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

Purchase of consultancy services in the field of good governance
Contract no DGII.GG.FC/1/2020

The Council of Europe is currently implementing and will implement until 31.12.2021 various projects on democratic governance. In that context, it is looking for Provider(s) for the provision of international consultancy services in the field of capacity-building, policy and legal advice and developing of standards related to good governance, to be requested by the Council of Europe on an as needed basis.

A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe**, 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 legal person except consortia. Legal persons will be required to assign individual employees to perform tasks under the contract and may not subcontract or replace any employees without the explicit written acceptance of the Council of Europe. Should the requested deliverables be performed by a person other than the pre-approved employees or consultants, the Council of Europe reserves the right to terminate the contract.

Tenders shall be submitted by email only (with attachments) to the email address indicated in the table below, with the following reference in subject: Call for international consultancy services in the field of good governance. 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 – good governance

<table>
<thead>
<tr>
<th>Type of contract</th>
<th>Framework contract</th>
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<tbody>
<tr>
<td><strong>Duration</strong></td>
<td>Until 31 December 2021</td>
</tr>
<tr>
<td>Deadline for submission of tenders/offers</td>
<td>16 March 2020</td>
</tr>
<tr>
<td>Email for submission of tenders/offers</td>
<td><a href="mailto:good.governance@coe.int">good.governance@coe.int</a></td>
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<tr>
<td>Email for questions</td>
<td><a href="mailto:mihaela.partig@coe.int">mihaela.partig@coe.int</a></td>
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<tr>
<td>Expected starting date of execution</td>
<td>01 April 2020</td>
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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

The Council of Europe Centre of Expertise for Good Governance promotes good multi-level governance based on the European standards and best practice. It currently implements practical and impact-oriented country-specific projects in cooperation with local, regional, national and international stakeholders, which are aimed at both improving the legislation and strengthening the institutional capacity of all tiers of government. Its aim is to strengthen democratic governance at local, regional and central level through policy advice, legislative assistance, capacity-building (training, preparation of indices, feasibility studies, etc.) and intergovernmental support, taking into account the impact of technological development on governance and democracy. The Centre currently has about 20 capacity-building tools which support the authorities in living up to the 12 Principles of Good Democratic Governance. The tools are grouped around 5 areas: democratic participation; modern and effective human resource management and leadership; institutional capacity and quality public services; sound financial management; and territorial and cross-border cooperation. Additional tools are under preparation in the areas of public ethics and e-governance.

The Council of Europe is looking to enlarge its current pool of experts to a maximum of 25 more Providers (if enough candidates meet the criteria indicated below) in order to support the implementation of the projects with a particular expertise on democratic governance and public administration.

This Contract is currently estimated to cover up to 60 activities, 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 350,000 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 Projects and is divided into the following lots:

<table>
<thead>
<tr>
<th>Lots</th>
<th>Maximum number of Providers to be selected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1: Legal and policy advice, developing standards in the area of public administration, local government and decentralisation reform</td>
<td>10</td>
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<tr>
<td>Lot 2: Capacity building and training for public authorities in the area of good governance</td>
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Lot 1 concerns Legal and policy advice, developing standards in the area of public administration, local government and decentralisation reform

- provide legal and policy advice according to the European standards and best practice, in order to improve the legislative and institutional frameworks in the Council of Europe member states, in the areas of public administration, local government and decentralisation reforms, including but not limited to advice on supervision of local authorities, fiscal decentralisation, public ethics, civil participation, accountability, digital transformation and its impact on democracy and governance;
- undertake specific research, carry out analysis of legal texts and data, provide recommendations;
- participate in expert working groups, delivery presentations, at conferences, provide written input to peer reviews, and seminars;
- draft reports, legal opinions, policy advice, updates of Council of Europe texts and other relevant documents.

Lot 2 concerns Capacity-building for public authorities in the area of good governance:

- develop and update capacity-building tools (grouped around 7 areas: democratic participation; modern and effective human resource management and leadership; institutional capacity and quality public services;
sound financial management; territorial and cross-border cooperation; public ethics and e-governance) – the full list is available at https://www.coe.int/en/web/good-governance/toolkits;
- implement the above capacity-building tools, provide training courses, prepare indicators, conduct assessments, develop benchmarks, carry out needs analysis;
- prepare and deliver presentations, participate in conferences, workshops and other relevant events across Europe.

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 - Legal and policy advice in the area of public administration, local government and decentralisation reform:

- Draft legal and policy advice, reports and other relevant documents;
- Participate at events (workshops, conferences);
- Participate in peer reviews and preparation of reports

Under Lot 2 - Capacity-building for public authorities in the area of Good Governance

- Adapt training modules and training materials;
- Conduct trainings/workshops;
- Provide reports and feedback to the Centre of Expertise for Good Governance

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract for the lot concerned.

In terms of quality requirements, the pre-selected Service Providers must ensure, inter alia, that:

- The services are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).

C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review. Tenders proposing fees above the exclusion level indicated in the Table of fees will be entirely and automatically excluded from the tender procedure.]
The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider(s), by post or electronically, on an as needed basis (there is therefore no obligation to order on the part of the Council).

Pooling
For each Order, the Council will choose from the pool of pre-selected tenderers for the relevant lot the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:
- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it signed to the Council within 2 (two) working days after its reception. If a Provider is unable to take an Order or if no reply is given on his behalf within that deadline, the Council may call on another Provider using the same criteria, and so on until a suitable Provider is contracted.

Providers subject to VAT
The Provider, if subject to VAT, shall also send, together with each signed Form, a quote\(^2\) (Pro Forma invoice) in line with the indications specified on each Order Form, and including:
- the Service Provider’s name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

Signature of orders
An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council’s Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

E. ASSESSMENT

Exclusion criteria and absence of conflict of interests
(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)\(^3\)

Tenderers shall be excluded from participating in the tender procedure if they:
- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;

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\(^2\) 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.

\(^3\) 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.
• 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
Lot 1: Legal and policy advice, developing standards in the area of public administration, local government
and decentralisation reform

• Master’s Degree in Law, Public Administration, Public Policy, Economics, Political Science, Sociology
or a related field
• Minimum five years of relevant experience at the international and/or national level in undertaking
specific research, providing legal advice, legal opinions, recommendations in the field of local
governance and public administration reform
• Knowledge of the Council of Europe relevant norms, standards and recommendations in the field of
democracy and governance;
• Excellent English and/or French language skills

Lot 2: Capacity-building and training for public authorities in the area of good governance

• Master’s Degree in Law, Public Administration, Public Policy, Economics, Political Science, Sociology
or a related field
• Minimum five years of relevant experience at the international and/or national level in undertaking
specific research, consolidating data, developing training modules, providing training and delivering
capacity-building activities
• Familiarity with Council of Europe capacity building tools in the area of good governance
• Excellent English and/or French language skills

Award criteria
• Quality of the offer (80%), including:
  Thematic knowledge and related experience including:
  - Knowledge of the relevant international standards in the field, and in particular those set by the
    Council of Europe, legislation, local governance and public administration systems of the European
    states; knowledge of the local government issues (legislation and institutions)
  Level and relevance of the capacities of the tenderer:
  - research, analysis and reporting skills;
  - communication and teamwork skills
• 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 Engagement4 (See attached);
• A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the
eligibility criteria;
• Registration documents, for legal persons only

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4 The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred.
All documents shall be submitted in English or French, 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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