

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of consultancy services

Contract N° 4683/2020/03



The Council of Europe is currently implementing and until 23 May 2022 will implement a Project on "Strengthening the human rights protection of migrants and victims of human trafficking in Turkey" (hereinafter – **the Project**). 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 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, or a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Strengthening the human rights protection of migrants and victims of human trafficking in Turkey – Migration component.** 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 - Strengthening the human rights protection of migrants and victims of human trafficking in Turkey – Migration component**

Type of contract ▶	Framework contract
Duration ▶	Until 23 May 2022
Deadline for submission of tenders/offers ▶	21 September 2020
Email for submission of tenders/offers ▶	DGI-HRImplementation@coe.int
Email for questions ▶	DGI-HRImplementation@coe.int
Expected starting date of execution ▶	28 September 2020

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 Council of Europe is currently implementing a Project on "Strengthening the human rights protection of migrants and victims of human trafficking in Turkey". The action is implemented under the joint European Union (EU) and the Council of Europe (CoE) programme "Horizontal Facility for the Western Balkans and Turkey II (2019-2022)".

The Project is divided in two components: the first component focuses on the prevention of trafficking in human beings and is based on the first evaluation report on Turkey by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in July 2019; the second component focuses on migration management and human rights and is built on the relevant case-law of the European Court of Human Rights (ECtHR) as well as the recommendations of the Special Representative of the Secretary General on Migration and Refugees (SRSG) following his fact-finding mission to Turkey in 2016 and the findings of other Council of Europe bodies.

Under the abovementioned **migration component**, the Council is looking for Provider(s) (see below) for the provision of consultancy services

The Council of Europe is looking for a maximum of 15 Providers/Consultants (provided enough tenders meet the criteria indicated below) per Lot as indicated below, in order to support the implementation of the project with a particular expertise on:

- **Alternatives to immigration detention;**
- **Special needs of vulnerable migrants;**
- **Reception conditions for migrants; and**
- **Smuggling of migrants.**

This Contract is currently estimated to cover up to 50 activities, to be held by 23 May 2022. 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 1,230,000 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.

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: Alternatives to immigration detention	15
Lot 2: Special needs of vulnerable migrants	15
Lot 3: Reception conditions for migrants	15
Lot 4: Smuggling of migrants	15

Lot 1 concerns conducting of capacity-building and awareness-raising activities related to alternatives to immigration detention and purposed for diverse beneficiaries including judges, prosecutors, lawyers, migration officers and civil society.

The following activities are foreseen under Lot 1:

- Conducting a research on alternatives to immigration detention covering five countries: Turkey, Austria, the Netherlands, Canada and the UK;
- Conducting a roundtable on practical aspects of implementation of alternatives of immigration detention;
- Development of training materials on alternatives to immigration detention;
- Conducting trainings for different professional groups on alternatives to immigration detention.

Lot 2 concerns conducting of capacity-building and awareness-raising activities on identification and better addressing of **special needs of vulnerable migrants**, for different beneficiaries, including judges, lawyers, migration officers, frontline professionals, social workers and civil society.

The following activities are foreseen under Lot 2:

- Development/adaptation of training materials and delivering trainings (including training of trainers)/workshops on identification and addressing special needs of vulnerable migrants for different professional groups;
- Translation, publication and dissemination of the handbook "How to convey child-friendly information to children in migration";
- Development/adaptation of training materials and delivering trainings/workshops on "How to convey child-friendly information to children in migration" for frontline professionals;
- Conducting roundtables and other peer exchange events related to the topic.

Lot 3 concerns conducting of capacity-building and awareness-raising activities related to **reception conditions of migrants**, for different beneficiaries, including judges, lawyers, migration officers, social workers and civil society.

