



## CALL FOR TENDERS

### FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE FIELD OF ELECTORAL ASSISTANCE

**2021/AO/19**

Object of the procurement procedure ►	Consultancy services to be provided by local consultants
Project ►	"Improving electoral practices in the Republic of Moldova, Phase II"
Organisation and buying entity ►	Council of Europe Division of Elections and Civil Society, DGII
Type of contract ►	Framework Contract
Duration ►	Until 28 February 2023
Expected starting date ►	15 June 2021
Tender Notice Issuance date ►	22 April 2021
Deadline for tendering ►	17 May 2021

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This Tender File contains:

## **The TERMS OF REFERENCE 3**

The TERMS OF REFERENCE describe what will be expected from the selected Providers.

## **The TENDER RULES 9**

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

**The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

### **HOW DOES A FRAMEWORK CONTRACT WORK?**

#### **STAGE 1:**

**SELECTION** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

#### **STAGE 2:**

**ORDER(S)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**EXECUTION** as from the date of signature of each Order, unless the Order concerned provides otherwise.

### **HOW TO SUBMIT A TENDER?**

**STEP 1:** Read the **TENDER FILE**

**STEP 2:** Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

**STEP 3:** Send your **TENDER**, in accordance with the Tender Rules

# PART I – TERMS OF REFERENCE

## CALL FOR TENDERS FOR THE PROVISION OF LOCAL CONSUTANCY SERVICES 2021/AO/19

### A. BACKGROUND

The project "Improving electoral practice in the Republic of Moldova, Phase II" is funded by the Council of Europe at the level of the Council of Europe Action Plan 2021-2024 for the Republic of Moldova.

The project aims to increase public trust towards the Central Electoral Commission of the Republic of Moldova (hereinafter CEC), Centre for Continuous Electoral Training (hereinafter Training Centre) and electoral process as a whole, via increased public engagement into political and public decision-making processes.

The Project will continue the previous efforts undertaken in 2018-2020 in supporting the electoral stakeholders to further improve the electoral practices in the Republic of Moldova, in line with international standards and government's commitment to organize free and fair elections. Also, the Project is planning to focus on support to the Electoral Management Bodies (EMBs), assisting them in implementing their Strategic Plans for 2020-2023, on improving the EMBs' skills and knowledge which will result in aligning the electoral legal framework with the CoE election standards.

The Project will focus on the following actions:

1. Strengthening the capacities of CEC, CCET and Central Electoral Commission of the ATU Gagauzia;
2. Enhancing women and the youth participation in the electoral processes;
3. Combating misuse of administrative resources during elections, and strengthening the electoral legislation and jurisprudence;
4. Developing a methodology regarding citizens monitoring of electoral processes by domestic observers;
5. Increasing access to the electoral process through new voting technologies using digitalisation where applicable.

The main project target groups are Central Electoral Commission of the Republic of Moldova, the Centre for Continuous Electoral Training, Central Electoral Commission of the Autonomous Territorial Unit of Gagauzia, domestic observers, women and young voters; parliamentary parties representatives, media/journalists, administrative judges.

The Council of Europe is looking for up to 10 Providers per Lot 1, up to 8 Providers per Lot 2, up to 8 per Lot 3 and up to 8 Providers per Lot 4 (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in one or more of the following themes as they are described in Lots below.

This Contract is currently estimated to cover up to 40 activities, to be held by 28 February 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 400.000€ and the total amount of the object of present tender should in principle not exceed 89.250,00€ tax exclusive for the pool of 34 providers 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.

### B. SCOPE OF THE FRAMEWORK CONTRACT

**Throughout the duration of the Framework contract the pre-selected providers may be asked to carry out activities and provide deliverables as they indicatively described below under relevant lot/s.**

