



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

Purchase of consultancy services for mapping study on the implementation and development of the Barnahus model across Europe

No. of Contract: FC.DGII.923.2022.

The Council of Europe is currently implementing from 1/1/2022 to 31/12/2023 a Project on Protecting children from human rights violations of all forms and in all settings, including a number of promotional and capacity-building activities directly related to the new Strategy for the Rights of the Child (2022-2027), such as Mapping reports/Gap analysis (Study) on the level of implementation of Council of Europe standards and tools in identified priority areas (access to justice in cases of violence against children, innovative measures to tackle violence against children, etc.).

In that context, the Council of Europe is looking for Providers for the provision of consultancy services in conducting a **Mapping study on the implementation and development of the Barnahus model across Europe** to be requested by the Council on an as needed basis, in compliance with the ordering procedure defined below.

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, a legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender – Barnahus Mapping Study.** 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 – Tender Barnahus Mapping Study**

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|--|-------------------------------|
| Type of contract ▶ | Framework contract |
| Duration ▶ | Until 31 May 2023 |
| Deadline for submission of tenders/offers ▶ | 7 October 2022 |
| Email for submission of tenders/offers ▶ | children@coe.int |
| Email for questions ▶ | maria.asensio-velasco@coe.int |
| Expected starting date of execution ▶ | 14 October 2022 |

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

Barnahus is a leading European model first developed in Iceland as a child-friendly multidisciplinary and interagency response to child sexual exploitation and abuse. The model was recognised in 2015 as a promising practice by the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) and is already present in a number of Council of Europe member States.

The Council of Europe Children's Rights Division will conduct a mapping study on the implementation and development of the Barnahus model in different national contexts across Europe. The aim of this study will be to consolidate the knowledge base on the use of the Barnahus model or "Barnahus-type services" in different countries, to have an overview of the availability of such structures across Council of Europe member States and better understand their functioning, success factors as well as obstacles in their implementation. The study also ultimately aims at strengthening and developing further action at pan-European level to promote the Barnahus model across Europe, notably by facilitating relevant international exchanges as well as contributing to the definition and dissemination of the highest standards regarding this promising practice of child-friendly justice. The study will be undertaken from September 2022 until May 2023 (estimated), with possible follow-up activities for its promotion.

The Project falls under Priority 4 of the new Council of Europe Strategy for the Rights of the Child (2022-2027): "Child-friendly justice for all children", under which "[t]he Barnahus model (Children's House) will continue to be promoted, upon the request of member States, in partnership with other organisations, including through co-operation projects, to ensure that the best interests of the child are upheld in investigations and criminal proceedings, and to provide support for child victims and witnesses of sexual and other forms of violence in a child-friendly and safe environment".

The Council of Europe is looking for a maximum of 10 Providers (provided enough tenders meet the criteria indicated below) in order to support the preparation of the study with a particular expertise on research, review and analysis of legislation and policies in the area of the Barnahus model and other Barnahus-type services for children in judicial proceedings in Europe.

This Contract is currently estimated to cover up to 1 activity, to be delivered by May 2023. 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 100,000 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.

Scope of the Framework Contract

The pre-selected Providers may be requested to work independently or as part of a team with other Provider(s). Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is not considered exhaustive.

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 the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

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

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

Signature of orders

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

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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, 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.

Eligibility criteria

For natural persons:

- A university degree in law, social sciences, psychology, human rights/children's rights or a related field;
- At least 5 years of professional experience at international or national level in the areas related to the fields of expertise as described within the scope of this contract;
- Excellent written and verbal command of English language.

For legal persons:

Same requirements as for natural persons mentioned above, to be applied for the natural persons allocated to the execution of the contract.

Award criteria

For natural persons:

- Quality of the offer (70%), including:
 - Professional experience in the fields of expertise covered by this tender, demonstrated through current or previous professional main occupation, length of experience and participation in similar research projects in the past;
 - Proof of drafting, analysis and communication skills demonstrated through previous experiences or, when provided, relevance and quality of examples and sample deliverables (e.g. draft reports recently produced, materials resulting from other consultancy services provided);
 - Excellent written and verbal command of English language.
- Financial offer (30%).

For legal persons:

Same requirements as for natural persons mentioned above, to be applied for the natural persons allocated to the execution of the contract.

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

- An extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

The Council reserves the right to hold interviews with 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;
- CVs of persons allocated to the execution of the contract, for legal persons only;
- **Motivation letter** demonstrating the tenderer's understanding of the Council of Europe needs and clearly indicating relevant professional experience and expertise;
- Additional as relevant: links and/or samples of previous work if available in English.

All documents shall be submitted in English, failure to do so will result in the exclusion of the tender.

If any of the documents listed above are missing, the Council of Europe reserves the right to reject the tender.

The Council reserves the right to reject a tender if the scanned documents are of such a quality that the documents cannot be read once printed.

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