

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



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

Contract N° FC/9311/2025/3

The Council of Europe is currently implementing the Project *Supporting the reform of the national minority legal framework and the resilience of national minorities and Roma in Ukraine – phase II* (2025-26) on the protection from discrimination and rights of persons belonging to national minorities, including Roma, in line with European standards and the case law of the European Court of Human Rights in the equality domain until *31 December 2026*. The Project is implemented within the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026. In that context, it is looking for Provider(s) for the provision of services of national consultancy 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 Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 for intellectual services) and €171,000 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 consortium of natural and/or legal person.

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 FC/9311/2025/3 – Local Experts (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 FC/9311/2025/3- Local Experts (ANTI-DISCRIMINATION AND NATIONAL MINORITIES)**.

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2026
Deadline for submission of tenders/offers ▶	30 November 2025 23h59 Kyiv time
Email for submission of tenders/offers ▶	Tenders.antidiscrimination@coe.int
Email for questions ▶	anti-discrimination@coe.int
Expected starting date of execution ▶	15 December 2025

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 Projects

The *Supporting the reform of the national minority legal framework and the resilience of national minorities and Roma in Ukraine – phase II (2025-26)* project builds on the results achieved during its phase I (2023-2024) notably to bring forward the reforms in the field of national minorities in Ukraine, including Roma, in line with European standards. It specifically takes into account the aggression of Russia against Ukraine since February 2022, as well as the EU accession negotiation process, notably by following up on the 2022 Opinion on Ukraine's application for membership of the European Union; this will be done aligning legislation and policy related to the protection from discrimination and to the rights of persons belonging to national minorities with European standards and the case law of the European Court of Human Rights in the equality domain.

The project is structured into three components:

- The first component is to ensure that relevant institutions and other stakeholders effectively implement legal and policy reforms on protecting and promoting the rights of national minorities, including Roma, in accordance with the provisions of the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter of Regional of Minority Languages (ECRML).
- The second component is to give continuity to the assistance so far provided to the Roma community in Ukraine, notably by enhancing the capacity of central and local level institutions in the field of Roma inclusion policies, as well as supporting Roma participation in political and public life at local level.
- The third component is to provide expert support to ensure the protection of minority languages in accordance with the provisions of the FCNM and ECRML.

Objectives of the Project will be achieved by instruments such as expert support, 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 Project is 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 projects' teams based in the Council of Europe Office in Kyiv.

The Council of Europe is looking for **37 Provider(s)** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the projects 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 Project amounts to 700 000 Euros and the total amount of the object of present tender **shall not exceed 171 000,00 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 projects and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: LEGAL AND POLICY	10
Lot 2: CAPACITY BUILDING AND TRAINING	15

Lot 3: MINORITY LANGUAGES	5
Lot 4: FACILITATORS	7

Lot 1 **LEGAL AND POLICY** concerns consultancy services regarding provision of legal and policy expertise to central and local authorities to ensure the implementation of reforms on protecting and promoting the rights of national minorities, including Roma, is undertaken in accordance with the provisions of the FCNM and the ECRML, on education, minority languages and antidiscrimination issues and/or expertise in public policy, policy analysis, minority inclusion, and in ensuring stakeholder engagement in strategic planning processes at both national and local levels.

Lot 2 **CAPACITY BUILDING AND TRAINING** concerns consultancy services to be provided with regards to the enhancing the implementation of the relevant laws/policies and other standards in the field of the protection of national minorities, including Roma, and minority languages.

Lot 3 **MINORITY LANGUAGES** concerns consultancy services to be provided with regards to the enhancing the implementation of the relevant laws/policies and other standards in the field of minority languages, including Roma, through development of relevant teaching curricula and other materials (for teachers); codification of the Romani language in Ukraine as well as work with the schools teaching minority languages.

Lot 4 **FACILITATORS** concerns consultancy services to be provided with regards to raise awareness in promoting a diverse and tolerant society, especially at local level, with regards to national minorities and Roma, as well as minority languages.

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 60 will be selected under each Lot.

Scope of the Framework Contract

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

Under Lot 1:

- Conducting legal and policy analysis and assess their implementation;
- Supporting the review of national legislation in view of ensuring that laws and bylaws on protecting and promoting the rights of national minorities, including Roma, are aligned with the provisions of the FCNM and the ECRML;
- Developing tools and operational procedures as per national legal framework and in line with European Standards;
- Preparing comparative analyses and studies on the relevant topics.

Under Lot 2:

- Contributing to the preparation and facilitation of seminars, workshops, peer to peer meetings at central and local level;
- Contributing to the preparation and facilitation of online and on-site 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.

Under Lot 3:

- Developing teaching curricula and teaching materials for enhancing the implementation of laws/policies;
- Contributing to the codification of the Romani language in Ukraine.

