

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of international consultancy services on various aspects of civic participation

Contract no 9140-FC1-2023

The Council of Europe is currently implementing a project "Strengthening democratic resilience through civic participation during the war and in the post-war context in Ukraine" within the Council of Europe Action Plan for Ukraine 2023-2026. The project aims to strengthen civic participation in the decision-making process at the national, regional and local levels. In that context, it is looking for Provider(s) for the provision of international consultancy services on various aspects of civic participation in the decision-making process 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, 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: 9140 Call for international consultancy services.** 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 – Civic Participation.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2024
Deadline for submission of tenders/offers ▶	21 April 2023
Email for submission of tenders/offers ▶	Liliia. Apostolova@coe.int
Email for questions ▶	Liliia.Apostolova@coe.int
Expected starting date of execution ▶	26 April 2023

B. EXPECTED DELIVERABLES

Background of the Project

The project is being implemented from 1 January 2023 to 31 December 2024. It is designed to support the implementation of the objectives set out in the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026 to help strengthen the democratic processes and address the challenges public

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](#).

authorities are facing in the time of war and post-war context through active and effective civic participation on local and regional levels. In particular, to:

- Provide legal and expert support to the Verkhovna Rada of Ukraine, central executive authorities, and local self-government bodies to enhance the existing or develop new normative acts and policies concerning civic participation and the creation of the enabling environment for civil society development and voluntary activities.
- Support public authorities, in particular on the local and regional levels, in establishing the decision-making process, based on wider participation and engagement of all stakeholders, ensuring transparency and inclusiveness, disclosure and access to information, a wide spectrum of participatory tools, resulting in the development and implementation of sustainable policies and decisions resolving most pressing problems, and responding to the needs of citizens in general and in particular of those affected by war.
- Strengthen the capacity of local self-government officials and civil servants in the implementation, monitoring and evaluation of participatory decision-making processes.
- Raise awareness of citizens, in particular children, youth, IDPs, vulnerable groups and civil society organisations (CSOs) about participatory mechanisms and opportunities to influence the development and implementation of decisions and policies on local, regional and national levels and strengthening their role in the civic oversight of the activities of public authorities.
- Support the implementation of inclusive and transparent public consultation practices with civil society, engagement of CSOs in the reforms agenda-setting, development, implementation, and monitoring of reforms in the war and post-war context.
- Provide support in strengthening the role of volunteers in general, civic and volunteer initiatives in the recovery and reconstruction of communities and regions affected by the war, strengthening the capacity and potential of volunteers and CSOs, providing support to local self-government bodies in the development and implementation of programmes on promoting volunteer activities and enabling environment for civil society development.

The project will partner with the Verkhovna Rada of Ukraine on State Building, Local Governance, Regional and Urban Development, central executive authorities, regional administrations, local self-government bodies, associations of local self-government bodies, civil society organisations.

The project offers a platform for representatives of public authorities, CSOs, and experts, including from across the Council member States for the experience and best practices exchange, promoting peer-to-peer partnerships and fostering innovations in participatory decision-making.

In the framework of the project implementation, the Council will deploy its methodologies and provide tools for stakeholders to help ensure that citizens and CSOs are better engaged and can influence the decision-making process.

The Council of Europe is looking for a maximum of 20 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on civic participation.

This Contract is currently estimated to cover up to 60 activities, to be held by **31 December 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 project amounts to 890,000 000 Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros tax exclusive** for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Legal expertise and policy advice on the development and implementation of legislation and policies for civic participation	8

mechanisms, promotion of the enabling environment for civil society development and voluntarism.	
Lot 2: Capacity building in various aspects of civic participation and engagement, and voluntarism for public officials, CSOs, volunteer initiatives and citizens, design and implementation of participatory processes.	12

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:

- Review the legislative acts or draft legislation and policies in the area of civic participation mechanisms, civil society development and promotion of voluntarism, provide analysis, comments and recommendations vis-à-vis international standards and best practices.
- Provide legal and policy advice.
- Conduct research into international good practices for legislative framework and policies for civic participation mechanisms, civil society development and promotion of voluntarism, new trends and developments for civic participation mechanisms, civil society development and promotion of voluntarism.
- Provide expertise and guidance for the introduction and adjustment of new international participatory tools in Ukraine and respective regulatory framework.
- Contribute to expert or public discussions, and relevant workgroups concerning the enhancement of the existing and/or draft normative acts and policies.
- Deliver thematic presentations, moderate and/or facilitate relevant events (such as a round table, expert workgroups, workshops, conferences etc.).
- Draft reports and other relevant documents.
- Other relevant tasks.

Under Lot 2:

Participatory practices or processes/public consultation

- Provide technical expertise for the design and implementation of participatory practices or processes /public consultation.
- Conduct research into international good practices for implementation of participatory practices or processes /public consultation, and application of innovative and effective engagement methodologies and tools.
- Contribute to expert or public discussions, and relevant workgroups concerning the implementation of participatory practices or processes /public consultation
- Deliver thematic presentations, moderate and/or facilitate relevant events (such as a round table, expert workgroups, workshops, conferences etc.).
- Coach and support the Council of Europe local experts, public officials, CSOs in planning and providing methodological support to public authorities in planning and executing participatory practices or processes /public consultation.

Capacity-building and training initiatives

- Develop and/or carry out training needs assessment, skill tests.
- Develop training curriculum, trainer's and participant's guides.
- Design/lead/contribute to the implementation of a capacity-building measure in the field of civic participation for public officials, CSOs, and volunteers as trainer/speaker of such. The capacity building measure can potentially cover the following areas (the list is non-exhaustive).