The tender is divided into the following 4 Lots. The Providers may submit a tender for one or more 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 ▼
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<p><b>Lot 1. Capacity building of electoral stakeholders (<u>training consultancy services</u>)</b></p> <ul style="list-style-type: none"> <li>• Conduct training needs assessment/mapping and development of reports/recommendations.</li> <li>• Develop training courses and hand-outs of the seminars, webinars, workshops on misuse of administrative resources in electoral periods, hate speech in electoral period, political party financing, electoral dispute resolution, media coverage of electoral topics, etc., including to be uploaded on E-learning platform of the Training Centre.</li> <li>• Deliver trainings and exchange of good practices for electoral stakeholders, including but without limiting to: members of electoral management bodies, judiciary, representatives of political parties, other targeted audiences, inclusive in co-operation with international consultants.</li> <li>• Support the international consultants with background information, documents, etc. on the Moldovan context of specific electoral-related topics.</li> <li>• Provision of other deliverables related to the above and as requested by the Council of Europe.</li> </ul>	10
<p><b>Lot 2. Inclusive electoral participation: women, the youth, national minorities etc (<u>consultancy services</u>)</b></p> <ul style="list-style-type: none"> <li>• Develop and assist in conducting of public awareness campaigns, focused on social media, aimed at increasing and improving the participation in the electoral process of targeted electoral categories;</li> <li>• Conduct assessments/studies mapping obstacles and conditions and develop reports/recommendations for the improvement of involvement by the CEC of the youth, civil society, representatives of political parties, media;</li> <li>• Conduct workshops/seminars/conferences to mainstream gender equality, combating sexism and intersectionality perspectives in electoral processes, including within partner institutions.</li> <li>• Provision of other deliverables as related to the above and as requested by the Council of Europe.</li> </ul>	8
<p><b>Lot 3. Electoral legislation and jurisprudence (<u>consultancy services</u>)</b></p> <ul style="list-style-type: none"> <li>• Carry out analyses of recommendations, proposals and opinions issued by the different electoral observation missions, as well as the Venice Commission's opinions on the improvement of the electoral legislation and electoral practices, including on political financing in the Republic of Moldova.</li> <li>• Draft, in co-operation with international consultants if required, policy documents and/or legal proposals, normative acts (on alternative voting mechanisms, citizen observation methodologies, appeal procedure, other election-related aspects), expert opinions, recommendations, etc. on relevant aspects related to the theme of the lot.</li> <li>• Participate in and contribute to conferences, round tables, working groups, consultation meetings, webinars and other relevant events with national stakeholders, including moderating/facilitating discussions and delivering presentations.</li> <li>• Provision of other deliverables as related to the above and as requested by the Council of Europe.</li> </ul>	8

<p><b>Lot 4. Voting technologies and digitalisation (IT development consultancy services)</b></p> <ul style="list-style-type: none"> <li>• Design, develop and test online platforms and tools, including web application interface, database architecture, etc. for the electoral management bodies.</li> <li>• Re-engineer or design and develop new electronic functionalities and capabilities of the existing online tools.</li> <li>• Digitalise existing electoral and/or voting procedures/modules, including of the State Automated Information System "Elections".</li> <li>• Provision of other deliverables as related to the above and as requested by the Council of Europe.</li> </ul>	8
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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.

The Providers can be asked to undertake missions to provide the expected deliverables. Travel and other expenses incurred by the Providers in this regard will be reimbursed by the Council in accordance with the applicable Rules (see Article 4.4 of the Legal Conditions for further details).

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).

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 unit fees, by completing the table of fees, as attached in Section A of 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 the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

### D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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.

### 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.

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 Service 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>1</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 Service 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. Council's stamping may not be necessary in justified circumstances (for example, working remotely in the pandemic). Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

#### **E. ASSESSMENT**

Tenderers shall be excluded from participating in the tender procedure where they:

- a. 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;
- b. 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;
- c. have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- d. 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, residence or establishment;
- e. 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;
- f. have been involved in mismanagement of the Council of Europe funds or public funds;
- g. are or appear to be in a situation of conflict of interest in relation to the tender procedure.

All bidders shall deliver, when submitting their tender, a declaration on their honour certifying that they are not in any of the above-mentioned situations.

The Council of Europe reserves the right to ask successful bidders to supply the following supporting documents:

- a. for the items in a), b), c) and f), 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 these requirements are met;
- b. for the items in d), a certificate issued by the competent authority of the country of incorporation.

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<sup>1</sup> It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

*Eligibility criteria*

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

**Eligibility criteria for Lots 1 to 3**

- University degree in Law, Political Science, Social science, Public administration, International Relations, Communication;
- At least 4 years of professional experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described within the specific Lots, under the scope of the contract above;
- Strong command of the Romanian and Russian languages (level C1 or C2 according to the Common European Framework of Reference for Languages) and at least independent user of the English and/or French language skills (B1 and B2).

