



## CALL FOR TENDERS

### FOR THE PROVISION OF NATIONAL CONSULTANCY SERVICES IN THE SPHERE OF CRIMINAL JUSTICE AND LAW ENFORCEMENT IN UKRAINE

**EXPERTISE SOUGHT IN: APPLICABLE COUNCIL OF EUROPE STANDARDS TO THE LEGISLATIVE FRAMEWORK AND PRACTICE IN THE CRIMINAL JUSTICE FIELD, INCLUDING LAW ENFORCEMENT; INSTITUTIONAL ASPECTS OF THE EFFECTIVE FUNCTIONING OF THE PUBLIC PROSECUTION SERVICE AND LAW ENFORCEMENT AGENCIES; GENERAL AND WAR-RELATED FORENSIC SCIENCE (CRIMINALISTICS) AND EVALUATION OF DAMAGE; COLLECTION AND USE OF EVIDENCE; DOCUMENTING AND INVESTIGATING WAR-RELATED CRIMES; STANDARDS OF EFFECTIVE INVESTIGATION OF ILL-TREATMENT; DEVELOPMENT OF ONLINE EDUCATIONAL TOOLS FOR CRIMINAL JUSTICE PROFESSIONALS; PSYCHOLOGICAL SUPPORT TO INVESTIGATORS AND PROSECUTORS; SOCIOLOGICAL RESEARCH IN THE CRIMINAL JUSTICE FIELD; ORGANISATIONAL/STRATEGIC DEVELOPMENT, COMMUNICATION AND FACILITATION/MODERATION; ISSUES OF GENDER EQUALITY AND SEXUAL VIOLENCE CRIMES; LEGAL PROOFREAD.**

**2023/AO/14**

<b>Object of the procurement procedure ►</b>	NATIONAL CONSULTANCY IN THE SPHERE OF CRIMINAL JUSTICE AND LAW ENFORCEMENT FOR UKRAINE
<b>Project ►</b>	Office-wide
<b>Organisation and buying entity ►</b>	Council of Europe Cooperation Programmes Division, Department for the Implementation of Human Rights, Justice and Legal Co- operation Standards
<b>Type of contract ►</b>	<b>Framework Contract</b>
<b>Duration ►</b>	Until 31 December 2027
<b>Expected starting date ►</b>	25 April 2023
<b>Tender Notice Issuance date ►</b>	10 March 2023
<b>Deadline for tendering ►</b>	02 April 2023

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
- **The TENDER RULES**..... 13  
The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

## HOW DOES A FRAMEWORK CONTRACT WORK?

### STAGE 1:

**SELECTION** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

### STAGE 2:

**ORDER(S)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**EXECUTION** as from the date of signature of each Order, unless the Order concerned provides otherwise.

## HOW TO SUBMIT A TENDER?

**STEP 1:** Read the **TENDER FILE**

**STEP 2:** Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

**STEP 3:** Send your **TENDER**, in accordance with the Tender Rules

## **PART I –TERMS OF REFERENCE**

### **CALL FOR TENDERS FOR THE PROVISION OF NATIONAL CONSULTANCY SERVICES IN THE SPHERE OF CRIMINAL JUSTICE AND LAW ENFORCEMENT FOR UKRAINE 2023/AO/14**

#### **A. BACKGROUND**

Under the newly adopted Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026 a number of projects were launched in the sphere and/or related to criminal justice and law enforcement. Present call for tenders is issued to cover the needs for national consultancy services in respective thematic spheres.

The services will be used for, but not limited to, the projects offering support to Ukrainian criminal justice stakeholders in the sphere of promoting better protection and effective implementation of human rights and strengthening rule of law-based institutions within the criminal justice and law enforcement area in Ukraine, including in the context of the war. For orientation purposes - brief description of both projects launched in January 2023:

The “Fostering Human Rights in the Criminal Justice System in Ukraine” project aims at further harmonisation of practices of criminal justice stakeholders in applying criminal justice policy and legal framework in an effective and coordinated manner in line with the CoE standards; fostering institutional independence of the prosecution service and procedural autonomy of prosecutors through support to the continued reforms in the Public Prosecution Service, including reinforcing prosecutorial self-government and disciplinary bodies; and enhancing capacity of prosecutors, lawyers and judges to contribute to increased procedural guarantees in criminal proceedings, including effectiveness of investigation/prosecution of gross human rights violations in the context of the military aggression of the Russian Federation against Ukraine.

