

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of local consultancy services within the Project on Human rights and women in the armed forces in Armenia.



Contract N BH8661-2019-002

The Council of Europe is currently implementing a Project on Human rights and women in the armed forces in Armenia (HRWAF), with the duration until *31/03/2020*. In that context, it is looking for Providers for the provision of local consultancy services to be requested by the Council on an as needed basis to support the implementation of the Project with a particular local expertise related to the human rights protection and addressing equality between men and women in the armed forces in Armenia in the context of the European human rights standards and the best European practices.

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 self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: *national consultancy services for HRWAF*.** 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/national consultancy services/HRWAF***

Type of contract ►	Framework contract
Duration ►	Until 31 March 2020
Deadline for submission of tenders/offers ►	29 July 2019
Email for submission of tenders/offers ►	tender.armenia-BH8661@coe.int
Email for questions ►	tender.armenia-BH8661@coe.int
Expected starting date of execution ►	12 August 2019

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

Background of the Project

The overall objective of the Project is to contribute to better human rights protection in the armed forces, and in particular the rights of female officers by helping guarantee equal service conditions for women and empowering them to champion positive change.

It is expected that as a result of the Project authorities draft legislation and other regulations pertaining to effectively preventing, investigating and eradicating human rights violations in the armed forces, aimed at decreasing discrimination of and inequality among women and men in line with detailed and gender-sensitive expert recommendations; gender-sensitive methodologies, tools, procedures and trainings for key institutions are developed to enable their staff to prevent, investigate and eradicate human rights violations in the armed forces; specific measures to increase awareness, knowledge and skills of military servicepersons and future conscripts of human rights issues and equality principles in the context of the armed forces designed and launched.

To achieve this, the project will support the review of the existing and draft legislation; develop and implement training courses, analytical and methodological tools. It will enhance the professional capacity of female combat officers and empower them to play an active role in the army. The Project will also engage female officers as agents of positive change while also raising awareness of and training their male colleagues. The project will support the Justice Academy in implementing the course on effective investigation of ill-treatment in the army and will develop and integrate new elements of the course specially targeting ill-treatment against female officers. The Project will also include expert support to the Ministry of Defence working groups in finding practical solutions and measuring the human rights impact of introducing women in the armed forces, legislative analysis, multidisciplinary researches (sociological surveys, legal-psychological analysis) drafting, etc. to support the above efforts in terms of policy. The Armenian Government will be supported in implementing relevant European Court of Human Rights (the Court) judgments and introducing safeguards to prevent violations in the future, with a special focus on women. Furthermore, the project will give the relevant external and internal oversight institutions the necessary instruments and guidelines based on the Council of Europe standards and the best European practices on addressing the needs and issues of women in the army. The impact of changes to policy and practice introduced following the Council of Europe recommendations will be assessed with a dedicated focus on gender impact.

The Council of Europe is looking for a maximum 37 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular local expertise related to the human rights protection and addressing equality between men and women in the armed forces in Armenia in the context of the European human rights standards and the best European practices.

This Contract is currently estimated to cover up to 20 activities to be held by 31/03/2020. 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 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:

Lots	Maximum number of Providers to be selected
Lot 1: Legislative review and support to legislative process with regard to the human rights protection and/or equality among women and men in the context of military service	10
Lot 2: Capacity and training needs assessments and training courses development as to protection of human rights in the army and/or prevention of	10

discrimination of and inequality among women and men as well as gender-based violence.	
Lot 3: Training courses delivery on the human rights issues and external and internal oversight within the armed forces, and addressing equality issues in the military service.	10
Lot 4: Facilitation of the execution of the European Court of Human Rights judgments and Institutional capacity development of the Government Agent's Office in this respect.	7

Lot 1 concerns legislative review and support to legislative process with regard to the human rights protection and/or equality among women and men in the context of military service.

The Council of Europe assists the national authorities of its Member States to ensure the compliance of their current and draft legislation with the European human rights standards and best practices, enshrined in the Council of Europe's acts the most important of which is the Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention). This is ensured through review of laws, by-laws and their drafts, formulation of recommendations on their improvement and their discussion with the relevant domestic authorities. The Providers are expected to review and provide expert opinions, participate in expert consultations, round tables, discussions, assessment missions etc. within the theme of the lot concerned.

Lot 2 concerns capacity and training needs assessments and training courses development as to protection of human rights in the army and/or prevention of discrimination of and inequality among women and men as well as gender-based violence.