**Eligibility criteria for Lot 4**

- Bachelor's degree in Computer Science, or relevant certifications in the field of business analysis, system development and/or software testing;
- At least 1 year of experience in SQL platform and in .NET, JavaScript;
- At least 2 years of experience in application development/design and testing at national level (in the Republic of Moldova) or international level;
- Strong command of the Romanian or/and Russian languages (level C1 or C2 according to the Common European Framework of Reference for Languages) and at least independent user of the English and/or French language skills (B1 or B2).

*Award criteria***Under lots 1-3:**

- Criterion 1: Quality of the offer (90%), including:
  - Thematic expertise in the relevant area covered by the LOT, strong knowledge of the Moldovan election legislation and practice, as well as the basic international standards and recommendations of the Council of Europe and of election observation missions in the areas/fields covered by the relevant Lot (40%);
  - Relevance of the experience of the tenderer in the areas/field covered by the relevant lot, including previous similar assignments with national or international organisations (50%).
- Criterion 2: Financial offer (10%).

**Under lot 4:**

- Criterion 1: Quality of the offer (80%), including:
  - Relevance of the experience of the tenderer in the field of information technology, including design and development of web-platforms, electronic services, applications and other online tools (70%);
  - Consultancy or other relevant work experience in the area of elections (10%).
- Criterion 2: Financial offer (20%).

The Council reserves the right to hold interviews with eligible tenderers.

**Multiple tendering is not authorised.****F. DOCUMENTS TO BE PROVIDED**

- **One** completed and signed copy of the Act of Engagement.<sup>2</sup>
- A detailed **CV**, preferably in Europass Format, demonstrating clearly that the Tenderer fulfils the eligibility criteria;
- A **motivation letter** (1-page max.) demonstrating how the Potential Provider meets the requirements of the expected types of deliverables and the eligibility criteria;
- A **declaration** certifying that Tenderer is not in any of the situations mentioned in the *exclusion criteria*;
- **At least one sample of previous work** e.g. policy papers/recommendations/opinions, study, draft legal act, training programme/module, presentation, online tool, developed application/platform etc.;
- **Three references** (contacts including phone number and e-mail address);

<sup>2</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.

- Registration documents, for legal persons only.

**All documents shall be submitted in English (with exception of samples of previous work and registration documents), 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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# PART II – TENDER RULES

## CALL FOR TENDERS

### FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES

#### 2021/AO/

#### ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

##### 1.1 Name and address

##### COUNCIL OF EUROPE

Directorate General II – Democracy, Elections and Civil Society  
Division

##### 1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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 Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.<sup>3</sup>

Further details on the project are provided in the Terms of Reference.

#### ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

#### ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

#### ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

#### ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

If any of the documents listed above are missing, the Council reserves the right to reject the tender.

#### ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that 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.

#### ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: [elections.moldova@coe.int](mailto:elections.moldova@coe.int)

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

#### ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically only**.

Electronic copies shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with the subject line "Provision of local consultancy services – Project "Improving Electoral Practices in the Republic of Moldova, Phase II".

Tenders submitted to another e-mail account will be excluded from the procedure.

#### ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **17 May 2021**.

#### ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

#### ARTICLE 11 – NEGOTIATIONS

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

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<sup>3</sup> Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int)

# FINAL CHECK LIST

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## 1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **One** completed and signed copy of the Act of Engagement.
  - A detailed **CV**, preferably in Europass Format, demonstrating clearly that the Tenderer fulfils the eligibility criteria;
  - A **motivation letter** (1-page max.) demonstrating how the potential Provider meets the requirements of the expected types of deliverables the eligibility criteria;
  - A **declaration** certifying that Tenderer is not in any of the situations mentioned in the *exclusion criteria*;
  - **At least one sample of previous work** e.g. policy papers/recommendations/opinions, study, draft legal act, training programme/module, presentation, online tool, developed application/platform etc.;
  - **Three references** (contacts including phone number and e-mail address);
  - Registration documents, for legal persons only.
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## 2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with the subject line 'Provision of local consultancy services – Project "Improving Electoral Practices in the Republic of Moldova, Phase II"'.

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