The “Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period” project’s objective is to assist the Ukrainian law enforcement agencies (National Police; State Bureau of Investigation and State Security Service) to create the necessary preconditions to better implement European human rights standards and apply practices that strengthen effectiveness of investigations of human rights violations, including in the context of the ongoing war.

To meet Council of Europe needs within the thematic area of the present call for tenders, including within both above-mentioned projects, there is a need to involve national expertise in Ukraine in the field of criminal justice and law enforcement. It is for these reasons that the Council of Europe is issuing present call for tender.

The Council of Europe is looking for a maximum of as many providers as indicated in section B. below for each lot respectively (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Council of Europe activities in Ukraine with a particular expertise in the field of criminal justice and law enforcement *inter alia* within the above-mentioned projects (hereinafter - the Projects), but not limited to.

This Contract is currently estimated to cover approximately 100-150 activities, to be held by the end of 2024. 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 two projects amounts to 2,540,000.00 Euros till 31 December 2024. The total amount of the object of present tender should in principle not exceed 250,000.00 Euros till 31 December 2024. This amount may be exceeded for the period beyond 31 December 2024 and till the maximum possible duration of the Framework Contract – till 31 December 2027, so far as the possibility for its renewal is stipulated in line with the Legal Conditions of the Act of

Engagement (Framework Contract). This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

***By submitting an offer in the framework of the present Call for Tenders, the Tenderer acknowledges that the persons involved in the implementation of the contract will be exposed to an increased risk of death and injury due to the ongoing war against Ukraine. The Tenderer also acknowledges that, if selected, it will carry out the implementation of the contract at its own risk.***

***The Tenderer confirms in addition that, if selected, it will perform systematic security assessments before implementing any activity related to the implementation of the contract. The Tenderer acknowledges that the Council of Europe does not assume any liability for the death, any injury or any damage that the Provider or persons involved in the implementation of the contract may sustain in Ukraine.***

## **B. LOTS**

The Projects are implemented in Ukraine from 1 January 2023 till 31 December 2024 with possible prolongation.

The present tendering procedure aims to select Provider(s) to support the implementation of the Projects and potential follow-up cooperation actions and related thematic activities of the Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards and is divided into the following lots:

	<b>Lots</b>	<b>Maximum number of Provide(s) to be selected</b>
<input type="checkbox"/>	<b>LOT 1</b> - Alignment of the legislative, policy framework and practices of criminal justice stakeholders (prosecutors, investigators, judiciary and legal aid) in the criminal justice field in Ukraine with European standards and best practices, primarily with the relevant Council of Europe standards, notably the European Convention on Human Rights and considering systemic issues identified in the case law of the European Court of Human Rights in respect of Ukraine	20
<input type="checkbox"/>	<b>LOT 2</b> – Institutional aspects related to effective functioning of the public prosecution service and its compliance with the Council of Europe standards, including independence of the PPS, procedural autonomy of prosecutors, access to career, training system and professional development, disciplinary framework, performance evaluation etc.	20

<input type="checkbox"/>	<b>LOT 3 –</b> Institutional aspects of effective functioning of law enforcement agencies (focus on the staff charged with investigative or operative function), inter alia, in regard to performance evaluation, staff training and professional development (non-exhaustive)	15
<input type="checkbox"/>	<b>LOT 4 -</b> General and war-related forensic science (criminalistics): evaluation of caused damage, veracity of facts of war crimes, mass graves, battlefields, missiles, identification of victims, etc.	10
<input type="checkbox"/>	<b>LOT 5 -</b> Collection, preservation and use of evidence at the time of war. Innovative methods of evidence collection (including open-source intelligence, aerial-video shooting, application of cartographic complexes, etc.).	10
<input type="checkbox"/>	<b>LOT 6 -</b> Documenting, investigating and proving grave human rights violations and war related crimes, according to relevant international standards in this regard. Interrelation of international humanitarian law, international criminal law, and the international human rights law	15
<input type="checkbox"/>	<b>LOT 7 -</b> Development of online education tools within the thematic area of the tender call, as well as production, technical support and software solutions	10
<input type="checkbox"/>	<b>LOT 8 -</b> Psychological advice and support to law enforcement officers and prosecutors/criminal justice stakeholders dealing with grave human rights violations and war crimes and working on or close to war line.	10
<input type="checkbox"/>	<b>LOT 9 -</b> Prohibition of discrimination, gender equality in the criminal justice/law-enforcement context, war-related sexual and gender-based crimes and violence	8
<input type="checkbox"/>	<b>LOT 10 –</b> National legislative and practical novelties related to effective investigation, including alignment with international standards. Implementation of custody records, investigative interview, witnesses' and victims' protection. Effective investigation into torture and other forms of ill-treatment in line with the European Convention on	15

