**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of expertise services for the development of awareness raising tools and activities on personal data protection for youth and children**

The Council of Europe is currently implementing, jointly with the European Union, a co-operation Project on "Protecting human rights, rule of law and democracy through shared standards in the Southern Mediterranean" (South Programme V).

In that context, it is looking for Provider(s) for the provision of intellectual and technical services to be requested by the Council on an as needed basis to be requested by the Council on an as needed basis.

1. 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 Europe[[1]](#footnote-1), the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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, a legal person or consortium of natural and/or legal person.]

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Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender – Awareness raising on data protection for youth and children.** 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 - Awareness raising on data protection for youth and children**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 August 2025 |
| **Deadline for submission of tenders/offers ►** | **21 September 2023** |
| **Email for submission of tenders/offers ►** | **Imen.Bahri@coe.int** |
| **Email for questions ►** | Imen.bahrin@coe.int |
| **Expected starting date of execution ►** | 16 October 2023 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The South V programme “Protecting human rights, rule of law and democracy through shared standards in the Southern Mediterranean" aims at consolidating the achievements of co-operation started in 2021 with the objectives, notably, the development in the countries of the region of a common legal space that would be compatible with European legal principles. The Council of Europe and the European Union closely work together with the beneficiary countries of the southern Mediterranean (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine\* and Tunisia) to promote a strong common legal space that would be aligned with European standards and respect the priorities and specific needs of each country.

Within its component focused on the protection of personal data, the Programme aims at enlarging the common legal space between Europe and the countries of the south of the Mediterranean on that specific topic, on the basis of relevant international legal standards.

One of the projects is the development and the dissemination of awareness raising tools and the holding of awareness raising activities for youth and children on the topic of the protection of personal data. These tools and activities are intended to be develop in Tunisia as a pilot project to be possibly replicated and contextualised in other countries of the Programme.

The Council of Europe is looking for a maximum of 20 (twenty) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with particular expertise on personal data protection, youth participation and animation, and communications.

This Contract is currently estimated to cover up to 30 (thirty) activities, to be held by 31/08/2025. 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.

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.

**Lots**

The present tendering procedure aims to select Providers to support the implementation of the project and is divided into the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| Lot 1: Data protection experts, with specific skills and experience in the youth sector | 17 |
| Lot 2: Communications professionals, and/or specialists with specific skills and experience in respect of youth/children and youth participation and animation. | 3 |

**Lot 1** concerns the conception, drafting, development of practical tools (leaflets, games, posters…) to sensitise youth, children and possibly involved adults such as parents and teachers, to the principles and elements necessary to the protection of their personal data and those of others. As much as possible and when appropriate, this work will be done following participation methods, with the help and guidance of specialists in that area.

**Lot 2** concerns the development and the implementation of participation strategies for the involvement of children and youth in the development of data protection awareness raising tools and activities, advising the project team and scientific experts, and, more generally, providing support for the good targeting, running and achievement of the project.

The Council will select the abovementioned number of Providers 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**

* Developing personal data protection awareness projects aimed at young people and children;
* Developing various tools to sensitize children and young people to the protection of personal data by adopting participatory approach;
* Preparing training modules and/or support documents;
* Training a group of qualified trainers in the use of the tools developed.
* Running interactive awareness raising sessions;
* Regular monitoring and evaluation of activities to measure their impact and make adjustments if necessary;
* Participating in and conducting meetings, training sessions and workshops and reflections sessions, including with stakeholders and partners, in situ or via video-conference platforms;
* Writing reports and making recommendations

**Under lot 2:**

* Identifying key Tunisian national actors able to promote the right to the protection of personal data among young people;
* Developing communication strategies aimed at children and young people;
* Participating in and animating of training sessions and workshops and reflection sessions

The above lists are 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 French and Arabic (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 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 number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

1. 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 5 (five) 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[[2]](#footnote-2) (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.

1. 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]](#footnote-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, 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;
* 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

* **Lot 1**:
* Higher education in law, human sciences, education science or any other relevant high education;
* Professional experience (minimum 2 years) in the area of personal data protection, and notably of international standards;
* Professional experience related to youth.
* **Lot 2:**
* Higher education in law, human sciences, communications or any other relevant high education;
* Professional experience (minimum 2 years) and good command of participatory approaches for children and youth in the development of projects;
* Experience in the development of information tools, notably playful, targeting children and youth (documents, games, posters, etc…)

Only offers written in English or French will be accepted.

*Award criteria*

Quality of the offer (80%), including:

* **Lot 1:**
  + Documented experience in the area of data protection, education and youth;
  + Experience of activities carried out following participatory methods would be an asset;
  + Ability to adapt to context and cultural constraints
  + Background in training sessions animation and seminars contribution;
  + Capacity to respect the time limits.
  + Demonstrated comprehension of the constraints related to national and international technical assistance projects;
  + Professional knowledge of English and/or French languages; knowledge of Arabic language would be an asset;
  + Sound interpersonal and communication skills.
* **Lot 2** 
  + Documented experience in the area of participatory methods applied to youth;
  + Ability to adapt to context and cultural constraints
  + Capacity to respect the time limits.
  + Demonstrated comprehension of the constraints related to national and international technical assistance projects;
  + Professional knowledge of French or English, as well of Arabic languages;
  + Sound interpersonal and communication skills;
  + Background in training sessions animation and seminars contribution.
* Financial offer 20%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

* **A completed and signed copy of the** **Act of Engagement[[4]](#footnote-4)** (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;
* 3 (three) reference contacts.

**All documents shall be submitted in English or French], 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.**

**\* \* \***

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
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 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). [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)