

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Provision of consultancy services in the framework of activities of the Education Department in the field of Ethics, Transparency and Integrity

The Council of Europe is currently implementing series of activities on Ethics, Transparency and Integrity on countering education fraud within the framework of the [Recommendation](#) CM/Rec(2022). In that context, it is looking for Provider(s) for the provision of consultancy services to be requested by the Council on an as needed basis.

#### A. 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<sup>1</sup>, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 for intellectual services) and €171,000 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 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 – Countering Education Fraud Consultancy Application**. 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 – Countering Education Fraud Consultancy Application**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2023
Deadline for submission of tenders/offers ►	<b>11 April 2023</b>
Email for submission of tenders/offers ►	<b>DGII.EDU.Dept@coe.int</b>
Email for questions ►	DGII.EDU.Dept@coe.int
Expected starting date of execution ►	02 May 2023

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

## B. EXPECTED DELIVERABLES

### Background of the Project

In July 2022, the Committee of Ministers of the Council of Europe adopted a [Recommendation](#) addressed to its 46 member states aimed at assisting them in **combating fraud in the field of education**.

The recommendation follows four years of work in the framework of the ETINED platform of the Council of Europe on ethics, integrity, and transparency in education, and addresses the need for a common European approach in this field (more information on [www.coe.int/etined](http://www.coe.int/etined)).

This new legal standard is structured in four dimensions: prevention, prosecution, international cooperation, and monitoring. The text makes six main recommendations to member States of the Council of Europe:

- to promote quality education by eliminating education fraud;
- to protect pupils, students, researchers, and staff at all levels of education from organisations and individuals engaged in selling (and advertising) fraudulent services;
- to provide support for the implementation of preventative and protective measures, as well as a culture of equality of opportunity at all levels and in all sectors of education and training and in the transition between these sectors;
- to monitor technological developments that could support new forms of fraud;
- to facilitate international cooperation in the field;
- to support wide dissemination of the recommendation.

In order to promote the implementation of the Recommendation within the member States, the ETINED Platform has endorsed a series of activities to be developed in the course of its mandate, aiming, among others, at disseminating the Recommendation through awareness-raising events, developing tools on education integrity, contributing to the implementation of a monitoring observatory on education fraud.

The Council of Europe is looking for a maximum of 15 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on countering education fraud.

This Contract is currently estimated to cover up to 25 activities, to be held by the end of 2023. 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 activities of the ETINED Platform amounts to 131.000 Euros and the total amount of the object of present tender **shall not exceed 30,000 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

The framework contract will be valid until the end of 2023 and can be extended until the end of 2024 if needed. Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

- Draft, review and/or provide policy or legal advice, opinions and recommendations on countering education fraud;
- Provide thematic expertise related to the above mentioned area;
- Design/develop tools and methodologies for a glossary on education fraud/integrity;
- Contribute to the feasibility study and the implementation of an observatory that monitors the impact of education fraud through data collection and comparative analysis;
- Design and conduct research and desk studies, reviews, surveys, interviews, comparative analysis, and participate in monitoring visits;
- Translate academic research findings into practical advice and written briefs targeted at non-academic audiences;
- Draft analytical reports (e.g. evaluation, baseline, gap analysis);
- Collect, review and present good practices;

- Synthesise existing evidence into briefs and practical guidance;
- Design/develop visibility materials (e.g. leaflets, brochures, infographics, posters) and visuals (e.g. logos, illustrations);
- Design/develop multimedia (e.g. video tutorials), digital tools and resources;
- Contribute to the preparation (e.g. drafting concept notes and programmes) of project activities (working/expert group meetings, workshops, conferences, high-level meetings, podcasts and other audiovisual products, roundtables, training seminars, webinars) and participate (e.g. giving presentations, moderating sessions, reporting on the results) at these activities, which may be organised as physical or online meetings.

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).

#### 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 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.

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3 (out of 5) will be selected.

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 3 (three) 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<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, 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*

<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 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.

- A Master's or equivalent degree;
- Work in the field of Education, with least 5 years of experience in the field of Ethics in Education;
- At least C1 of English in accordance with the Common European Framework of Reference for Languages
- Knowledge of the work of or experience in governmental, intergovernmental, non-governmental and civil society organisations
- Knowledge of the Council of Europe instruments in the field of Ethics in Education.

#### *Award criteria*

- Quality of the offer (80%), including:
  - Expertise in the fields covered by the call (60%),
  - Experience in drafting/developing intellectual work e.g., policy/literature reviews, policy papers/recommendations/opinions, strategy papers, scholarly articles, learning and teaching resources, books (20%).
- Financial offer (20%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

#### F. NEGOTIATIONS

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

#### G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement<sup>4</sup>** (See attached);
- **A detailed CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria, including a list of relevant work undertaken in intellectual work;
- Registration documents, for legal persons only;
- A **cover letter** responding to two questions in no more than 300 words for each:
  - What is your interest in working as a consultant for the Council of Europe?
  - What skills and expertise would you bring?

**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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<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.