	Human Rights standards and best practices.	
<input type="checkbox"/>	<b>LOT 11</b> - Legal proof-reading (including European Convention on Human Rights and European Court of Human Rights case-law terminology)	8
<input type="checkbox"/>	<b>LOT 12</b> - Sociological studies, including design, support and conducting of empirical research, opinion polls and public surveys within the thematic area of the tender call	10
<input type="checkbox"/>	<b>LOT 13</b> - Organisational development; strategic planning; internal and external communication and coordination; dialogue and mediation, building trust, public moderation within the thematic areas of the tender call	10

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).

### C. SCOPE OF THE FRAMEWORK CONTRACT

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

<b>LOT 1</b> - Alignment of the legislative, policy framework and practices of criminal justice stakeholders (prosecutors, investigators, judiciary and legal aid) in the criminal justice field in Ukraine with European standards and best practices, primarily with the relevant Council of Europe standards, notably the European Convention on Human Rights and considering systemic issues identified in the case law of the European Court of Human Rights in respect of Ukraine	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, workshops, consultation meetings, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> </ul>
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<p><b>LOT 2 –</b> Institutional aspects related to effective functioning of the public prosecution service and its compliance with the Council of Europe standards, including independence of the PPS, procedural autonomy of prosecutors, access to career, training system and professional development, disciplinary framework, performance evaluation etc.</p>	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats, including on issues of effective functioning of the public prosecution service from the national perspective and its compliance with the recommendations and guidance developed by the Council of Europe bodies: European Court of Human Rights, Venice Commission, Consultative Council of European Prosecutors, European Committee for the Prevention of Torture, etc. Effectiveness may cover but shall not be limited to strategy and policy making, automation and digitalisation of processes, organisational structure, prosecutorial management and decision making, working processes, analytics, human resources management of prosecutors, etc; issues of effective functioning of the PPS self-government and disciplinary bodies.</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> </ul>
<p><b>LOT 3 –</b> Institutional aspects of effective functioning of law enforcement agencies (focus on the staff charged with investigative or operative function), inter alia, in regard to performance evaluation, staff training and professional development (non-exhaustive)</p>	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to national legal and practical context</li> <li>• Development of tailored online educational content, video-lecturing, online knowledge monitoring tools</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> <li>• Thematically focused terminological proof-reading of documents</li> </ul>
<p><b>LOT 4 -</b> General and war-related forensic science (criminalistics): evaluation of caused damage, veracity of facts of war crimes, mass graves, battlefields, missiles, identification of victims, etc.</p>	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to national legal and practical context</li> <li>• Development of tailored online educational content, video-lecturing, online knowledge monitoring tools</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> <li>• Thematically focused terminological proof-reading of documents</li> </ul>

