

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of international consultancy services on various aspects of civil participation

### Contract no 8756-FC3-2021



The Council of Europe is currently implementing until the 31st of December, 2022 a Project "Strengthening civil participation in democratic decision making in Ukraine". In that context, it is looking for Provider(s) for the provision of international consultancy services on various aspects of civil 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 Europe<sup>1</sup>, 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: 8756 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 – Civil Participation.**

<b>Type of contract ▶</b>	Framework contract
<b>Duration ▶</b>	Until 31 December 2022
<b>Deadline for submission of tenders/offers ▶</b>	<b>27 February 2020</b>
<b>Email for submission of tenders/offers ▶</b>	<b>Daryna.SOKOLOVA@coe.int</b>
<b>Email for questions ▶</b>	<b>Daryna.SOKOLOVA@coe.int</b>
<b>Expected starting date of execution ▶</b>	09 March 2020

#### B. EXPECTED DELIVERABLES

##### Background of the Project

The project will aim to ensure that non-governmental organizations (NGOs) and citizens have a real impact on the decision-making processes through various participation tools and public authorities establish effective engagement mechanisms and practices, especially, at the time of COVID-19 restrictions and challenges.

<sup>1</sup> 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](#).

In its work the project is guided by the standards of the Council of Europe and international best practices and is aimed at:

- improvement of the legislative and institutional framework for citizen participation and engagement at the national, regional and local levels
- promoting effective and broad application of tools and mechanisms at the local level;
- promoting dialogue between NGOs, citizens and public authorities in the decision-making process;
- strengthening the capacity of NGOs to advocate changes and promote dialogue with authorities in the decision-making process;
- assisting in the development and implementation of participation tools and practices;
- building regional NGOs' cooperation for sharing best practices.

The project will target at least 10 municipalities ranging from the big cities to small municipalities and support the enhancement of the local legal and practical frameworks and procedures for citizen participation and engagement mechanisms. To this end, the local experts will provide expertise and support to city councils as to the development and adoption of a **city council statute** and **an essential set of procedures/regulations** concerning citizen participation tools (such as citizen initiative, citizens' meetings/assembly participatory budgeting, e-petitions) and engagement mechanisms (public consultations) in accordance with the best practices and local needs and context. Some municipalities will receive tailored expertise and support regarding the adoption and implementation / enhancement of certain regulations (e.g. concerning citizens' initiative, participatory budgeting, school participatory budgeting, public consultations, e-petitions etc.).

The project will also support pilot local authorities in building capacities and expertise in establishing and applying appropriate engagement mechanisms, channels of communications and dialogue methods, in particular, providing coaching to planning and executing public consultations around the urban projects for planning public spaces (e.g. squares, parks, streets, beaches). Citizens will gain awareness of citizens participation tools and mechanisms through various (mostly online) interactive trainings (including game-based trainings Uchange). In addition, the project will facilitate the engagement and dialogue between public authorities and civil society representatives around the development of proposals to selected policies/decisions through the application of CivicLab methodology.

The project will partner and support the Verkhovna Rada Committee on State Building, Local Governance, Regional and Urban Development and Ministry for Community and Territory Development of Ukraine, Secretariat of the Cabinet of Ministers of Ukraine and, upon request, will provide appraisals and expert opinions concerning the legislative initiatives on citizen participation and policies on civil society development promotion in accordance with the Council of Europe standards and best practices.

The current project follows up to the previous project "Promoting civil participation in democratic decision-making in Ukraine" (2018-2020) and build on the co-operation with the stakeholders and beneficiaries and results. The project will offer a platform for representatives of public authorities, NGOs, 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 tested methodologies (legal expertise, Academy of Civil Participation, School Participatory Budgeting and CivicLab, Uchange toolkits, etc.) and provide tools for stakeholders to help ensure that citizens and NGOs are better engaged and can influence decision-making process.

The Council of Europe is looking for a maximum of 14 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on civil participation.

