

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of international consultancy services

Contract N° 8714/2020/1



The Council of Europe is currently implementing and until 31 December 2021 will implement a Project "Supporting Institutions to Combat Ill-Treatment in Ukraine". In that context, it is looking for Provider(s) for the provision of international consultancy services on various aspects of institutional development of law-enforcement bodies, combatting ill-treatment, human rights education and gender mainstreaming in law-enforcement sector within the scope of the Framework Contract as indicated below 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 a legal person (except consortia), 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: International consultancy "Supporting Institutions to Combat Ill-Treatment in Ukraine" Project.** 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 consultancy "Supporting Institutions to Combat Ill-Treatment in Ukraine" Project.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2021
Deadline for submission of tenders/offers ▶	22 April 2020
Email for submission of tenders/offers ▶	DGI-HRImplementation@coe.int
Email for questions ▶	DGI-HRImplementation@coe.int
Expected starting date of execution ▶	11 May 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 "Supporting Institutions to Combat Ill-Treatment in Ukraine" (the Project) with the period of implementation from April 2020 till December 2021 is pursuing the objective of supporting institutional development of the State Bureau of Investigations (SBI) to ensure effective ill-treatment combatting.

The Project will provide support to SBI within the following areas:

- 1) Strengthening the capacity of SBI staff to effectively investigate ill-treatment and other human rights violations as well as develop its gender competencies
- 2) Strengthening of SBI internal system through providing advice on functional effectiveness and regional coordination
- 3) Bringing SBI staff selection and training systems closer to European standards

Increased capacity and professionalism of SBI staff is a key to effective investigation of cases of torture and ill-treatment. The newly-appointed and serving SBI staff requires training for stronger capacity in ill-treatment investigation with due regard to the human rights standards and gender equality. The approach to the recruitment and training of investigators has to be consistent and comprehensive. There is a need for a scheme of initial training taken by all recruits and this ought to be reinforced by a more coherent mentorship scheme and proper provision of in-service training that takes account of the specific needs of investigators. The material and facilities used for training need to be improved to ensure active engagement and an outcome that entails the necessary human rights reflex that SBI investigators should have. The establishment of a dedicated SBI human rights training system is an important goal.

Improvement of human resource management is a corner stone of institution's effective functioning. Merit-based recruitment principles should be introduced into the selection of the new SBI staff, selection procedure should be competency-based and further aligned with best European standards with due consideration to gender equality. Access of women to investigative and top managerial positions should further be improved. Ethical conduct, integrity and accountability should be required, promoted and mainstreamed throughout the institution. Performance evaluation practices should be considered. Cooperation between regional and central offices should be strengthened, especially through unified approaches in discharge of preventive and investigative functions in compliance with human rights standards.

The work of the Project ensures a combination of expertise, institutional, operational and professional capacity building support, paying attention to impact and aiming at sustainability. The Project disseminates best practices and contributes to raising the standards of human rights observance in Europe.

The Council of Europe is looking for a maximum of 10 Provider(s) per Lot (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise on various aspects of the institutional development of law-enforcement bodies, combatting ill-treatment, human rights education and gender mainstreaming in law-enforcement sector under the Lots below.

This Contract is currently estimated to cover up 20 events, to be held by 31 December 2021. 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 700,000.00 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. Consultants may submit a tender for one, several or all lots subject to the fulfilment of the criteria listed in the Tender Rules for the Lots concerned

Lots	Maximum number of Providers to be selected
Lot 1: Strengthening the capacity of SBI staff to effectively investigate ill-treatment and other human rights violations	10
Lot 2: Gender mainstreaming in the professional environment of the SBI	10
Lot 3: Institutional support to the SBI	10
Lot 4: Alignment of SBI recruitment and selection procedures with European standards	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).

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide expertise on the topics within the thematic areas in the form of deliverables as listed below (the lists are not exhaustive)

Lots ▼	Maximum number of Providers to be selected ▼
<p>Lot 1. Strengthening the capacity of SBI staff to effectively investigate ill-treatment and other human rights violations</p> <p>The thematic areas under Lot 1 will include <i>inter alia</i> the following</p> <ul style="list-style-type: none"> • ECHR standards and the case-law of the ECtHR (Articles 2,3,5,6,8,14) • Effective investigation into torture and ill-treatment cases (standards, best practices, modern methodologies, the Istanbul Protocol, challenges raised by CoE monitoring bodies) • Investigative interview (standards, practices, techniques) • Adherence to human rights standards and best practices during pre-trial investigation, operative and search measures, undercover investigative measures, surveillance, search and seizure, inspection • Proofing and proofs collection standards <p>The list of expected deliverables under Lot 1 is as follows (all including on-line format)</p> <ul style="list-style-type: none"> • Participation and contribution to the working group meetings, round-tables, seminars, workshops, consultation meetings, trainings and other relevant events including through moderating/facilitating discussions and delivering presentations • Development and provision of tailored workshops/consultations/seminars/ToTs, including all relevant materials (hand-outs, tests, case-studies, programme, agenda, notes, presentations) with due consideration to adult education methodology, gender equality, monitoring and evaluation • Provision of guidance/instructions on application of modern methodologies and techniques in mentioned thematic areas • Contribution to the development of information and guiding materials/manuals/instructions on in mentioned thematic areas • Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them <p>The consultants can be asked to undertake missions to provide the expected deliverables. The costs of the missions will be covered by the CoE.</p>	10