<p><b>LOT 5</b> - Collection, preservation and use of evidence at the time of war. Innovative methods of evidence collection (including open-source intelligence, aerial-video shooting, application of cartographic complexes, etc.).</p>	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to national legal and practical context</li> <li>• Development of tailored online educational content, video-lecturing, online knowledge monitoring tools</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> <li>• Thematically focused terminological proof-reading of documents</li> </ul>
<p><b>LOT 6</b> - Documenting, investigating and proving grave human rights violations and war related crimes, according to relevant international standards in this regard. Interrelation of international humanitarian law, international criminal law, and the international human rights law</p>	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to national legal and practical context</li> <li>• Development of tailored online educational content, video-lecturing, online knowledge monitoring tools</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> <li>• Thematically focused terminological proof-reading of documents</li> </ul>
<p><b>LOT 7</b> - Development of online education tools within the thematic area of the tender call, as well as production, technical support and software solutions</p>	<ul style="list-style-type: none"> <li>• Development of online education products and tools for internal online training portals, web-sites or other hosting solutions of project beneficiaries</li> <li>• Creating scenarios for video-lectures, interactive case-studies, based on content provided by the CoE experts</li> <li>• Script proofreading, storyboarding, shooting, montage, production, postproduction, sound tracking, and sound design</li> <li>• Identity development, animation, visualisation, captioning, infographics, content formatting and converting</li> <li>• Delivering training for video-lecturers on best practices of online content shooting</li> <li>• Delivering technical support to respective IT staff of project beneficiaries in placing, maintaining, formatting and managing created online education products for their staff</li> <li>• Creating knowledge monitoring, evaluation and management tools</li> <li>• Development and placement of knowledge certifying documents</li> </ul>
<p><b>LOT 8</b> - Psychological advice and support to law enforcement officers and prosecutors/criminal justice stakeholders dealing with grave human rights violations and war</p>	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender</li> </ul>



crimes and working on or close to war line.	<p>equality, monitoring and evaluation and due reference to national legal and practical context</p> <ul style="list-style-type: none"> <li>• Development of tailored online educational content, video-lecturing, online knowledge monitoring tools</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> <li>• Thematically focused terminological proof-reading of documents</li> </ul>
<b>LOT 9</b> - Prohibition of discrimination, gender equality in the criminal justice/law-enforcement context, war-related sexual and gender-based crimes and violence	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to national legal and practical context</li> <li>• Development of tailored online educational content, video-lecturing, online knowledge monitoring tools</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> <li>• Thematically focused terminological proof-reading of documents</li> </ul>
<b>LOT 10</b> – National legislative and practical novelties related to effective investigation, including alignment with international standards. Implementation of custody records, investigative interview, witnesses' and victims' protection. Effective investigation into torture and other forms of ill-treatment in line with the European Convention on Human Rights standards and best practices.	<ul style="list-style-type: none"> <li>• Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats</li> <li>• Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations</li> <li>• Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to national legal and practical context</li> <li>• Development of tailored online educational content, video-lecturing, online knowledge monitoring tools</li> <li>• Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area</li> <li>• Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area</li> <li>• Contribution to the development of strategic, regulatory documents of project beneficiaries</li> <li>• Providing advice on adult learning methodology and preparing/delivering trainings for project beneficiaries' staff/trainers</li> <li>• Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them</li> <li>• Thematically focused terminological proof-reading of documents</li> </ul>
<b>LOT 11</b> - Legal proof-reading (including European Convention on Human Rights and European Court of Human Rights case-law terminology)	<ul style="list-style-type: none"> <li>• Proof-reading of English/Ukrainian texts for correct application of respective legal or related terminology for national (Ukrainian) and international context (e.g. translations of national regulatory documents, laws, case-law of the ECtHR, CoE documents and factsheets, publications)</li> </ul>

<b>LOT 12 - Sociological studies, including design, support and conducting of empirical research, opinion polls and public surveys within the thematic area of the tender call</b>	<ul style="list-style-type: none"> <li>• Providing support with the development of representative research samples for empirical research and/or surveys and opinion polls</li> <li>• Developing research questionnaires, checklists and other instruments, including online tools, necessary for conducting empirical research, surveys and opinion polls,</li> <li>• Providing training as well as support and guidance as necessary on the use of the research instruments and data collection</li> <li>• Conducting research, surveys and opinion polls</li> <li>• Review and analysis of the collected empirical data</li> <li>• Participation in and contribution to the conferences, round-tables, seminars, trainings and other relevant events</li> </ul>
<b>LOT 13 - Organisational development; strategic planning; internal and external communication and coordination; dialogue and mediation, building trust, public moderation within the thematic areas of the tender call</b>	<ul style="list-style-type: none"> <li>• Provide expertise on organisation development and strategic planning, or international/external communication and coordination, or dialogue and mediation, building trust or moderation</li> <li>• Conduct/moderate strategic planning sessions</li> <li>• Provide expertise in developing methodology and/or conducting organisational assessments, working processes; on identifying means and ways of optimisation</li> <li>• Delivery of respective expertise during different types of activities: strategic planning sessions, working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, through moderating/facilitating discussions, coordinating groups of professionals, guiding dialogue between different groups</li> <li>• Development and provision of tailored thematic trainings in the thematic area of expertise, including those aimed at coordination and building trust between different groups of professionals</li> </ul>

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.

