

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure/ One-off contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of consultancy services for development of guidelines and indicators for detecting ML/TF and proliferation for customs and border police and delivery of capacity building activities PMLTF-2023-02

The Council of Europe is currently implementing a Project on "Preventing Money Laundering and Terrorist Financing in Serbia". The aim of the project is to support Serbia in addressing systemic deficiencies and bottlenecks related to AML/CFT policies, by focusing on specific segments of the prevention and enforcement system.

For the purpose of implementation of activities foreseen in the Action workplan, the ECCD seeks to identify a consultant to develop specific indicators for ML, TF and proliferation, as well as guidance on risk based targeted controls for customs officials and border police, as well as to deliver a training programme for trainers (see Section A of the Act of Engagement).

A. TENDER PROCEDURE 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 Europe¹, 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 **one-off 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 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 – Consultancy for enhancing capacities of customs and border police.** 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 Council of Europe 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 - Tender – Consultancy for enhancing capacities of customs and border police.**

| | |
|---|---|
| Type of contract ▶ | One-off contract |
| Duration ▶ | Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement) |
| Deadline for submission of tenders/offers ▶ | 07 March 2023 |
| Email for submission of tenders/offers ▶ | contact.econcrime@coe.int |
| Email for questions ▶ | contact.econcrime@coe.int |
| Expected starting date of execution ▶ | 14 March 2023 |

¹ 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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (see attached).

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services to be provided;
- 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.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,² you declare on your honour not being in any of the below situations)

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;

Eligibility criteria

- University Degree in Law or Economics or related field
- At least 5 years of hands-on experience in positions related to anti-money laundering, countering-terrorism financing and prevention of proliferation.
- Extensive knowledge of border procedures and practices on detection and processing of ML/TF and proliferation/proliferation financing.
- Excellent knowledge of international standards and best practices in the area of money laundering, terrorism financing and proliferation/proliferation financing;
- Experience in delivering trainings;
- Very good writing and presentation skills;
- Proficiency in English (at least level C1 of the CEFR for English);
- Knowledge of Serbian legal framework on combating money laundering would be an advantage

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 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.

Award criteria

- Quality of the offer (80%), including:
 - Relevant experience of the tenderer in anti-money laundering, countering-terrorism financing and prevention of proliferation, including:
 - Length of experience;
 - Proven track record of practical achievements in the given field;
 - relevant experience in delivering trainings of trainers;
- Financial offer (20%).

For Consultancy ONLY: The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (see attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- Registration documents, for legal persons only;
- **Updated CV**

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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³ The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.