

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



## Purchase of Consultancy Services in the Field of Human Rights and the Environment in South-East Europe

### Contract N° BH9215-FC-RC

The Council of Europe is currently implementing a Project on "Human Rights and Sustainable Environment in South-East Europe" (the Project) until 28 February 2026. In that context, it is looking for Providers for the provision of consultancy in the South-East Europe region for the implementation of a series of capacity-building, research, and awareness-raising activities with a diverse spectrum of stakeholders, including representatives of the executive branches, legal practitioners, judges, prosecutors and environmental civil society organisations from the beneficiary jurisdictions in South-East Europe<sup>1</sup> 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>2</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 – Human Rights and Environment Consultancy Services South-East Europe.** 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 - Human Rights and Environment Consultancy Services South-East Europe.**

<b>Type of contract</b> ▶	Framework contract
<b>Duration</b> ▶	Until 28 February 2026
<b>Deadline for submission of tenders/offers</b> ▶	<b>18 April 2024 23h59 CET</b>
<b>Email for submission of tenders/offers</b> ▶	<a href="mailto:dgi-coordination@coe.int">dgi-coordination@coe.int</a>
<b>Email for questions</b> ▶	<a href="mailto:dgi-coordination@coe.int">dgi-coordination@coe.int</a>
<b>Expected starting date of execution</b> ▶	03 May 2024

<sup>1</sup> Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia, and Serbia.

\* All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United National Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>2</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 aims to set up the ground for better protection of the environment and human rights in South-East Europe. Building on the international and European standards, mainly the jurisprudence of the European Court of Human Right (ECtHR), as well as good practices in the relevant area, the Project will support the relevant authorities in strengthening environmental protection at the domestic level by, *inter alia*, mapping the existing needs, providing recommendations and capacity-building to support the advancement of the legal/regulatory framework and practice. In addition, the Project will focus on strengthening the knowledge of legal professionals, relevant authorities, civil society organisations, etc., on the link between the protection of human rights and the environment and the principles of environmental protection deriving from the existing human rights standards.

The Council of Europe is looking for 30 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on interconnection of the human rights and environment with a focus on the ECtHR case-law and its application to environmental matters; integration of human rights considerations into environment-related policies and legislation, legal procedures and mechanisms at the international and at the level of beneficiary jurisdictions in South-East Europe for seeking remedies for environmental harm and human rights violations.

This Contract is currently estimated to cover up to 30 activities to be held by 28 February 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 500,000 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 Providers to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Research and analysis of law and practice on human rights and the environment in South-East Europe and delivering presentations in the area of the scope of the tender call	10
Lot 2: Capacity-building on issues related to human rights and the environment	10
Lot 3: Dissemination of knowledge and awareness-raising related to the interdependence of human rights and environmental protection	10

**Lot 1** - concerns consultancy services of conducting baseline studies/analytical reports, needs assessment, etc. based on the South-East Europe' jurisdictions' policies, legislations and judicial practice regarding the interconnection of human rights and environment and in light of the relevant Council of Europe and other international standards; providing recommendations for the alignment of the legal/regulatory framework and practice with European and international standards; producing materials/delivering presentations/facilitating expert events on the nexus between human rights and the environment.

**Lot 2** - concerns consultancy services related to capacity building of different target groups (*inter alia*, legal professionals, representatives of civil social organisations, representatives of the judiciary and/or representatives of executive branches) in the area of the interconnection of human rights and the environment, general principles for environmental litigation under the European Convention on Human Rights, access to information, justice and other remedies in environmental cases, etc.

**Lot 3** - concerns consultancy services related to raising awareness regarding standards and good practices arising from the interconnection of human rights and the environment (with a focus on the South-East Europe's context) and supporting exchange and interaction among representatives of different institutions/target

groups via, *inter alia*, regular dialogue to address existing challenges in this area and promote ways for improvement in line with the relevant Council of Europe and international standards.

The Council will select the abovementioned number of Providers per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lots 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: Research and analysis of law and practice on human rights and the environment in South-East Europe**

- Conducting research and carrying out selected interviews with relevant stakeholders in the beneficiary jurisdictions in South-East Europe on issues related to human rights and the environment;
- Drafting comparative analytical reports (e.g. baseline studies) of existing legal and policy framework, mechanisms, rules and procedures in the beneficiary jurisdictions and providing recommendations in line with the Council of Europe and international standards and comparable good practices on human rights and the environment;
- Supporting international consultants with relevant documents and background information on domestic specific aspects related to human rights and the environment in the beneficiary jurisdictions in South-East Europe;
- Preparing and delivering presentations with a focus on the South-East Europe's context, participating as a keynote or contributing speaker in expert events (workshops, discussions, conferences, round tables, working meetings, etc.);
- Facilitating/moderating expert events (workshops, discussions, conferences, round tables, working meetings, informative sessions, etc.);
- Producing and/or reviewing materials for publication related to interconnection of the human rights and environment with a focus on the beneficiary jurisdiction in South-East Europe.

