



CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF HUMAN RIGHTS AND THE ENVIRONMENT

2024/AO/58

Object of the procurement procedure ▶	International consultancy services in the field of human rights and the environment
Project ▶	The tender will cover projects and co-operation activities of the Department for Implementation of Human Rights, Justice and Legal Co-operation Standards implemented in the field of human rights and the environment
Organisation and buying entity ▶	Council of Europe Department for Implementation of Human Rights, Justice and Legal Co-operation Standards Directorate General Human Rights and Rule of Law (DGI)
Type of contract ▶	Framework Contract
Duration ▶	Until 31 December 2028
Expected starting date ▶	01 October 2024
Tender Notice Issuance date ▶	24 July 2024
Deadline for tendering ▶	09 September 2024 23h59 CET

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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** and collect the required **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 INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF HUMAN RIGHTS AND THE ENVIRONMENT

2024/AO/58

A. BACKGROUND

Human rights and the environment are a priority for the Council of Europe, affirmed during the Reykjavik Summit of the Council of Europe member states¹, where it was underlined that a clean, healthy, and sustainable environment is integral to the full enjoyment of human rights. Recognizing the urgent need to address issues such as climate change, environmental degradation, loss of biodiversity, pollution, and unsustainable management of natural resources, the Council of Europe emphasizes that these challenges threaten a wide range of human rights, including the right to life, the right to respect for private and family life, protection of property and etc. Acting as a nexus between the environment and human rights, the Council of Europe is striving to strengthen environmental protection through a better application of European and international standards, including the jurisprudence of the European Court of Human Rights (ECtHR). In this context, the Council of Europe continues to provide support to its member states as well as to non-member states within its co-operation frameworks with a view of promoting development and implementation of the environmentally friendly and sustainable policies as well as enhancement of the capacities and awareness of relevant actors in the field.

The Council of Europe is looking for a maximum of 50 Providers (provided enough tenderers meet the criteria indicated below) to support the implementation of co-operation projects, as well as Ordinary Budget activities, implemented in the members states and non-member states of the Council of Europe, requiring specialised expertise. This includes competences on the interconnection between human rights and the environment, general principles of environmental protection, integration of human rights considerations into environment-related policies and legislation, legal procedures and mechanisms at the international and at the level of beneficiary jurisdictions, general principles for environmental litigations, human rights and environmental due diligence. This procedure is launched and carried out by the Council of Europe Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards. However, the bidders' attention is drawn to the fact the ensuing Framework Contract may be used also by other departments of the Council of Europe, to order services falling within the scope of the contract.

This Contract is currently estimated to cover up to 400 activities to be held by 31 December 2028. 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 tentative budget of the projects' activities in the areas mentioned above in the Council of Europe member states and non-member states amounts up to 10,000,000 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.

B. LOTS

The present tendering procedure aims to select providers to support the implementation of the project and co-operation actions of the Council of Europe's Department for Implementation of Human Rights, Justice and Legal Co-operation Standards and is divided into the following lots:

¹ Fourth Summit of Heads of State and Government of the Council of Europe, Reykjavík, Iceland, 16-17 May 2023.

Lots	Maximum number of Providers to be selected
Lot 1: Needs assessment and legal/regulatory review, analytical and comparative research and recommendations on issues related to the environment and human rights	25
Lot 2: Capacity building and awareness raising on issues related to the environment and human rights	25

Lot 1 concerns consultancy services of conducting/providing assessments, baseline studies, analyses, reviews, legal opinions of the laws and other similar formats to align the legal, regulatory framework and judicial practice with the Council of Europe and international standards relevant to the domain of human rights and the environment.

Lot 2 concerns consultancy services aimed at building capacity and raising awareness among various target groups. These groups include representatives of the judiciary, executive branches, current and future legal professionals, civil society organisations, Ombudspersons' Offices, national human rights institutions, and business enterprises. These consultancy services focus on the interconnection of human rights and the environment, general principles for environmental litigation under the European Convention on Human Rights, access to information, justice, and public participation in decision-making, and other remedies in environmental cases, etc.

The Council will select the abovementioned number of Providers per lot, provided enough tenderers 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).

C. SCOPE OF THE FRAMEWORK CONTRACT

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

Under Lot 1: Needs assessment and legal/regulatory review, analytical and comparative research and recommendations on issues related to the environment and human rights

The scope of Lot 1 may include the following (not exhaustive):

- Development of (comparative) analytical reports (assessments, analyses, reviews, baseline studies, etc.) on existing mechanisms, rules and procedures, court law practice, reform plans, strategies, etc., in the field of human rights and the environment and providing recommendations in line with Council of Europe (including ECtHR case law) and international standards and comparable good practices on human rights and the environment;
- Provision of advice, comments, instructions etc. (in the oral and/or written form), research, analytical notes, including guidance to national experts in the process of development/review of different format of documents (legal and policy documents, reports, assessments, baseline studies etc.);
- Provision of expertise in the form of assessments, legal opinions of the laws, by-laws and policy documents (drafts and in force) and/or practice of their implementation and their compliance with the Council of Europe (including ECtHR case law) and international standards and with due regard to the national context (if necessary);
- Development and contribution to the development of information and guiding materials/manuals/instructions methodologies/ compilations on the nexus between human rights and the environment;
- Participation in and contribution to different types of activities (expert meetings, peer-to-peer exchanges, working group meetings, study visits, round tables, seminars, workshops, consultation meetings, etc.), including by moderating/facilitating discussion, coordinating groups of professionals, developing and delivering thematic presentations;

- Thematically focused terminological proofreading of documents.

