION IN UKRAINE”**

**2023/AO/26**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

Council of Europe Office in Ukraine

8 Illinska street 7th entrance 6th floor

Kyiv 04070 Ukraine

* 1. **Background**

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.[[4]](#footnote-4)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 120 calendar days as from the closing date for their submission.

**ARTICLE 3 – DURATION OF THE CONTRACT**

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

**ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE**

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

**ARTICLE 5 – Content of the tender file**

The tender file is composed of:

* Technical specifications/Terms of reference;
* Tender rules;
* An Act of Engagement, including the Legal Conditions of the contract.

**ARTICLE 6 – LEGAL FORM OF TENDERERS**

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: iryna.ostapa@coe.int.

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **electronically.**

**Electronic copies** shall be sent only to cdm@coe.int with reference no. **2023/AO/26** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 10 April 2023 by 23:59 CET.

**ARTICLE 10 – ASSESSMENT OF TENDERS**

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

**ARTICLE 11 – NEGOTIATIONS**

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

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**
* **One** **completed and signed copy of the Act of Engagement**.[[5]](#footnote-5)
* **One completed and signed copy of the Annex to the contract 2023/AO/26;**
* FOR NATURAL PERSONS, a detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* FOR LEGAL PERSONS, the detailed CV(s), preferably in Europass Format, of the consultant(s) who is/are proposed to undertake the work under the contract, demonstrating clearly that the eligibility criteria are fulfilled;
* A motivation letter (up to 1 page), demonstrating clearly that the tenderer has the experience and expertise required;
* At least 2 (two) samples of work/deliverables references/links to publications, legal assessments/analyses, reports, studies, including records of trainings/conferences etc. relevant to the experience the tenderer claims in the areas covered by the lot(s) to which the tenderer applies (can be submitted in English or Ukrainian);
* Contact details of 3 (three) relevant referees, from among previous employers/clients/international organisations (name, surname, phone number and e-mail);
* FOR LEGAL PERSONS AND PRIVATE ENTERPRENEURS: copy of the registration documents (in Ukrainian) with brief translation into English of the key information about type of economic activities.
1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **electronically.**

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023/AO/26** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 10 April 2023 by 23:59 CET.

1. It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part. [↑](#footnote-ref-1)
2. 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 requirements listed above under “exclusion criteria” are met;
	* A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met. [↑](#footnote-ref-2)
3. 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-3)
4. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-4)
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. [↑](#footnote-ref-5)