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.

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).

#### **D. FEES**

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of the Act of Engagement. These fees are final and not subject to review.

#### **E. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)**

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service 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 for the relevant lot 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 3 (three) 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>1</sup> (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 Service 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.

## **F. ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>2</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 or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at [www.sanctionsmap.eu](http://www.sanctionsmap.eu)).

<sup>1</sup> It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

<sup>2</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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

*Eligibility criteria*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

- A university degree in the thematic sphere of respective lot(s) or related fields;
- At least 5 years of professional experience in the thematic areas in Ukraine of Lots 1,2,3,9,10 and at least 3 years for Lots 4,5,6, 7, 8, 11,12,13 respectively (including types of work and assignments as enumerated in description of respective lot/s.) inter alia acquired in an international context
- Excellent knowledge of Ukrainian (mother tongue level)
- Good (B2/C1) level of knowledge of English (in line with the [Common European Framework of Reference for Languages](#));
- For legal persons and private entrepreneurs (ФОП), being authorized to carry out the respective economic activities

*Award criteria*

Criterion 1: Quality of the offer (90%), including:

- relevance of the expertise/experience and level of expertise of the tenderer (40%),
- knowledge of specificities of national context, stakeholders in the areas covered by specific Lots (30%),
- cooperation with / previous assignments with international organisations within the thematic area of the tender call (20%).

Criterion 2: Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

**G. DOCUMENTS TO BE PROVIDED**

- **One completed and signed copy of the Act of Engagement.**<sup>3</sup>
- Registration documents, for legal persons and private entrepreneurs (ФОП) only;
- A concise CV that:
  - demonstrates clearly that the tenderer fulfils the eligibility criteria
  - includes brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) within the last 3 years
  - includes active links to at least 3 examples of their recent deliverables of similar nature as stipulated by respective Lot(s)
  - includes contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
- A list of all owners and executive officers (for legal persons only);
- Description of the proposed team (with CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only);

**All documents shall be submitted in English. Registration documents and list of owners and executive officers (for legal persons only) can be submitted in Ukrainian. 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 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.

\* \* \*

## PART II – TENDER RULES

### CALL FOR TENDERS FOR THE PROVISION OF NATIONAL CONSULTANCY IN THE SPHERE OF CRIMINAL JUSTICE AND LAW ENFORCEMENT FOR UKRAINE 2023/AO/14

#### ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

##### 1.1 Name and address

##### COUNCIL OF EUROPE

Directorate General Human Rights and Rule of Law (DGI)

##### 1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.<sup>4</sup>

Further details on the project are provided in the Terms of Reference.

#### ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

#### ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

#### ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

#### ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

#### ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons

#### ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English and shall be exclusively sent to the following address: [dgi-coordination@coe.int](mailto:dgi-coordination@coe.int)

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

#### ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with reference no. **2023AO14** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

#### ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 02 April 2023 by 23:59 CET.

#### ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

#### ARTICLE 11 – 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>4</sup> Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int)

# FINAL CHECK LIST

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## 1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **One completed and signed copies of the Act of Engagement.**
- Registration documents, for legal persons and private entrepreneurs (ΦΟΠ) only;
- A concise CV that:
  - demonstrates clearly that the tenderer fulfils the eligibility criteria
  - includes brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) within the last 3 years
  - includes active links to at least 3 examples of their recent deliverables of similar nature as stipulated by respective Lot(s)
  - includes contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
- A list of all owners and executive officers (for legal persons only);
- Description of the proposed team (CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only);

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## 2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with reference no. **2023AO14** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 02 April 2023 by 23:59 CET.