General and common areas for public officials and CSOs:

- Implementation of policies on the promotion of civil society development, and

- voluntarism and voluntary activities
- Civic participation tools and mechanisms.
- Transparency, accountability and openness of the work of public authorities.
- Disclosure and access to information.
- Open data.
- E-democracy and engagement
- Impact of martial law on decision-making and civic participation.
- Gender mainstreaming in civic participation and policymaking.
- Policymaking cycle
- Monitoring and evaluation of decision-making and civic engagement, work of public authorities, implementation of policies and reform, civic oversight.
- Planning and implementation of a participatory practices or processes/public consultation, application of appropriate engagement methods and technics.
- Communication and stakeholder engagement.
- Collection and analysis citizens' proposals in social media and networks.
- Engagement of young people, IDPs, minorities, marginalised groups and people affected by war in participatory practices or processes/public consultation, civic participation mechanisms.
- Volunteer management and institutional development of organisations and institutions in a that involve volunteers in their activities.

General areas for CSOs, volunteers

- Organisational and strategic development of CSOs
- Advocacy and lobbying
- Project management
- Planning, monitoring and evaluation of CSOs work and activities
- Grant writing and financial management
- Fundraising and accountability
- Engagement of young people, IDPs, minorities, marginalised groups and people affected by war in the work of CSOs, civic and volunteer based initiatives.
- Volunteer management and institutional development of organisations and institutions in a that involve volunteers in their activities.
- Other areas.

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.

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 .

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;

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

For natural persons

- A university degree in law, public administration, public policy, international relations, economics, political science, sociology or a related field.
- At least five years of experience in the provision of legal expertise and policy advice on the development and implementation of legislation and policies for civic participation mechanisms, promotion of the enabling environment for civil society development and voluntarism.
- Knowledge of the international standards and good practices for civic participation mechanisms, promotion of the enabling environment for civil society development and voluntarism.
- Ability to work in English.

For legal persons

- Being a registered legal entity or a private entrepreneur specialised in the field of civic participation.
- A university degree in law, public administration, public policy, international relations, economics, political science, sociology or a related field (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person).
- At least five years of experience in the provision of legal expertise and policy advice on the development and implementation of legislation and policies for civic participation mechanisms, promotion of the enabling environment for civil society development and voluntarism.
- Knowledge of the international standards and good practices for civic participation mechanisms, promotion of the enabling environment for civil society development and voluntarism.
- Ability to work in English (applies to the company as a whole).

For Lot 2:

For natural persons

- A university degree in law, public administration, public policy, international relations, economics, political science, sociology or a related field.
- At least five years of experience in the implementation of or contribution to capacity building activities in the area of civic participation and engagement, and voluntarism for public officials, CSOs, volunteer initiatives and citizens, design and implementation of participatory practices or participatory processes/public consultation.
- Ability to work in English.

For legal persons

- Being a registered legal entity or a private entrepreneur specialised in the field of provision of information, awareness raising and/or capacity-building activities in civic participation.
- A university degree in law, public administration, public policy, international relations, economics, political science, sociology or a related field (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person).
- At least five years of experience in the implementation of or contribution to capacity building activities in the area of civic participation and engagement, and voluntarism for public officials, CSOs, volunteer initiatives and citizens, design and implementation of participatory practices or participatory processes/public consultation;
- Ability to work in English (applies to the company as a whole).

Award criteria

For Lot 1:

Criterion 1: Quality of the offer (70%), including:

- Demonstrated experience in the provision of legal expertise and policy advice on the development and implementation of legislation and policies for civic participation mechanisms, promotion of the enabling environment for civil society development and voluntarism.

Criterion 2: Financial offer (30%).

For Lot 2:

Criterion 1: Quality of the offer (70%), including:

- Demonstrated experience in the implementation of or contribution to capacity building activities in various aspects of civic participation and engagement, and voluntarism for public officials, CSOs, volunteer initiatives and citizens, design and implementation of participatory practices or participatory processes/public consultation.

Criterion 2: Financial offer (30%).

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).
- Registration documents (for legal persons only), translated into English.
- Up to 1-2 A-4 page motivation letter which proves that tenderer fulfils the eligibility criteria and has the experience that matches the areas mention in the relevant LOTs (in English).
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria (in English). For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
- At least 3 examples (3 files in pdf format) of previously accomplished assignments which correspond to the expected deliverables and eligibility criteria in relevant LOTs in English:

For Lot 1 – examples of contribution to drafting legal acts or procedural documents, policy papers and recommendations, examples of reports, assessments, recommendations, guidelines and methodological recommendations, reports related to civic participation, civil society development and/or promotion of voluntarism. The examples should indicate the authors. If the document, provided as an example, was partially developed by the tenderer the relevant text should be highlighted in yellow in the document.

For Lot 2 – examples of training curriculum, handout materials, training evaluation, brochures, manuals, toolkits, guidelines, learning tools (including online), presentations, publications etc. personally developed concerning the thematic areas covered by this Lot 2. Examples of contributions to the implementation of participatory practices or participatory processes/public consultation including consultation/participatory process plans, stakeholder mapping, summaries or analysis of focus groups, surveys, interviews, strategic sessions, workshops, deliberative mechanisms and other participatory events, reports on a participatory practice or participatory process/public consultation, policy recommendations, guidelines, methodological recommendations for participatory practices or participatory processes/public consultation, etc. The examples should indicate the authors. If the document, provided as an example, was partially developed by the tenderer the relevant text should be highlighted in yellow in the document.

Please also provide links to your work examples in a separate file (word or pdf).

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.