

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure/ One-off contract)

### Purchase of services for the organisation and delivery of a sociological study



#### **Contract N° 8683/2021/10**

The Council of Europe is currently implementing the project "Further support for the execution by Ukraine of judgments in respect of Article 6 of the European Convention on Human Rights" (hereinafter – the Project), which, among other things, provides the necessary support to the Ukrainian authorities in solving a major structural issue of non-execution of national judgments in Ukraine identified by the European Court of Human Rights in the Burmych group of cases ("*Zhovner v. Ukraine*", "*Yuriy Nikolayevich Ivanov v. Ukraine*", "*Burmych and others v. Ukraine*"). The Project started in November 2019 and will continue until June 2021.

In that context, the Project is looking for a Provider to organise and deliver a sociological study on the attitude of the target audience towards the problem of non-execution of national judgments and mechanisms proposed by the Ukrainian Government for its elimination in the context of the execution of the Burmych group of cases (see Section A of the Act of Engagement).

#### A. TENDER PROCEDURE 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 €5,000 for intellectual services and € 55,000 tax exclusive.**

This specific tender procedure aims at concluding a **one-off 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 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: "Tender 8683/2021/10\_sociological study"**. 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 Council of Europe 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: Tender 8683/2021/10\_sociological study"**.

<b>Type of contract</b> ▶	One-off contract
<b>Duration</b> ▶	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers</b> ▶	<b>18 March 2021</b>
<b>Email for submission of tenders/offers</b> ▶	<a href="mailto:Irina.PINISCHUK@coe.int">Irina.PINISCHUK@coe.int</a>
<b>Email for questions</b> ▶	<a href="mailto:Irina.PINISCHUK@coe.int">Irina.PINISCHUK@coe.int</a>
<b>Expected starting date of execution</b> ▶	25 March 2021

<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

The expected deliverables are described in **Section A of the Act of Engagement** (see attached).

## C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services to be provided;
- 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.

## D. ASSESSMENT

### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement,<sup>2</sup> you declare on your honour not being in any of the below situations)

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

### *Eligibility criteria*

- Tenderer should be registered as a legal entity under the Ukrainian legislation and should be authorised to provide the services in question;
- At least 3 (three) years of experience of provision of services in the fields of sociological study, research and analysis.

### *Award criteria*

- Quality of the offer (70%), including:
  - Technical proposal (50%);
  - Demonstrated expertise of the Tenderer in conducting sociological study on the rule of law, ensuring the right to fair trial, and/or execution of the ECtHR judgments in Ukraine (20%).
- Financial offer (30%).

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

Multiple tendering is not authorised.

## E. 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>2</sup> 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.

## F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement<sup>3</sup> (see attached)**
- Copies of documents certifying the registration of the Tenderer under the Ukrainian legislation with a brief summary translation in English;
- A detailed description of the Tenderer and its experience in provision of services in question;
- **Technical proposal describing:**
  - 1) Draft list of questions (at least 10) to organise semi-structured interviews regarding the problem of non-execution of national judgments and mechanisms proposed by the Ukrainian Government for its elimination (in the context of the execution of the Burmych group of cases).
  - 2) Timeline of the sociological study.
  - 3) CVs of the suggested personal to be involved in the activity.
- Examples of a report (or reports) of the Tenderer prepared following a sociological study with regard to the on the rule of law, ensuring the right to fair trial, and/or execution of the ECtHR judgments in Ukraine (optional);
- Examples of other analytical documents prepared by the Tenderer (optional);
- Detailed financial offer.

**All documents shall be submitted in English (with only exception to registration document which can be submitted in Ukrainian with brief summary translation into English – name of the company, date of registration, types of economic activity which can be legally provided), 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, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.