

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

### Purchase of services of local trainers in the field of anti-discrimination, as well as protection of national minority and Roma rights in Ukraine

**Contract N° 9141\_4986/2024/4**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing two Projects within the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026 to promote respect for human rights, democracy and the rule of law in Ukraine. The Action Plan provides a four-year framework for co-operation while offering the flexibility required to respond to evolving needs in the current volatile context and high-risk environment. In that context, it is looking for Provider(s) for the provision *of services of local trainers in the field of anti-discrimination, as well as protection of national minority and Roma rights in Ukraine* 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 €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 180 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 – LOCAL TRAINERS (ANTI-DISCRIMINATION AND NATIONAL MINORITIES)**. 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 - LOCAL TRAINERS (ANTI-DISCRIMINATION AND NATIONAL MINORITIES)**.

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2026
Deadline for submission of tenders/offers ▶	<b>01 March 2024 23h59 CET</b>
Email for submission of tenders/offers ▶	<b>Tenders.antidiscrimination@coe.int</b>
Email for questions ▶	<b>Tenders.antidiscrimination@coe.int</b>
Expected starting date of execution ▶	11 March 2024

<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

The Project "Supporting the reform of the national minority legal framework and the resilience of national minorities and Roma in Ukraine" which is financed by voluntary contributions aims at enhancing the legal and policy frameworks to protect minority rights, help to strengthen capacities of relevant institutions at the central level, to replicate good practices at local level and disseminate them to the rest of the country through training of multipliers, changing relevant policies and enhancing networking. The Project "Support for implementing European standards relating to anti-discrimination and rights of national minorities in Ukraine" which is financed by the EU/CoE joint instruments aims at supporting Ukraine in the earlier phases of EU accession negotiations, notably by following up on the 2022 Opinion on Ukraine's application for membership of the European Union by aligning legislation and policy related to the protection from discrimination and rights of persons belonging to national minorities with European standards.

These aims will be achieved by instruments such as capacity building, training and educational work in line with the standards and recommendations set by the Council of Europe, to strengthen the cooperation between the central/local level institutions, civil society and other partners working in the area of anti-discrimination, as well as protection of national minority and Roma rights in Ukraine.

The Projects are implemented throughout the period from 2023 until 2026 by the Anti-discrimination Department of the Directorate General of Democracy of the Council of Europe and the project teams based in the Council of Europe Office in Kyiv.

The Council of Europe is looking for a maximum of **25 provider(s)** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on anti-discrimination, as well as protection of national minority and Roma rights in Ukraine.

This Contract is currently estimated to cover up to *100 activities*, to be held by *31 December 2026*. 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 projects amounts to *2,800,000 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.

### Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

- Provide analysis, training needs assessments, collect data and conduct surveys, provide recommendations on issues related to anti-discrimination, as well as protection of national minority and Roma rights in Ukraine in line with the Council of Europe and European standards.
- Contribute to different events related to anti-discrimination, as well as protection of national minority and Roma rights in Ukraine: round tables, working groups, trainings, seminars, workshops, consultations, advocacy meetings, conferences, high level meetings.
- Prepare interactive and detailed training/seminar curricula, modules and training/seminar materials in view of their compliance with the European standards on anti-discrimination.
- Conduct off-line and on-line trainings (including train-the-trainers) for civil servants, representatives of media and civil organisations of national minorities (communities), law enforcement, as well as national, regional and local authorities in Ukraine, staff of independent Institutions (e.g., equality bodies) and other stakeholders, in accordance with the Council of Europe standards on anti-discrimination.
- Design/support/facilitate public awareness raising activities/workshops/public initiatives in relation to anti-discrimination, as well as protection of national minority and Roma rights in Ukraine and other related subjects.
- Develop and revise the informative and promotional materials, as well as other texts/handbooks/guidelines/strategies/trainings/teaching curricula/textbooks/teaching standards

and other required documents in view of their compliance with the European standards on anti-discrimination and recommendations by monitoring bodies.

The consultant can be asked to participate in regular on-line or in-person meetings/conferences/webinars (via Teams or Zoom video conferencing platforms) to provide the expected deliverables.

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).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English or Ukrainian (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).

- *By submitting an offer in the framework of the present Call for Tenders, the Tenderer acknowledges that the persons involved in the implementation of the contract will be exposed to an increased risk of death and injury due to the ongoing war against Ukraine. The Tenderer also acknowledges that, if selected, it will carry out the implementation of the contract at its own risk.*
- *The Tenderer confirms in addition that, if selected, it will perform systematic security assessments before implementing any activity related to the implementation of the contract. The Tenderer acknowledges that the Council of Europe does not assume any liability for the death, any injury, or any damage that the Provider or persons involved in the implementation of the contract may sustain in Ukraine.*

#### 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.

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.

### **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>2</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;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at [www.sanctionsmap.eu](http://www.sanctionsmap.eu)).

### *Eligibility criteria*

- A university degree (higher education) in law, political sciences, political/social sciences, education, international relations, public/business administration, communication or related fields;
- At least 5 years of professional experience in areas related to the fields of expertise as described under the scope of the contract above;
- Excellent drafting, analytical, research and reporting skills;
- Working knowledge of Ukrainian language/mother tongue.

### *Award criteria*

- Quality of the offer (90%), including:

<sup>2</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;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

- Thematic expertise in the relevant area, primarily the in-depth knowledge of the Ukrainian legislation and implementation practices as well as the knowledge of the international standards and recommendations of the Council of Europe in the areas covered by this call;
  - Relevance of the experience and competences of the tenderer in the areas covered by this call, including previous similar assignments at the local level and/or with international organisations;
  - Working knowledge of English language should be sufficient to be able to communicate with the Project teams and international consultants.
- Financial offer (10%).

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>3</sup>** (See attached);
- A detailed CV (in English or Ukrainian), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, for legal persons only;
- Motivation letter, highlighting relevant experience and expertise required (in English only);
- At least two samples of the previous work/deliverables or references/links to publications, materials, legal assessments/analyses, reports, studies, training materials, presentations etc. relevant to the experience of the tenderer (in English or Ukrainian; links to online available products are also accepted);
- Registration documents, for legal persons only (in Ukrainian).

**All documents shall be submitted in Ukrainian or English, except for the Act of Engagement and Motivation letter (which shall be submitted in English only), 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>3</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.