

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

Purchase of consultancy services on open government and public ethics *Contract N° 8573/2021/80*

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.**

A. SCOPE OF THE TENDER PROCEDURE AND TENDER RULES

The Council of Europe is currently implementing until 30 June 2021 a Project "Strengthening democracy and building trust at local level in Ukraine". In that context, it is looking for a Provider for consultancy services (legal person) to conduct a baseline survey on open government at local level, including the assessment of existing e-governance and e-democracy policies and practices.

Continuous co-operation of the Council of Europe Congress of Local and Regional Authorities (the Congress) with Ukrainian local authorities and the Association of Ukrainian Cities (AUC) in the framework of the Project has recently resulted in the admission of three Ukrainian cities (Khmelnyskyi, Ternopil and Vinnytsia) to the OGP Local Programme – a selective global partnership of local governments and civil society organisations – which expressed their commitment to develop accountable and transparent open government, digital governance and inclusive policies.

The Council of Europe is looking for a Provider to support the implementation of the project with a particular expertise on open government policies, anti-corruption measures, public ethics, e-governance and e-democracy policies and practices, citizen engagement, including deliberative, collaborative, and participatory decision making. The selected provider will conduct a baseline survey on open government at local level, including the assessment of existing e-governance and e-democracy policies and practices.

This specific tender procedure aims at concluding a **one-off contract** for the provision of the following deliverables:

Expected deliverables ▼	Deadline ▼
Desk review of the national legislative framework	04/05/2021
Final methodology of the baseline survey	09/05/2021
Draft baseline survey report (maximum 50 pages)	07/06/2021
Presentation of the baseline survey findings to the project partners and stakeholders	10/06/2021
Final baseline survey report updated in line with the feedback received from participants and project team during the presentation of the survey findings.	21/06/2021

Abovementioned deliverables are described in more detail 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 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 - 8573/2021/80**. 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 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 - 8573/2021/80.**

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](#).

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	20 April 2021
Email for submission of tenders/offers ▶	oleg.muzychenko@coe.int
Email for questions ▶	oleg.muzychenko@coe.int
Expected starting date of execution ▶	28 April 2021

B. 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.

C. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,² 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

- Legal person duly registered in accordance with Ukrainian or European legislation, having legal grounds to provide the respective services;
- Previous and proven experience in analytical researches, studies and surveys in the fields of local democracy, transparency and citizen participation in Ukraine (min five (5) years).

Award criteria

- Quality of the offer (70%), including:
 - Technical proposal (40%)
 - Human resources to be assigned to provide the requested services in full in Ukrainian and English languages) (10%);
 - Thematic knowledge and expertise, including relevance of previous written works to the topic and type of engagement expected; proven experience in preparing and conducting surveys on open government, including the assessment of existing e-governance and e-democracy policies and practices (20%);
- Financial offer (30%).

² 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.

Multiple tendering is not authorised.

D. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

E. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (see attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- Registration documents (scanned copies);
- Detailed description (profile) of the Tenderer and its experience in provision of the services in question;
- Technical proposal highlighting the areas of expertise of the tenderer and presenting the proposed methodology;
- Detailed CVs, preferably in the Europass Format, of the suggested personal to be assigned for the provision of the requested services in full;
- At least two samples of previously developed written works (articles, studies, manuals, etc.) with relevance to the topics of this tendering);
- At list two referees' contact details (including phone number and e-mail address);

All documents shall be submitted in English (unless specifically requested otherwise), 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.

* * *

³ 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.