This Contract is currently estimated to cover up to 15 activities by the 31 December, 2022. 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 **490,000 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: Expert and capacity-building support for the development and implementation procedures and practices in effective and inclusive public consultations in the decision-making process.	7
Lot 2: Expert and capacity-building support for the enhancement of procedures and practical frameworks concerning various mechanisms for citizen participation and engagement.	7

**Lot 1** concerns expert and capacity-building support for the development and implementation procedures (meaning laws and regulations) and practices **in effective and inclusive public consultations** in the decision-making process, in particular:

- Review Draft Law of Ukraine on Public Consultations, other legislative acts, initiatives and provide opinion, comments and recommendations vis-à-vis international standards and best practices. Knowledge of practices and on-hand practical experience in providing advice and support to public authorities are required.
- Develop Guidelines for local authorities for ensuring citizens' engagement in the decision-making process in the time of COVID-19, considering the restrictions imposed in Ukraine, when offline methods are not been used and face-to-face meetings are rare.
- Develop a Toolkit "Ensuring Effective and Inclusive Public Consultations" as a step by step approach and methodology that could be piloted in Ukraine at local, regional, national levels, applicable and adaptable to the broader context of 47 Council of Europe member States.
- Coach and support the team of the Council of Europe local experts in planning and providing methodological support to local pilot authorities in planning and executing civic engagement/public consultations exercises around selected policy areas (mostly urban public spaces planning, such as, but not limited squares, streets, parks, public and municipal buildings; municipal/community development strategies, sectoral policies/strategies); provide advice and expertise in developing consultation and engagement plans, applying appropriate methodology for stakeholder mapping, dialogue methods and engagement mechanisms to ensure that the input of silenced and seldom-heard, especially, in the context of the COVID-19 challenges.
- Develop guidelines, template materials (such as a public consultation plan, reports, etc.).
- Provide online on-distance trainings/coaching to public officials in various aspects of public consultations (including the trainings on effective and inclusive public consultations during COVID-19 restrictions).
- Provide support to the project in developing/applying innovative online participatory methodologies, ensuring participants' engagement and focus, based on psychological techniques for engaging.

**Lot 2** concerns expert and capacity-building support for the enhancement of procedures (meaning laws and regulations) and practical frameworks concerning **various mechanisms for citizen participation and civic engagement in the decision-making process**:

- Review the existing laws and procedures (mostly of local authorities; and of the Parliament and/or Cabinet of Ministers, upon request), draft legislative initiatives and provide opinion, comments and recommendations vis-à-vis international standards and best practices, concerning the mechanisms used (knowledge of practices and on-hand practical experience in providing advice and support to public authorities are required):
- Review regulations and practices for e-petitions mechanism at the local and national level (the project is focusing mostly on a local level), based on the best practices for big cities and small towns and villages;
- Provide recommendations for the electronic/digital consultations;
- Provide recommendations for the participatory budgeting, including School Participatory Budgeting practices and other child participation mechanisms (the project focuses on the mechanisms for child participation under 18, not on youth participation issues, but mainstreams youth participation in its work);

- Procedures of city councils and its bodies within the areas of transparency, open data, information and engagement in their work;
- Deliberative mechanisms, such as, but not limited to, citizens' panel, citizens' jury (with the emphasis on their online application/use);
- Based on international good practices, provide advice and recommendations within the project experts team and to public authorities directly (mostly city councils) on the essential functions and features of city council websites concerning civic engagement mechanism and open data.
- Based on international good practices, provide advice and recommendations within the project experts team and to public authorities directly on the institutional set up and operations, responsibilities and practices of local authorities' structural unities/bodies/entities/policy teams/ or responsible teams, officials, responsible for civic engagement in policy- / decision-making process. This may require providing an overview of international practices at municipal level, and advice regarding:
  - ToR for a designated institution, a structural unit within a local authority, that is responsible for engagement of NGOs and citizens in decision-making / policymaking process, public consultation;
  - ToR for specific persons/public servants/officials within a structural unit within a local authority, that is responsible for engagement of NGOs and citizens in decision-making / policymaking process, public consultation.
- Based on international good practices, provide advice and recommendations within the project experts team and to public authorities directly on ways to ensure the transparency and information about the activities of local self-government bodies and provision of services (communal enterprises/utility companies of local self-government bodies);
- Based on international good practices, provide advice and recommendations within the project experts team and to public authorities directly on different IT applications/ Information technology tools/digital tools for ensuring better civic engagement;
- Based on international good practices, provide advice and recommendations within the project experts team and to public authorities directly on the establishment of a mechanism/procedure for the competition of projects of NGOs at the local level;
- Based on international good practices, provide advice and recommendations within the project experts team and to public authorities directly on the development and implementation policies concerning civil society development.
- Develop guidelines for LSG as to online/digital consultations and engagement.

