



## TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

### Purchase of national consultants services of delivering trainings and tutoring on HELP course on internal displacement

#### Contract N° 8562/2019/RC/FC/1

The Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: Building Solutions" in the framework of the Council of Europe Action Plan for Ukraine 2018-2021 which aims to strengthen the capacities of internally displaced persons (hereinafter - IDPs), displaced professionals, displaced institutions and other key stakeholders to improve the human rights protection of IDPs in Ukraine.

The Project elaborated online course on internal displacement (hereinafter – the Course) within the European Programme for Human Rights Education for Legal Professionals (HELP). The Course contains online sessions as well as offline thematic trainings. It is adapted to Ukrainian realities including Ukrainian legal regulations and relevant national court practices. In cooperation with partner institutions (among them - National School of Judges, Coordination Centre for Free Legal Aid Provision, National Bar Association, universities including displaced educational institutions, leading NGOs providing legal counselling etc.) the Project will organize trainings and tutoring devoted to promotion of HELP course on internal displacement for different target groups of legal professionals (judges, lawyers and advocates of the system of FLA, advocates of human right NGO's, MA students of legal faculties etc.). Each trainer and partner institution will be supported with relevant informational and methodological resources by the Project. At the end of the implementation period, the learning outcomes and impact of the trainings will be evaluated. In that context, it is looking for Providers for the provision of services of delivering trainings and tutoring on HELP course on internal displacement **to be requested by the Council on an as needed basis.**

#### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>1</sup>, 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: trainers, HELP course on IDPs.** 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 Contact details indicated below for any question you may have. **All questions shall be submitted at least 3 (three) 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, HELP course on IDPs.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 August 2020
Deadline for submission of tenders/offers ▶	<b>19 August 2019</b>
Email for submission of tenders/offers ▶	<a href="mailto:Internally.Displaced.Persons@coe.int">Internally.Displaced.Persons@coe.int</a>
Email for questions ▶	<a href="mailto:Internally.Displaced.Persons@coe.int">Internally.Displaced.Persons@coe.int</a>
Expected starting date of execution ▶	<b>28 August 2019</b>

<sup>1</sup> 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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

In the framework of the Council of Europe Action Plan for Ukraine 2018-2021 the Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: building solutions" (hereinafter – the Project) which aims to strengthen the capacities of internally displaced persons, displaced professionals, displaced institutions and other key stakeholders to improve the human rights protection of IDPs in Ukraine. Specific objectives of the Project are enhancing competencies of IDPs and displaced professionals in improving services for and by IDPs; strengthening the legal and regulatory framework on internal displacement and empowering IDP agency and integration at local and regional level.

Main National Partners of the Project: Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine, Ministry of Social Policy of Ukraine, Ministry for Regional Development, Building and Housing of Ukraine, Ministry of Education and Science of Ukraine (Department of Higher Education), Ukrainian Parliament Commissioner for Human Rights, State Fund for Youth Housing Assistance, Coordination Centre for Free Legal Aid Provision, National School of Judges of Ukraine, National Notary Chamber of Ukraine, displaced universities, civil society organisations and local authorities.

Target groups of the Project: internally displaced persons, displaced professionals, displaced institutions; national policy-makers, national, regional and local authorities working on IDP issues, civil servants, judges, lawyers, civil society organizations.

Final beneficiaries of the Project are internally displaced persons and communities hosting IDPs.

**The Council of Europe is looking for up to 35 (thirty five) Providers meet the criteria indicated below in order to implement HELP course on internal displacement through delivering trainings and tutoring on the basis of the partner institutions.**

For information purposes only, the total budget of the Project amounts to 1 800 000 Euros and 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.

### Scope of the Framework Contract

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

- Design an agenda of trainings/informational sessions based on the HELP course on internal displacement and adapted to the learning profile of participants;
- Deliver trainings/informational sessions based on the HELP course on internal displacement;
- Prepare hand-outs, cases, interactive learning activities, discussions etc. for the participants of trainings;
- Invite and /or select participants of the trainings;
- Provide online and offline tutoring (which may include consulting of participants online and offline on the Course related matters; elaboration and publication of informational materials, moderation of forum discussions via HELP online platform; updating of national adaptation materials of the HELP course on internal displacement and uploading new materials on the tutor's web-pages);
- Maintain communication with logistic company responsible for organisational/technical matters of the trainings;
- Evaluate the level of knowledge/competencies gained by the participants of the training as well as following impact of the trainings on their everyday practice.

The list of deliverables 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 them and within the expertise of the consultants as described under eligibility and award criteria below.

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).

### 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 this consultation and the subsequent selection are 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 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 1 (one) working day 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<sup>2</sup> (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.

### 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)<sup>3</sup>

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;
- 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.

<sup>2</sup> It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

*Eligibility criteria:*

- A university degree in law / political sciences / social sciences/ public administration / or related fields;
- At least 3 years' experience of work in the field of law;
- Successful accomplishment of training for trainers session on HELP online course on internal displacement (<http://help.elearning.ext.coe.int/>);
- Experience of managing HELP online courses platform.

*Award criteria:*

- Quality of the offer (80%), including:
  - Relevance of the experience of the tenderer in the areas covered by this call (20%);
  - Experience in the field of delivering trainings, lectures in the areas of human rights (20%);
  - Experience in the field of law in the context of internal displacement in Ukraine, including knowledge of the standards and recommendations of the Council of Europe and/or the national legislation and legal practices of protection of IDPs (20%);
  - Academic background (20%);
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible tenderers. Multiple tendering is not authorized.

## F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (See attached);
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria, including knowledge of respective language(s);
- Examples of previous fulfilled assignments which may correspond to the expected deliverables and eligibility criteria (for example, descriptive motivation letter, agendas of trainings conducted, informational materials documents drafted etc.).

**Act of Engagement and CV shall be submitted in English, failure to do so will result in the exclusion of the tender. Other supporting documents can be provided in English or Ukrainian.**

**If any of the documents listed above are missing, the tender will not be considered.**

**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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<sup>4</sup> 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.