Under Lot 4:

- Developing concepts for awareness raising initiatives;
- Coordinating the work of the Local Initiative Groups on National Minorities;
- Conducting off-line and on-line events (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.

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 projects` 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.

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;
- 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 subject to restrictive measures applied by the United Nations Security Council or the European Union. In the case of legal persons, the restrictive measures imposed on the tenderer's owner(s) or executives will also exclude the tenderer from participating in this tender procedure.

Eligibility criteria

The eligibility criteria determine the conditions for participating in a procurement procedure and define the essential requirements that each bidder must comply with. Bidders shall demonstrate that they fulfil the following criteria:

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;
- 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).

Eligibility criteria	Document/s to be submitted
<u>Education</u> : University degree (1 st cycle) in one of the following fields: law, political sciences, social sciences, national minorities, including Roma, international relations, public or business administration, education sciences, linguistics or other fields that are relevant to the call and the Lot(s) they apply for.	CV
<u>Work experience</u> : At least 3 years of experience in the field of expertise and the chosen Lot(s) as described under the scope of the contract above.	CV
<u>Specific thematic expertise</u> : confirmed expertise in Legal and policy analysis and assessment (Lot 1), Capacity building and training (Lot 2), Minority languages, including Roma (Lot 3), Awareness raising initiatives (Lot 4), as evidenced by the information included in the supporting documents	CV Samples of previous work
<u>Language skills</u> : Ukrainian at mother tongue level and at least B2 CEFR level of English.	CV Samples of previous work

The above eligibility criteria will be assessed **on the basis of the documents listed in the table and, where relevant, on the basis of other supporting documents** listed in Section G.

For legal persons only: legal persons are requested to include in their bids the profiles of **a maximum of 5** natural persons proposed to be assigned to the contract. The status of each natural person included in the bid must be specified, and in particular whether they are employees or subcontractors. **Each natural person included in the bid will be assessed against the above eligibility criteria.** The Council reserves the right not to accept the inclusion in the contract of persons who do not meet the eligibility criteria or to reject a bid entirely if no profiles met the eligibility criteria.⁴

For consortia only: each consortium member **will be assessed against the eligibility criteria above.** Consortium members who are legal persons are requested to provide the profiles of a maximum of 5 natural persons proposed to be assigned to the contract. The status of each natural person included in the bid must be specified, and in particular whether they are employees or subcontractors.

Each natural person included in the bid submitted by a consortium – whether as an individual consortium member or as a natural person attached to a legal person – will be assessed against the above eligibility criteria. The Council reserves the right not to accept the inclusion in the contract of persons who do not meet the eligibility criteria or to reject a bid entirely if no profiles meet the eligibility criteria.⁵

Award criteria

The award criteria aim at assessing the quality of a bid in order to **identify the bid/s offering the best value for money.** Eligible bids will be assessed against the following award criteria:

Award criteria	Document/s to be submitted
Quality of the offer (90 points), including: <ul style="list-style-type: none"> ○ Extent and pertinence of the bidder's work experience in the field relevant for the call/lot (30 points); ○ Quality and pertinence of the bidder's thematic expertise in the area relevant to the call/lot (30 points); ○ Bidder's specific knowledge of Ukrainian legislation and implementation practices as well as knowledge of the international standards and recommendations of the Council of Europe in the areas covered by the call/lot (30 points) – only for Lot 1, 2 and 4; ○ Bidder's specific knowledge of teaching minority languages methodologies/tools, including Romani language (30 points), only for Lot 3. 	CV Motivation letter Samples of previous work

⁴ If awarded a contract, legal persons undertake to entrust the execution of order forms only to the persons approved by the Council for inclusion in the contract. If, during the period of validity of the contract, it becomes necessary to replace one or more of the persons included in the contract, the legal persons undertake to assign to the contract only persons who satisfy the eligibility criteria above and to inform the Council without delay.

⁵ If awarded a contract, consortium members who are legal persons undertake to entrust the execution of order forms only to the persons approved by the Council for inclusion in the contract. If, during the period of validity of the contract, it becomes necessary to replace one or more of the persons included in the contract, consortium members who are legal persons undertake to assign to the contract only persons who satisfy the eligibility criteria above and to inform the Council without delay.

Financial offer (10 points)	Completed and signed Act of Engagement
-----------------------------	----------------------------------------

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 Engagement⁶** (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);
- 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.

Documents may be submitted via file sharing services such as WeTransfer, Dropbox, OneDrive, etc.). In this case, the link must mandatorily remain active for at least 30 days after the deadline for the submission of the bids. Failure to ensure this may lead to the bid being excluded from the procurement procedure.

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.

* * *

⁶ 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.