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:

- Coach (online) municipalities in effective and inclusive public consultations, especially, during COVID-19 and installing effective practices for public consultations;
- provide practical trainings, webinars for public authorities and civil society representatives;
- provide legal and policy advice in the area of civic engagement in urban public space development, public consultations;
- draft reports and other relevant documents;
- provide and present an overview of best practices;
- develop guidelines for local authorities, template materials;
- review laws and other legislative documents and provide opinions, comments and recommendations
- participate at events (mostly online workshops, conferences);
- participate in peer reviews and preparation of reports;
- participate in online expert working groups, deliver presentations, draft reports;
- develop toolkits;
- conduct T4T on the implementation of the CoE toolkits;
- act as trainers and mentors, conduct online trainings and workshops;

- provide support in developing/ applying innovative online participatory methodologies;
- conduct skills and needs assessment;
- record short video and speak about best practices for civil participation, challenges and trends in various participation mechanisms.

#### Under Lot 2:

- provide legal and policy advice in the areas mentioned under Lot 2;
- draft reports, studies and other analytical documents;
- provide and present an overview of best practices;
- develop guidelines for public authorities, template materials;
- review existing laws and procedures, draft legislative initiatives and provide opinions, comments;
- contribute to online events (workshops, conferences);
- participate in peer reviews and preparation of reports;
- participate in expert working groups, deliver presentations, draft reports and recommendations;
- develop practical trainings and learning tools or materials concerning the area (s) mentioned under Lot 2;
- conduct skills and needs assessment;
- develop and contribute to training and coaching programmes;
- act as trainer and mentor, conduct trainings and workshops;
- provide advice and recommendations;
- record short videos for online courses and learning tools for civil participation, often to be accompanied by slides/presentations.

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<sup>2</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 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)<sup>3</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;
- 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*

## Lot 1 and Lot 2:

<sup>2</sup> 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.

<sup>3</sup> 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.

- **Master's Degree** in Law, Public Administration, Public Policy, Economics, Political Science, Sociology, Information Science or a related field.
- Minimum five years of **relevant experience** at the international level in undertaking specific research, providing legal advice, legal opinions, recommendations, policy advice and capacity-building support in the area of participatory democracy (citizen participation, civic engagement).
- Demonstrated **practical experience** in providing expert support to public authorities in the area (s) mentioned under Lot 1 and/or 2 at the local, regional and national levels;
- **Demonstrated knowledge of best practices and national laws**, including procedures and mechanism of local governments;
- **Knowledge of the international standards, including the Council of Europe** documents related to citizen (civil) participation, civil society development.
- Excellent English language skills.

#### *Award criteria*

#### **For Lot 1 and Lot 2:**

Quality of the offer (80%), including:

- 40% - expertise in the relevant area (s) covered under Lot 1 or Lot 2, knowledge of the international standards and best practices in the area (s), covered by this tender;
- 40% - relevance of the practical experience of the tenderer in the areas covered by this call under Lot 1 or Lot 2 illustrated by the examples of previous similar assignments concerning the area (s) mentioned under Lot 1 or Lot2, including those with international organisations;
- Financial offer (20%).

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**<sup>4</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfills the eligibility criteria;
- A motivation letter, highlighting how the tenderer experience and expertise match the area (s) mentioned under Lot 1 and/or Lot 2;
- A 1-2 page word or pdf document with examples of the previous work in the field of civil participation related to each lot - the WEB LINKS to the related documents, websites or online resources. PLEASE DO NOT PROVIDE YOUR WORK EXAMPLES AS SEPARATE FILES/ATTACHEMENTS TO EMAIL), in particular:
  - For Lot 1 – 2 examples of expert opinions, recommendations, capacity building and training activities, coaching; reports, brochures, publications, assessments, guidelines and recommendations concerning public consultations, developed personally;
  - For Lot 2 – 2 examples of expert opinions, recommendations, capacity building and training activities, coaching; reports, brochures, publications, assessments, guidelines and recommendations concerning the areas mentioned under Lot 2, developed personally;
- Registration documents, 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.**

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<sup>4</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.