

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of local consultancy services with regard to strengthen institutional capacity of the Prosecutors' Training Centre



Contract N° 8665/2020AO2

The Council of Europe is currently implementing the Phase I of a Project "Human Rights Compliant Criminal Justice System in Ukraine" until 31 December 2020, with a possibility of prolongation of its Phase II beyond December 2020. In that context, it is looking for Provider(s) for the provision of local consultancy services with regard to strengthen institutional capacity of the Prosecutors' Training Centre 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 duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: "Consultancy Services 8665/2020AO2".** 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 8665/2020AO2"**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2020
Deadline for submission of tenders/offers ▶	03 September 2020
Email for submission of tenders/offers ▶	HRCCJ.UA@coe.int
Email for questions ▶	HRCCJ.UA@coe.int
Expected starting date of execution ▶	15 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 Project "Human Rights Compliant Criminal Justice System in Ukraine" (the Project) phase I is implemented from July 2019 to December 2020. The current Project aims at ensuring effective functioning of the criminal justice system in Ukraine aligned with European human rights standards with a large focus on practical implementation of reforms in the criminal justice area, specifically with regard to the following components: 1) further harmonisation of the criminal procedure legislation and practice of its implementation in line with Council of Europe standards and best practices; 2) consolidation of independence, effectiveness and transparency of the public prosecution service (PPS).

Within the second component the project provides support to the Prosecutor's Training Center (PTC) which strives to bring modern approaches to the professional education of prosecutors, improve its quality and ensure its effectiveness. In order to achieve this goal, it is important to organize a set of various trainings and other educational activities on soft and hard skills for the staff of the PTC and prosecutors who undergo trainings. This will contribute to further sustainability of the PTC, strengthen its institutional capacity and independence.

The Council of Europe is looking for a maximum of forty Provider(s) for four different lots (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in soft skills for the development and conducting trainings, project management tools, strategic planning, and Criminal Procedure Code of Ukraine in the light of the European standards.

This Contract is currently estimated to cover up to fifteen activities, to be held by 31 December 2020. The contract may be automatically renewed at the end of its initial term under the Phase II of the Project, for a further term of half a year, unless either party notifies the other in writing of its intention to terminate the contract at the latest 1 (one) month before the termination date of the term in progress. It shall not renew beyond 30 June 2021 and shall end on this date unless either party has already validly terminated the contract. 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, 000, 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

Lots	Maximum number of Providers to be selected
Lot 1: Conducting ToT on soft skills for developing and conducting trainings	10
Lot 2: Conducting educational activities on strategic planning	10
Lot 3: Conducting educational activities on project management methodology	10
Lot 4: Conducting educational activities on Criminal Procedure Code of Ukraine in the light of the European Standards	10

Lot 1 concerns conducting ToT for the staff and trainers of the PTC on soft skills covering design of trainings (setting of objectives, tasks, structure, end results, training tools); working with adults (focus on interactive teaching); latest technical methods regarding visualization and engagement of participants.

Lot 2 concerns conducting educational and support activities related to the design and implementation of strategic plans for the organizational development and key activities of the PTC.

Lot 3 concerns conducting seminars and other support activities on project management methodology which will cover project cycle management comprising of five main phases from initiation to final evaluation as well as seven key management processes applied throughout the phases.

Lot 4 concerns conducting educational activities which cover various issues of criminal justice, European Convention on Human Rights and the case law of the European Court of Human Rights.

Scope of the Framework Contract

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

Under Lot 1:

- conduct ToT on different aspects of training/working with adults, including but not limited to methods of working with adults, design of trainings, teaching programs, usage of latest visualization methods and engaging the participants;
- develop training agenda;
- develop presentations and methodological materials necessary for conducting trainings;
- support the trainers having undergone the ToT in the process of preparation and delivery of trainings.

Under Lot 2:

- conduct teaching sessions on strategic planning;
- develop agenda for the sessions;
- prepare educational and other necessary materials for the sessions;
- analyse existing strategic documents of the PTC and look into the possibility of their improvement;
- develop strategies for activity planning and organisational development of the PTC in cooperation with PTC staff;
- peer review of the strategies and plans developed by the PTC.

Under Lot 3:

- conduct dissemination sessions/training/seminars on the project cycle management;
- conduct dissemination sessions/training/seminars on the management processes applied throughout all phases of the project cycle management;
- support the PTC in the development of project proposals;
- prepare presentations and other teaching materials.

Under Lot 4:

- conduct lectures on various issues of criminal justice, including but not limited to indictment act, preventive measures, search and seizure, evidence, the ECHR standards and the case-law of the ECtHR;
- prepare presentations and other supporting materials for lectures;
- prepare video lectures;
- participate in thematic discussions in the area of criminal justice;
- prepare knowledge check assignments and evaluate them further.

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.

Other expenses

In the event of the Provider being required to travel for the purposes of the contract, and provided the Terms of reference for a specific deliverable to be indicated in each Order Form do not stipulate that the global fees already include travel and/or subsistence expenses, the Council may undertake, subject to its prior agreement, to reimburse travel and subsistence allowances in compliance with the Council's applicable Rules and within the Project's budget.

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 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);
- 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.

Eligibility criteria

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, 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 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.

For lot 1

- university degree in business administration, law, social sciences or other related field;
- demonstrated knowledge of adult learning principles;
- at least 3 years of professional experience in designing and developing teaching/training courses and delivering trainings for adults.

For lot 2

- university degree in business administration, public administration, law, economics or other related field;
- at least 3 years of professional experience in developing organisation strategies and strategic planning;
- experience with developing strategic plans for an educational institution/training centre would be a considerable asset.

For lot 3

- university degree in business administration, public administration, law, economics or other related field;
- demonstrated knowledge of the project cycle management and project management tools;
- at least 3 years of professional experience in the delivery of trainings on project cycle management and project management tools.

For lot 4

- university degree in law;
- at least 3 years of demonstrated professional experience in the field of criminal justice;
- good knowledge of the ECHR standards and the ECtHR case-law;
- not being currently employed as a prosecutor and/or a staff of the PTC
- teaching experience will be an asset.

*Award criteria***For lot 1**

- Quality of the offer (90%), including:
 - expertise in the conducting of ToTs (45 %);
 - development of interactive methods of teaching (35%);
 - relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations (20%).
- Financial offer (10%).

For lot 2

- Quality of the offer (90%), including:
 - expertise in strategic planning (35 %);
 - conducting of educational activities on strategic planning (35 %);
 - relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations (20%).
- Financial offer (10%).

For lot 3

- Quality of the offer (90%), including:
 - expertise in project management (35 %);
 - conducting of educational activities on project cycle management and project management tools (35 %);
 - relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations (20%).

- Financial offer (10%).

For lot 4

- Quality of the offer (90%), including:
 - thematic local expertise in the field of criminal justice (50 %);
 - expertise in the European Convention on Human Rights and Case Law of the European Court of Human Rights (20 %);
 - relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations (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.

G. DOCUMENTS TO BE PROVIDED

- General requirements for lots 1-4:
 - A completed and signed copy of the **Act of Engagement**⁴ (See attached);
 - A detailed CV (maximum a 4-page document), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
 - registration documents, only for duly registered companies under sole proprietorship of a natural person;
 - A motivation letter (maximum 1 page document) describing tenderer's experience in accordance with the award criteria defined above in section E;
 - 2 (two) references (first name, last name, position, Organisation, phone number and email).
- Specific requirements for lots 1-3:
 - At least 2 links/references to previously conducted activities to demonstrate the tenderer's relevant experience in relation to the respective lot

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.