The following activities are foreseen under Lot 3:

- Drafting and publication of an operational Manual on reception conditions for migrants;
- Delivery of trainings on how to implement the Manual on reception conditions;
- Conducting an international peer to peer exchange among management staff of reception facilities to share good practices and solutions to common challenges;
- Translation, publication and dissemination of the practical guide for Parliamentarians on "Visiting places where children are deprived of their liberty as a result of immigration procedures";
- Translation, publication and dissemination of Practical guide on "monitoring places where children are deprived of liberty";
- Guided pilot monitoring visits to places where children are deprived of liberty as a result of immigration procedures;
- Round tables and other events on the topic.

Lot 4 concerns conducting of capacity-building and awareness-raising activities related to **smuggling of migrants**, for different beneficiaries, including judges, prosecutors, lawyers, law-enforcement officers and civil society.

The following activities are foreseen under Lot 4:

- Mapping analysis on smuggling of migrants in Turkey;
- Preparation and delivery of a case study on Turkey and neighbouring countries;
- Preparation of a good practice guide on countering smuggling of migrants;
- Preparation and/or reviewing of other material for publications related to the topic of smuggling of migrants (including but not limited to Business model canvas as an investigative tool to identify critical factors capable of determining smugglers' modus operandi);
- Pilot application of the Business model canvas as an investigative tool;
- Conducting expert workshops, discussions, conferences and round tables;

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:

Under Lot 1:

- Prepare training materials related to alternatives to immigration detention;
- Conduct and evaluate respective trainings;
- Prepare and facilitate working group meetings, thematic workshops; round tables and conferences on alternatives to immigration detention;
- Prepare other documents as foreseen under the Lot 1.

Under Lot 2:

- Prepare training materials on "How to identify and address special need of vulnerable migrants" for different professional groups;
- Prepare training materials on "How to convey child-friendly information to children in migration" for frontline professionals;
- Conduct and evaluate respective trainings;
- Prepare and facilitate working group meetings, thematic workshops; round tables and conferences on special needs of vulnerable migrants;
- Prepare other documents as foreseen under the Lot 2.

Under Lot 3:

- Prepare training materials on reception conditions for migrants for different professional groups;
- Conduct and evaluate respective trainings;
- Prepare and facilitate working group meetings, thematic workshops; round tables and conferences on reception conditions for migrants;
- Prepare other documents as foreseen under the Lot 3.

Under Lot 4:

- Prepare training and awareness-raising materials related to smuggling of migrants for different professional groups;
- Conduct and evaluate respective trainings;
- Conduct expert working group meetings, thematic workshops; round tables and conferences on smuggling of migrants;
- Prepare other documents and conduct other events on rights of victims of smuggling of migrants.

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);

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.

- 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;
- 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;
- 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).

Eligibility criteria

- A University degree (Master or equivalent level) in law, human rights, political science;
- Minimum 5 years of experience related to the thematic areas indicated in the respective Lot;
- Excellent oral and written knowledge of English language (at least B1 or B2 level CEFR).

Award criteria

- Quality of the offer (90%), including:
 - Expertise in the thematic areas indicated in the respective Lot (40%);
 - Expertise in preparation of training courses and/or delivery of training of trainers, conceptualisation and facilitation of various events such as meetings, round tables, conferences and in drafting other capacity-building and awareness-raising materials (30%);
 - Advanced knowledge of CoE standards and case-law of the European Court of Human Rights in the thematic areas indicated in the respective Lot (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.

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 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).

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A detailed CV, 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;
- A motivation letter describing how the tenderer meets the award criteria above and highlighting experience in specific lots and areas covered by the call (2 pages maximum);
- A **sample** of a previously prepared capacity-building and/or awareness-raising materials; of any other text recently drafted by the tenderer, preferably in a form of references/links to publications, analyses, reports, assessments, studies, etc. relevant to the experience the tenderer claims; OR a **brief outline** (max. 2 pages) on the proposed methodology/structure/outline of a training on one of the thematic areas as above; OR a **sample of an agenda** for a meeting on one of the thematic areas as indicated above organized/or attended by the consultant as a speaker or moderator.

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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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.