#### **Under Lot 2: Capacity-building on issues related to human rights and environment**

- Developing/revising training modules and other training materials related to the interconnection of human rights and environment and adequate teaching methodology with reference to domestic legislation and practices from the beneficiary jurisdictions in South-East Europe;
- Preparing materials for training sessions/workshops focusing on the context of South-East Europe, with regard to the needs specific for a certain group of participants (e.g. legal professionals, domestic authorities, the judiciary, civil society organisations, etc.) ;
- Delivering training/workshops/presentations with regard to the needs specific for different target groups (e.g. legal professionals, domestic authorities, the judiciary, civil society organisations, etc.);
- Conducting training evaluation and preparing post-training/workshop reports.
- Translating/Adaptating the HELP course on Human Rights and Environment to the domestic context of the selected beneficiary jurisdictions in South-East Europe and/or tutoring of the e-learning course for a selected group of participants.

#### **Under Lot 3: Dissemination of knowledge and awareness-raising related to the interdependence of human rights and environmental protection**

- Developing/participating in and contributing to different types of activities such as conferences, peer-to-peer exchanges, working group meetings, study visits, round tables, including by moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations with a specific focus on the context of the beneficiary jurisdictions in South-East Europe;
- Developing/contributing to the development of information and guiding materials/manuals/instructions focusing on the domestic context of the beneficiary jurisdictions in South-East Europe in the respective thematic area;
- Thematical terminological proofreading of different types of documents.

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 quote<sup>3</sup> (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider's name and address;

<sup>3</sup> 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.

- 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)<sup>4</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;
- [have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe].

#### *Eligibility criteria for all lots*

- University degree in law, political/environmental/social sciences, or related fields, from an accredited academic institution;
- At least 3 (three) years of professional experience in human rights and environmental law, of which at least 2 (two) years were acquired at the level of one of the beneficiary jurisdictions in South-East Europe;
- Advanced knowledge of the interconnection of human rights and environmental issues, with a strong understanding demonstrated through previous experience (e.g. published papers or alternatively submitted samples of previously written work, experience in giving lectures on relevant topics, etc.);
- Advanced knowledge of the legal framework and context related to human rights and environment in at least one of the beneficiary jurisdictions in South-East Europe demonstrated through previous experience (e.g. published papers or alternatively submitted samples of previously written work, experience in giving lectures on relevant topics, etc.)

<sup>4</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.

- Excellent knowledge of the English language (C1 level of the [Common European Framework of Reference for Languages](#) (CEFR)).
- Knowledge of one of the languages of the beneficiary jurisdictions in South-East Europe, spoken and written (mother tongue level);
- Being a registered legal entity or a private entrepreneur specialised in the field of human rights, environmental law (for legal persons only).

#### *Award criteria- LOT 1*

- Quality of the offer (90%), including:
  - Experience in conducting research and drafting analytical reports (60%);
  - Cooperation with / previous assignments with international organisations, domestic authorities from the beneficiary jurisdictions in South-East Europe or civil society organisations within the thematic area of the tender call (10%);
  - Experience in delivering presentations (20%).
- Financial offer (10%).

#### *Award criteria - LOT 2*

- Quality of the offer (90%), including:
  - Experience in designing training curricula/materials and delivering trainings and other capacity building activities in the areas covered by this call (60%);
  - Cooperation with / previous assignments with international organisations, domestic authorities from the beneficiary jurisdictions in South-East Europe or civil society organisations within the thematic area of the tender call (10%);
  - Experience in delivering presentations (20%).
- Financial offer (10 %).

#### *Award criteria - LOT 3*

- Quality of the offer (90%), including
  - Experience in designing awareness raising events in various forms in the field of human rights or environmental matters (60%);
  - Cooperation with / previous assignments with international organisations, domestic authorities from the beneficiary jurisdictions in South-East Europe or civil society organisations within the thematic area of the tender call (10%);
  - Experience in delivering presentations (20%).
- 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>5</sup>** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria; For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
- Registration documents, for legal persons only;
- Contact details of 3 (three) referees (i.e. current or previous employee, client);

<sup>5</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.

- At least two samples of previous work (in respect of Lot 1 -assessment/report/baseline study or analyses in English language; in respect of Lots 2 and 3 - articles, handbooks, research analysis, presentations or training materials, etc. in the area of the scope of the tender call in English and/or one of the languages of the beneficiary jurisdictions in South-East Europe).

**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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