Lot 2. Gender mainstreaming in the professional environment of the SBI

The thematic areas under Lot 2 will include *inter alia* the following

- Gender mainstreaming in the law-enforcement sphere
- Best practices of gender mainstreaming through managerial staff
- European, ECHR standards and respective case-law of the ECtHR in the sphere of prohibition of discrimination, promoting gender equality
- Gender stereotypes (for men and women) in the professional law-enforcement environment
- Gender-sensitive performance of duties, behaviour, language
- Gender aspects in investigation of ill-treatment cases (issues of particular attention, gender-specific standards in prisons, coercive contexts)
- Best practices of reliable research on gender and discrimination attitudes and perceptions within law-enforcement

10

The list of expected deliverables under Lot 2 is as follows (all including on-line format)

- Conducting research, analysis of research findings and development of recommendations on gender equality in the professional environment of SBI
- Development and conducting of on-line survey
- Analysis and systematization of survey findings
- Cooperation and coordination with other CoE experts (international and national) in conducting a research

The consultants can be asked to undertake missions to provide the expected deliverables. The costs of the missions will be covered by the CoE.

Lot 3. Institutional support to the SBI

The thematic areas under Lot 3 will include *inter alia* the following

- SBI's regulatory framework, institutional structure and internal procedures that affect investigative effectiveness and inter-office cooperation and coordination
- Effective cooperation and coordination between central and regional offices in law-enforcement through unified approaches in discharge of preventive and investigative functions in compliance with human rights standards
- Effectiveness in investigation of ill-treatment cases
- Evaluation of effectiveness and internal coordination/communication system

The list of expected deliverables under Lot 3 is as follows (all including on-line format)

- Developing methodology and conducting needs assessment on specific institutional aspects related to the functioning of the SBI from the cooperation and coordination perspective as well as unified human rights-based approaches;
- Developing methodology and conducting research on effectiveness of SBI in investigating ill-treatment cases;
- Contributing to the development of internal documents of regulatory and administrative character for the SBI, information and guiding materials, practical framework;
- Participation and contribution to the working meetings, round tables, consultations, including through moderating/facilitating discussions and delivering presentations;
- Participation and contribution to interviews with SBI leadership and staff;

10

<ul style="list-style-type: none"> • Accumulation, systematization and analysis of research and/or needs assessment findings; • Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them <p>The consultants can be asked to undertake missions to provide the expected deliverables. The costs of the missions will be covered by the CoE.</p>	
<p>Lot 4. Alignment of SBI recruitment and selection procedures with European standards</p> <p><u>The thematic areas under Lot 4 will include <i>inter alia</i> the following</u></p> <ul style="list-style-type: none"> • European standards and best practices in the sphere of recruitment, selection and evaluation of law-enforcement staff (merit and competency-based recruitment, competency models and qualification requirements, evaluation and assessment, gender equality, functional independence, human rights competencies and zero tolerance to ill-treatment) • Ethical conduct, integrity and accountability evaluation standards and best practices • European standards and best practices in performance evaluation • Competencies and qualifications of staff involved in selection and recruitment procedures • Tests of intelligence, knowledge, skills, abilities • Evaluation of behaviours & traits • Intelligence quotient and emotional intelligence vs. job performance • Job task analysis • Applicants pool analysis <p><u>The list of expected deliverables under Lot 4 is as follows (all including on-line format)</u></p> <ul style="list-style-type: none"> • Developing methodology and conducting research on specific institutional and practical aspects related to the recruitment and selection procedures of the SBI staff from the adherence to European standards perspective; • Contributing to the development of internal documents of regulatory and administrative character for the SBI, information and guiding materials, practical framework within mentioned thematic area • Development and delivery of tailored trainings within mentioned thematic area • Participation and contribution to the working meetings, round tables, consultations, including through moderating/facilitating discussions and delivering presentations • Participation and contribution to interviews with SBI leadership and staff • Accumulation, systematization and analysis of research and/or needs assessment findings • Cooperation and coordination with other CoE experts (national and international) and contribution to working meetings with them <p>The consultants can be asked to undertake missions to provide the expected deliverables. The costs of the missions will be covered by the CoE.</p>	10

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 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.

² 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.

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

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 law, political sciences, social sciences, international relations, public administration or related fields;
- At least 5 years of professional experience in the areas mentioned as topics of Lots 1-4 (consulting, academic research, analytical work, expert assessments, working as trainers, contribution to the events as speakers, etc.)
- Excellent knowledge of English
- For legal persons and private entrepreneurs, being authorized to carry out the respective economic activities

Award criteria

- Quality of the offer (80%), including relevance of the experience and level of expertise of the tenderer, knowledge of regional and national context in the areas covered by specific Lots, including previous assignments with international organisations that would be regarded as an asset.
- Financial offer (20%).

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

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);

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.

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.

- A concise CV (preferably in Europass Format) that would:
 - demonstrate clearly that the tenderer fulfils the eligibility criteria;
 - include brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) in the last 3 years
 - include active links to at least 3 examples of their recent deliverables of similar nature as stipulated by respective Lot(s);
 - contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
- Registration documents (*for legal persons and private entrepreneurs only*);
- 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*);

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.

* * *