**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of International consultancy services in the area of minority rights and minority languages** **in the context of the project “Fostering societal cohesion by reinforcing minority rights and minority languages”.**

***Contract N°* BH 9249/2024/3**

The Council of Europe is currently implementing the project “Fostering societal cohesion by reinforcing minority rights and minority languages”, with a focus on fostering reconciliation and societal cohesion at different levels of society allowing for rights-holders from minority groups to better enjoy their rights in Kosovo\*. [[1]](#footnote-1)In that context, it is looking for Providers for the provision of international consultancy services in the area of minority rights and minority languages (legislative and policy; capacity building in education and public administration sectors; raise awareness), to be requested by the Council on an as needed basis, in compliance with the ordering procedure defined below.

1. 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[[2]](#footnote-2), 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 – International Consultancy on minority rights.** 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 - International expert on minority rights and languages.**

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| --- | --- |
| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until **30 June 2026** |
| **Deadline for submission of tenders/offers ►** | **15 October 2024** 23h59 CET |
| **Email for submission of tenders/offers ►** | **Tenders.antidiscrimination@coe.int** |
| **Email for questions ►** | **Tenders.antidiscrimination@coe.int** |
| **Expected starting date of execution ►** | 01 November 2024 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The project “Fostering societal cohesion by reinforcing minority rights and minority languages” aims at fostering reconciliation and societal cohesion at different levels of society allowing for rights-holders from minority groups to better enjoy their rights in Kosovo\*.

This will be achieved by supporting institutions in incorporating the recommendations of the Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM), particularly those from its Fifth Opinion on Kosovo\* and the Committee of Ministers’ Resolution CM/ResCMN (2023)12, into their daily operations. Activities will involve promoting the effective use of minority languages in line with European standards, like the European Charter for Regional or Minority Languages, and raising awareness of national minority rights across both institutional and societal levels.

In this context, services requested may entail:

* Support to the development of tailored policies and legislation, as well as capacity-building activities to support the Technical Group for the Co-ordination of the Implementation of the Recommendations for the FCNM in the implementation of FCNM recommendations.
* Building the capacity of law enforcement officials to address hate crimes based on ethnicity or religion.
* Support the development of Training Modules based on Council of Europe minority standards, in particular the European Charter for Regional or Minority Languages, and their rolling in the higher education sector.
* Assist local public institutions in increasing and improving the use of minority languages including through pilot projects.
* Support awareness-raising activities engaging youth, local authorities, media, and the civil society on the rights of national minorities and relevant European standards

To support the implementation of the project’s activities, the Council of Europe is looking for maximum of 30 Provider(s) in total (provided enough tenders meet the criteria indicated below), as it follows:

* 10 providers for Lot 1: Legislative and policy development.
* 10 providers for Lot 2: Training and Capacity building;
* 5 providers for Lot 3: Awareness-raising activities.

This Contract is currently estimated to cover up to 30 activities, to be held by 30 June 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 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 Provider(s) to support the implementation of the project and is divided into the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| Lot 1: Legislative and policy development  | 10 |
| Lot 2: Training and Capacity building | 10 |
| Lot 3: Awareness-raising activities | 5 |

**Lot 1** concerns consultancy services to be provided to support central and local authorities to enhance the compatibility with European standards and CoE monitoring bodies’ recommendations of the legislation/policy relating to different forms of discrimination and by reinforcing minority rights and minority languages.

**Lot 2** concerns consultancy services to support the development of Training Modules based on Council of Europe minority standards, in particular the European Charter for Regional or Minority Languages, and their rolling in the higher education sector, and to assist local public institutions in increasing and improving the use of minority languages including through pilot projects.

**Lot 3** concerns consultancy services to be provided to raise awareness on the rights of national minorities and relevant European standards.

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).

**Scope of the Framework Contract**

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

**Under Lot 1 - Legislative and policy development**

* Conducting analysis of legal acts and assessment of their implementation;
* Support to reviewing national legislation in view of ensuring that laws and bylaws are aligned with the European standards on minority rights and minority languages;
* 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.
* Providing analysis of existing educational framework in relation to minority (languages) rights;
* Assessing administrative procedures and their rate of implementation in relation to minority (languages) rights;

**Under Lot 2 – Training and Capacity building**

* Preparting assessments of the functioning of the existing institutional framework;
* Providing expert support to the Technical Working Group for implementation of the FCNM and facilitating its meetings
* Assessing training needs (TNA) and designing training courses and modules;
* Delivering off-line and on-line trainings (including train-the-trainers).

 **Under Lot 3 – Awareness-raising activities**

* Developing creative concepts for events, workshops and other public initiatives and support their implementation;

The above lists are 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).

1. 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.

1. 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[[3]](#footnote-3) (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.

1. 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)[[4]](#footnote-4)

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;

*Eligibility criteria*

**For all Lots:**

* Knowledge of the Council of Europe values and approaches in the field of anti-discrimination and national minorities;
* Excellent knowledge of English, spoken and written;

**For Lot 1 and 2**

* At least 3 years of relevant professional experience in the field of legal and policy advice, or training delivery in the domain of anti-discrimination and national minorities issues in an international context;
* University degree in social science, law, political science, education or other fields related to the tender;

**For Lot 3**

* At least 3 years of proved experience in the field of awareness-raising and PR activities, with a focus on human rights and anti-discrimination;

*Award criteria*

Quality of the offer, **80 points,** including:

* Expertise on legal and policy or training in the field of minority rights and minority languages and anti-discrimination (Lot 1, Lot 2). 40 points
* Competences of writing in English analytical contents related to the anti-discrimination and national minorities field (Lot 1, Lot 2); 40 points
* Expertise in organizing implementing events, workshops, and public initiatives (Lot 3). 80 points

Financial offer: **20 points.**

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED
* A completed and signed copy of the Act of Engagement[[5]](#footnote-5) (See attached);
* A detailed CV, and a motivation letter (max 1 page) demonstrating clearly that the tenderer fulfils the eligibility criteria (Lot 1, Lot 2);
* Registration documents, for legal persons only (Lot 1, Lot 2, Lot 3);
* One example of written work to which the bidder contributed or drafted (i.e. legal expertise, policy advise; a training delivered), max length 5 pages. Links to existing material are also acceptable for Lot 3.
* Detailed company presentation/portfolio clearly demonstrating that the tenderer fulfils the eligibility criteria. Links to existing material are also acceptable, except for WeTransfer (Lot 3).

**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.**

**\* \* \***

1. \*All reference to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council resolution 1244 and without prejudice to the status of Kosovo. [↑](#footnote-ref-1)
2. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
4. 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. [↑](#footnote-ref-4)
5. 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. [↑](#footnote-ref-5)