Human rights education and training are the most important elements of raising awareness and improving capacity of the beneficiary institutions to protect human rights at the domestic level. The trainings designed in cooperation with the Council of Europe are primarily based on the Convention and the case law of the European Court of Human Rights. This element of the Project is aimed at supporting the Armenian authorities in assessment the training needs and subsequent drafting of tailor made curricula and training courses for the following categories of beneficiaries: 1) acting and future military servicepersons – on both general and practical aspects of human rights and equality in the armed forces, and 2) legal professionals, in particular, military investigators, military prosecutors and judges, 3) Office of the Human Rights Defender and 4) military universities, inter alia, on prevention and effective investigation of ill-treatment and gender-based violence in the armed forces. The Providers are expected to perform assessment and review of gender-sensitive methodologies, tools, procedures and development of trainings/educational courses, contribute to the development of the distance-learning modules on human rights and equality in the army.

Lot 3 concerns training courses delivery on the human rights issues and external and internal oversight within the armed forces, and addressing equality issues in the military service.

Strengthening the capacity of the beneficiary institutions to apply European human rights standards and to introduce gender perspective within the context of military service helps to ensure that they have sufficient capacity to effectively fulfil their role. The trainings are aimed at groups who are directly responsible for implementing the Convention's standards in the military sphere such as military commanders, lawyers of military corps, military investigators and prosecutors, judges, staff of the Human rights and integrity building centre (HRIBC) of the Ministry of Defence and Human Rights Defender's Office. The Providers are expected to be involved in their capacity of trainers under the respective Lot.

Lot 4 concerns the facilitation of the execution of the European Court of Human Rights judgments and institutional capacity development of the Government Agent's Office in this respect.

The process of execution of the cases where structural problems were identified by the Court is complicated complex process, and it should be, therefore, well-co-ordinated on the domestic level. Being such co-ordinator Government Agent should be in contact with competent domestic bodies responsible for individual phases of the execution process; According to the CoE Committee of Ministers (CM) recommendations, Government Agent should be authorised to get relevant information, to work with the bodies issuing decisions in the course of the execution process and, if necessary, to perform or initiate the appropriate measures to accelerate the execution process. In this context Government Agent is also an agent of harmonisation of the national legislation with the best practises of other Council of Europe member states.

There are a few important Court's judgments against Armenia in the context of the violation of human rights within the military service, - under the supervision of the CoE CM. In this respect expert support needed to ensure better execution of the judgements of the Court and contributing to the overall institutional

strengthening of the institute of the Government Agent in the coming reforms period. It is expected that Providers will be able to support the best realisation of the mandate and mission of the Government agent in Armenia to facilitate its institutional and professional enhancement aimed at increasing the effectiveness of the execution of the Court's judgments at the national level.

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 perform one and/or more of the following types of deliverables:

Under Lot 1:

- Conducting analysis of legal acts;
- Providing legal expertise on specific issues and legislative changes, delivering recommendations;
- Participating in expert consultation meetings with national authorities;
- Making presentations during working group meetings, workshops and follow-up roundtables or conferences.

Under Lot 2:

- Proposing methodology to assess capacity building needs;
- Conducting training needs assessment;
- Drafting training needs assessment report;
- Providing concrete recommendations on training needs of legal professionals and representatives of other professions vis-à-vis one or several human rights related topics;
- Designing face-to-face training courses for the target audience;
- Designing training courses for distance-learning platforms;
- Developing and adapting training materials to the needs of a specific group of professionals or incorporating specific issues;
- Providing quality assurance of training materials;
- Providing methodological advice on delivery of adult training.

Under Lot 3:

- Delivering training for the target audience;
- Delivering training of trainers;
- Delivering training to staff of national training institutions;
- Preparing and making presentations during workshops, seminars and round tables.

Under Lot 4:

- Proposing methodology for institutional needs assessment;
- Conducting institutional needs assessment;
- Providing recommendations for institutional setup and reforms;
- Providing support for the drafting of regulations;
- Providing consultations and/or presentations during meetings, workshops, round tables and conferences;
- Providing advice and developing methodological tools for management of the execution of the judgements of the European Court on Human Rights.

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 within the theme of 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 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 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 .

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.

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;
- 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 or are likely to be in a situation of conflict of interests.

Eligibility criteria

- A university degree in law, political sciences, social sciences, international relations, public administration or related fields;
- At least 4 years of professional experience in areas related to the fields of expertise within the themes of specific LOTs under the scope of the framework contract as mentioned above, out of which at least 1 acquired in an international context;
- Fluency in Armenian language (mother tongue level). Very good level of knowledge of the English language (*level according to the Common European Framework of Reference for Languages to be indicated in the CV*).

Award criteria

- Quality of the offer (90%), including:
 - Thematic local expertise in the relevant areas covered by this call, including basic knowledge of the standards and recommendations of the Council of Europe in the areas concerned (40%)
 - Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations (30%)
 - Understanding and knowledge of the national context in the areas covered by this call (20%)
- Financial offer (10%).

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 Engagement**⁴ (See attached);
- A detailed CV (4 pages maximum), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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 above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

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.

- Registration documents, for legal persons only;
- Motivation letter (1 page maximum);
- At least two examples of previous relevant work as applicable to specific lot/s;
- Minimum two references (only phone numbers and emails).

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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