**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of local consultancy services in the field of communication in the Republic of Moldova**

***Contract N° BH9161/2023/N19***

The Council of Europe is currently implementing the Project “Enhancing Employment Rights in the Republic of Moldova” in the framework of the Council of Europe Action Plan for the Republic of Moldova for 2021-2024. In that context, it is looking for Provider(s) for implementing communication activities in the field of social labour rights, including employment rights of persons from vulnerable groups in the Republic of Moldova.

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-2), 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 180 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 consortia of legal and/or natural persons.

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 - BH9161/2023/N19** 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 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 - BH9161/2023/N19**

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| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 December 2025 |
| **Deadline for submission of tenders/offers ►** | **19 October 2023** 23h59 CET |
| **Email for submission of tenders/offers ►** | [socialrights.tender@coe.int](mailto:socialrights.tender@coe.int) |
| **Email for questions ►** | [socialrights.tender@coe.int](mailto:socialrights.tender@coe.int) |
| **Expected starting date of execution ►** | 13 November 2023 |

1. EXPECTED DELIVERABLES

**Background of the Project**

Social rights are core European values enshrined in several formal commitments undertaken by Council of Europe Member States, including the Republic of Moldova. Respect for and the promotion of social rights are essential in attaining sustainable democracy. In accordance with the priorities set in the Council of Europe Action Plan for the Republic of Moldova for 2021-20241, the Council of Europe and national authorities agreed to extend their cooperation in the field of social rights.

The Council of Europe is currently implementing the Project “Enhancing Employment Rights in the Republic of Moldova”. The project is running from 15 December 2022 to 31 December 2025. The project is co-funded by the Austrian Development Agency and the Council of Europe.

The overall objective of the project is to enhance the observance of social labour rights in line with international standards and facilitate the access of persons from vulnerable groups to vocational education and training and subsequent employment. In addition, the project aims to improve social labour rights protection and civil society participation, it will incorporate cross-cutting issues such as environmental protection, gender equality and human rights, as well as it will target vulnerable groups and not in education, employment and training (hereinafter – NEET) youth.

The project will follow the Moldovan legislative and strategic framework, in line with European standards, and will pay due regard to the priorities of the EU Association Agreement with the Republic of Moldova, the European Commission Opinion on the Republic of Moldova application for the EU membership as well as the UN 2030 Agenda for Sustainable Development.

Particularly, the project will develop the capacities of government officials to promote and protect social and employment rights, particularly employment rights of persons from vulnerable groups, in line with European Standards. In this regard the Labour Code and the relevant national legislation and practices will be harmonized with international standards of relevant field. The acceptance by the Republic of Moldova of additional provisions of the European Social Charter will be promoted and facilitated. The capacities of different actors will be further developed to effectively implement the new gender sensitive legislative amendments in the area of labour rights of persons from vulnerable/disadvantaged groups and relevant international standards. The National Labour Inspectorate will be capacitated to efficiently carry out its mandate in a gender sensitive manner.

The project will also assist the vocational education and training (hereinafter – VET) institutions to become more inclusive and gender sensitive, and better able to identify and attract girls and boys/women and men from vulnerable groups and NEET youth. To achieve this outcome a “National Network for NEET Integration in VET system” will be established. The needs will be assessed in several regions to capture the situation of NEET youth. The capacities of teachers and support services regarding students (girls and boys/women and men) with special needs within VET will be strengthened.

The project will further facilitate the access to the labour market for vulnerable groups in the VET system. In this regard the project will consolidate the capacities of the VET management and teaching staff, as well as representatives of civil society organisations, trade unions and the National Agency for Employment to support VET students from vulnerable groups to integrate in labour market. Soft skills and understanding of labour rights will be increased among VET students from vulnerable groups. The employment opportunities of persons with disabilities, as well as employment of persons from vulnerable groups will be promoted among potential employers.

The Council of Europe is looking for **10 (ten)** Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the field of communication *(writing and social media management, web development, graphic design, public relations, marketing)* for implementing communication related activities in the field of social labour rights, including employment rights of persons from vulnerable groups in the Republic of Moldova.

This Contract is currently estimated to cover up to 10 activities, to be held by 31 December 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.

For information purposes only, the total budget of the project amounts to 1,000,000.00 Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros tax exclusive** for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

**Scope of the Framework Contract**

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

* *provide advice on and organise awareness raising campaigns and information sharing activities on the promotion and protection of social labour rights, promotion of the acceptance of additional provisions of the European Social Charter, access to employment of persons from vulnerable groups, the benefits of employment of persons with disabilities;*
* *organise awareness raising activities on sharing good practices regarding the non-formal education and the role of civil society in this process;*
* *organise awareness raising and information sharing activities on the role and mandate of the State Labour Inspectorate;*
* *organise awareness raising and information sharing activities to promote the national network for NEET integration in the VET system;*
* *provide advice on and develop web and social media pages, produce media content (social and mass media) for promoting VET institutions among vulnerable groups and NEET youth;*
* *develop communication strategies and conduct communication campaigns based on developed* *strategies for raising the awareness on VET system among persons from vulnerable groups and NEET youth etc.*

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

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 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.

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.

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 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 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[[2]](#footnote-3) (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-4)

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*

**For natural persons**:

* University degree in media and communication, social sciences, international relations, human rights or related fields;
* At least 3 years of professional experience in the areas covered by the tender;
* Excellent knowledge of the Romanian 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[[4]](#footnote-5):**

* At least 3 years of professional experience in the areas covered by the tender;
* Capacity to make available, for the purposes of the contract, one or several consultants who meet the following criteria:
  + University degree in media and communication, social sciences, international relations, human rights or related fields;
  + At least 3 years of professional experience in areas covered by the tender.
  + Excellent knowledge of the Romanian language (mother tongue level);
  + Basic knowledge of the English language (at least level A2 of the Common European Framework of Reference for Languages);

*Award criteria*

* **Criterion 1:** **Quality of the offer (70%),** including:
* Relevance of the professional experience of the tenderer in the areas covered by the tender, including in the sphere of social labour rights in the Republic of Moldova (50%);
* Previous similar assignments with international organisations (20%).
* **Criterion 2: Financial offer (30 %).**

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.

1. DOCUMENTS TO BE PROVIDED

* **A completed and signed copy of the** **Act of Engagement[[5]](#footnote-6)** (See attached);
* FOR NATURAL PERSONS:
* a **detailed CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* **a motivation letter** (up to 1 page)which demonstrates clearly that the tenderer has the experience and expertise required and include additionally the following information:
* **contact details of 3 (three) relevant referees**, from among previous employers/clients/international organisations (name, surname, phone number and e-mail);
* **at least 2 (two) samples of work/deliverables** (as annexes) or references/links to awareness raising campaigns, information sharing activities, publications, information materials, relevant to the experience the tenderer claims (should submit one in English and/or one in Romanian);

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)which demonstrates clearly that the tenderer has the experience and expertise required and additionally include the following information:
* **a list of all consultants (natural persons)** who shall be allocated to the execution of the contract;
* **contact details of 3 (three) relevant referees**, from among previous employers/clients/international organisations (name, surname, phone number and e-mail);
* **at least 2 (two) samples of work/deliverables** or references/links to awareness raising campaigns, information sharing activities, publications, information materials, relevant to the experience the tenderer claims (should submit one in English and/or one in Romanian);
* **copy of the registration documents** (in Romanian) 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 Romanian, 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.**

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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-2)
2. 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. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
4. The term “legal person” includes individuals, registered in accordance with the national legislation as individual entrepreneurs. [↑](#footnote-ref-5)
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-6)