Under Lot 2: Capacity building and awareness raising on issues related to the environment and human rights

The scope of Lot 2 may include the following (not exhaustive):

- Development of training modules related to the interaction between the environment and human rights and teaching methodology based on international/comparative and the European Court of Human Rights' case law with regard to the needs specific for a certain group of participants;
- Preparation of relevant (training) materials, design and delivery of tailored training sessions, workshops, seminars, thematic meetings and similar events in relation to the specific needs of different target groups concerning the interconnection of human rights and the environment;
- Adaptation of relevant HELP courses (e.g. Human Rights and Environment, etc.) to the domestic context and/or tutoring of the e-learning course for a selected group of beneficiaries;
- Training evaluation and preparation of post training/workshop reports;
- Delivery of expertise in the form of guidelines, assessments, research, analytical notes, reports, manuals/instructions and other similar formats;
- Participation in and expert contribution to different types of activities (peer-to-peer exchanges, working group meetings, study visits, round tables, seminars, workshops, consultation meetings, mentorship programmes, coordination meetings, etc.), including moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations;
- Development/Contribution of information and guiding materials/manuals/instructions in respective thematic area;
- Design of awareness raising and advocacy campaigns/materials aiming to promote environmental protection through human rights standards;
- Design of outreach activities aimed at promoting good practices in the areas of human rights and environmental protection for general public;
- Development and/or proofreading of informational and media products (publications, leaflets, brochures, news, social videos, media digests etc.).

The above list of services is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned above but related to the field of expertise in the scope of the present Framework Contract.

In terms of **quality requirements**, the pre-selected 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 Framework 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 Framework 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).

D. 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.

E. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the consultation and the subsequent selection procedures 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 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, the provider from 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 quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the 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.

F. ASSESSMENT

Exclusion criteria (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:

² 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 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 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.

- 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;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- 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).

Eligibility criteria for all Lots

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

- A higher education degree or qualification equivalent to a master's degree ([2nd cycle of the Bologna process framework of qualifications for the European Higher Education Area](#)) in law, political/social sciences, sustainable development or related fields;
- At least 3 (three) years of professional experience in human rights and environmental law and polices, out of which at least 2 (two) years were acquired in an international context;
- Advanced knowledge of the interconnection of human rights and environmental issues, demonstrated through previous experience (e.g. published papers or alternatively submitted samples of previously written work, experience in giving lectures on relevant topics, etc.);
- Excellent knowledge of the English language (C1 level of the [Common European Framework of Reference for Languages](#) (CEFR)).
- Being a registered legal entity or a private entrepreneur specialised in the field of human rights, environmental law (for legal persons only).

Award criteria – LOT 1

- Quality of the offer (80 points), including:
 - Experience in conducting analytical research, revision of policy documents and legal drafting within the thematic area of the tender call (60 points);
 - Co-operation with/previous assignments with international organisations, research and training institutions and/or civil society organisations within the thematic area of the tender call (10 points);
 - Experience in delivering presentations (10 points).
- Financial offer (20 points)

Award criteria – LOT 2

- Quality of the offer (80 points), including:
 - Experience in designing training curricula/materials and delivering trainings and other capacity building activities in the areas covered by this call (40 points);
 - Experience in designing and conducting awareness-raising activities, disseminating knowledge, and preparing presentations in the areas covered by this call (40 points)
- Financial offer (20 points).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- **One completed and signed copy of the Act of Engagement.**⁴
- Registration documents, for legal persons only;
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria (together with a short description of the relevant previous experience on the topic);
For legal persons, the CV, preferably in Europass Format of each natural person who shall be allocated to the execution of the contract clearly showing that they satisfy the eligibility criteria;
For consortia: a detailed CVs, preferably in Europass Format, of all consortium members clearly demonstrating that they satisfy the eligibility criteria;
- A list of all owners and executive officers (for legal persons only);
- Contact details of 3 (three) referees;
- At least two samples of previous work in English (in respect of Lot 1 assessment/report/baseline study or analyses and in respect of Lot 2 - articles, handbooks, research analysis, presentations or training materials, etc.) in the area of the scope of the tender call;

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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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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF HUMAN RIGHTS AND THE ENVIRONMENT

2024/AO/58

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General Human Rights and Rule of Law (DGI)

1.2 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.⁵

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

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 180 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: dgi-coordination@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. **2024/AO/58** 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 9 September 2024 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.

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⁵ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **One completed and signed copies of the Act of Engagement.**
 - Registration documents, for legal persons only;
 - A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria (together with a short description of the relevant previous experience on the topic); For legal persons, the CV, preferably in Europass Format of each natural person who shall be allocated to the execution of the contract clearly showing that they satisfy the eligibility criteria; For consortia: a detailed CVs, preferably in Europass Format, of all consortium members clearly demonstrating that they satisfy the eligibility criteria;
 - A list of all owners and executive officers (for legal persons only);
 - Contact details of 3 (three) referees;
 - At least two samples of previous work in English (in respect of Lot 1 assessment/report/baseline study or analyses and in respect of Lot 2 - articles, handbooks, research analysis, presentations or training materials, etc.) in the area of the scope of the tender call;
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2) HOW TO SEND TENDERS?

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