

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of international consultancy services Contract N° 8802/2022/4



The Council of Europe is implementing and until 31 December 2023 will implement the Project "Supporting Institutions to Combat Ill-Treatment in Ukraine Phase II". In that context, it is looking for Provider(s) for the provision of international consultancy services on various aspects of effective investigation into torture and other forms of ill-treatment and institutional development of law-enforcement bodies to be requested on as needed basis by the Project "Supporting Institutions to Combat Ill-Treatment in Ukraine Phase II".

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 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 **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. The signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

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-SICIT-International Consultancy**. 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- SICIT-International Consultancy**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2023
Deadline for submission of tenders/offers ▶	18 February 2022
Email for submission of tenders/offers ▶	dgi-coordination@coe.int
Email for questions ▶	dgi-coordination@coe.int
Expected starting date of execution ▶	01 April 2022

B. EXPECTED DELIVERABLES

Background of the Project

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](#).

The Council of Europe Project "Supporting Institutions to Combat Ill-Treatment in Ukraine Phase II" (the Project) with the period of implementation from 1 January 2022 till 31 December 2023 is pursuing the objective of supporting institutional development of the State Bureau of Investigation (SBI) to ensure effective investigation into torture, other forms of ill-treatment and other serious human right violations.

The Project will provide support to the SBI within the following areas:

- 1) Further support to and development of SBI initial and in-service training system
- 2) Further strengthening of the capacity of SBI staff in human rights:
 - effective investigation into ill-treatment
 - investigation into other human rights violations
 - prohibition of discrimination (gender equality competencies)
- 3) Support to interagency cooperation and coordination in combatting ill-treatment.

The work of the Project ensures a combination of expertise, institutional, operational and professional capacity building support, paying attention to impact and aiming at sustainability. The Project disseminates best practices and contributes to raising the standards of human rights observance in Europe.

The Council of Europe is looking for five Providers per Lot (provided enough tenderers meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise on various aspects of effective investigation into torture and other forms of ill-treatment and institutional development of law-enforcement bodies under the Lots below.

This Contract is currently estimated to cover up to 30 events to be held by 31 December 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 project amounts to 700,000.00 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.

Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the Project and is divided into the following lots. Consultants may submit a tender for one, several or all lots subject to the fulfilment of the criteria listed in the Tender Rules for the Lots concerned:

Lots	Maximum number of Providers to be selected
Lot 1 – Effective investigation into torture and other forms of ill-treatment, respective ECHR standards and case-law of the ECtHR, best European practice	5
Lot 2 – European standards of evaluation of staff performance effectiveness (investigators, operative staff) within law-enforcement	5
Lot 3 – Criminalistics (forensic science), forensic institutions, services, and their functioning in CoE member States	5
Lot 4 - Strategic planning for governmental institutions (law-enforcement is an asset)	5

The Council will select the abovementioned number of Provider(s) 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 provide expertise on the topics within the thematic areas in the form of deliverables as listed below (the lists are not exhaustive)

LOT 1 – Type of Units ▼	Daily fee ▼	Exclusion level ▼
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<p>The types of work as foreseen, but not limited to the following:</p> <ul style="list-style-type: none"> • Participation in and expert contribution to working group meetings (WGMs), round tables, trainings, seminars, workshops, consultation meetings and other relevant events including through moderating/facilitating discussions, coordinating (WGMs), developing and delivering thematic presentations • Development and provision of tailored trainings, trainings of trainers (ToTs), workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation • Development of thematic online educational content, online and video-lecturing • Provision of guidance/instructions on application of modern methodologies and techniques in mentioned thematic areas • Contribution to the development of information and guiding materials/manuals/instructions in mentioned thematic areas • Contribution to the development of strategic, regulatory documents • Providing advice on adult learning methodology and preparing/delivering trainings for staff/trainers • Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them 		400
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LOT 2 – Type of Units ▼	Daily fee ▼	Exclusion level ▼
<p>The types of work as foreseen, but not limited to the following:</p> <ul style="list-style-type: none"> • Developing methodology of and delivering expertise (in a form of a research, needs assessment, survey, legal opinion etc.) on specific aspects of evaluation of staff performance effectiveness (investigators, operative staff) within law-enforcement • Contributing to the development of internal documents of regulatory and administrative character for the State Bureau of Investigation, information and guiding materials, practical framework • Participation in and expert contribution to working group meetings (WGMs), round tables, trainings, seminars, workshops, consultation meetings and other relevant events including through developing and delivering thematic presentations • Development and conducting of field research, analysis and systematization of findings with due consideration to sampling, representativeness and gender equality • Cooperation and coordination with other CoE experts (national and international) in delivering expertise 		400

LOT 3 – Type of Units ▼	Daily fee ▼	Exclusion level ▼
<p>The types of work as foreseen, but not limited to the following:</p> <ul style="list-style-type: none"> • Developing methodology of and delivering expertise (in a form of a research, needs assessment, survey, legal opinion etc.) on specific institutional aspects related to the functioning of the State Bureau of Investigation • Contributing to the development of internal documents of regulatory and administrative character for the State Bureau of Investigation, information and guiding materials, practical framework 		400

<ul style="list-style-type: none"> • Participation in and expert contribution to working group meetings (WGMs), round tables, trainings, seminars, workshops, consultation meetings and other relevant events including through developing and delivering thematic presentations • Development and conducting of field research, analysis and systematization of findings with due consideration to sampling, representativeness and gender equality • Cooperation and coordination with other CoE experts (national and international) in delivering expertise 		
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LOT 4 – Type of Units ▼	Daily fee ▼	Exclusion level ▼
<p>The types of work as foreseen, but not limited to the following:</p> <ul style="list-style-type: none"> • Developing and delivering a practical training for high-level managers (governmental institutions, including law-enforcement) on strategic planning (best practices, standards, innovations, tips, etc.), strategic plan writing and presentation • Participation in and expert contribution to working group meetings (WGMs), round tables, trainings, seminars, workshops, consultation meetings and other relevant events through coordination, guidance, moderation of WGMs, developing and delivering thematic presentations • Cooperation and coordination with other CoE experts (national and international) in delivering expertise 		400

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 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 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 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 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 quote² (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)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;

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.

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.

- 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.

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

- A university degree in law, human rights, political sciences, social sciences, international relations, public administration, criminology or related fields;
- At least 5 years of professional experience in the areas mentioned as topics of the Lots (consulting, academic research, analytical work, expert assessments, working as trainers, contribution to the events as speakers, etc.) inter alia acquired in an international context
- Excellent knowledge of English
- For legal persons and private entrepreneurs, being authorized to carry out the respective economic activities

Award criteria

- Quality of the offer (80%), including relevance of the experience and level of expertise of the tenderer, knowledge of regional and national context in the areas covered by specific Lots, including previous assignments with international organisations that would be regarded as an asset.
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible 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 Engagement⁴** (See attached)
- A detailed CV, preferably in Europass Format, that would:
 - demonstrate clearly that the tenderer fulfils the eligibility criteria;
 - include brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) within the last 3 years
 - include active links to at least 3 examples of their recent deliverables of similar nature as stipulated by respective Lot(s);
 - contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
- Registration documents (for legal persons and private entrepreneurs only);
- A list of all owners and executive officers (for legal persons only);
- Description of the proposed team (CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only);

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. * * *

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.