

## TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### Purchase of national consultancy services on various aspects of civil participation, protection and promotion civil society space

**Contract N° 8592/2019/02FC**

The Council of Europe is currently implementing a Project on “Promoting civil participation in democratic decision-making in Ukraine” until 31 August 2020. In that context, it is looking for Provider(s) for the provision of national consultancy services on various aspects of civil participation in decision-making process, protection and promotion civil society space to be requested by the Council on an as needed basis.

#### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 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, or a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: national consultancy services 8592/2019/02FC**. 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 national consultancy services 8592/2019/02FC**

Type of contract ►	Framework contract
Duration ►	Until 30 July 2020
Deadline for submission of tenders/offers ►	10 February 2019
Email for submission of tenders/offers ►	Volodymyr.KEBALO@coe.int
Email for questions ►	Volodymyr.KEBALO@coe.int
Expected starting date of execution ►	18 February 2019

<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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

In 2017-2018 a pilot Council of Europe project “Promoting civil participation in democratic decision-making in Ukraine”, focused around the implementation of a Participatory Policy Academy, NGO Platform and online e-participation platform in Kyiv, resulted in a breakthrough in dialogue between NGOs and the City Authorities, breaking down barriers between many of the stakeholders, and focusing NGOs on a number of priorities (including public consultations, e-participation, and advocacy strategies around the Kyiv water strategy, participatory budgeting, and guidelines for public participation). The pilot combined international and local experts to ensure a balance of international practice and an Academy event highly tailored to the local context – both the dynamics of relations between Kyiv NGOs and the city authorities, and a focus on current relevant policy priorities and challenges in terms of participatory policymaking.

The pilot has served as a modest, but successful launch that drew a high level of commitment and engagement from the different stakeholders. Building on the results achieved, in 2019-2020, the new project aims to strengthen the organisational and communication potential of the NGO Platform and public authorities, maintain the momentum in co-operation on extending the functionality and available participation tools and online platforms, and roll out further Academy events in Kyiv, other pilot municipalities and at the national level, combining international practice with local policy relevance, and ensuring a focus on engagement and trust in participatory policymaking, using real policy challenges as the focus for group and individual exercises.

A combination of targeted seminars, NGO platform-building activities in Ukraine will focus on fostering a new, inclusive approach to political decision-making through more open government and a professionalisation of participatory decision-making formats and communications. The Participatory Democracy Academy will work to train public authorities and civil society separately where their needs require, and jointly where the Academy can support the parties together.

The project also seeks to enhance procedures (at national and local level) for public consultations and implementation mechanisms of participatory democracy tools through providing expert and capacity building support, disseminating good practices for involving citizens in decision-making process through various mechanisms and innovative tools (including e-democracy), formalise channels and forums for communication between public authorities and civil society organisations. The project will aim to support measures to ensure conformity of the national legislation with international standards in the area of protection and promotion of civil society space and enabling environment for civil society in Ukraine.

The Project draws upon an extensive network of consultants with knowledge of international and European standards and different European systems (“international consultants”) and consultants with local expertise/knowledge of the domestic system in which the activities are implemented (“national consultants”) to carry out its work.

The Council of Europe is looking for a maximum of 15 Provider/Consultant(s) per Lot (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise pertaining to the various aspects of civil participation, protection and promotion civil society space in the thematic fields under the Lots below.

For information purposes only, the total budget of the project amounts to 480,000 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

This call is aimed at selecting “national consultants”.

The tender is divided into the following four 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.

Throughout the duration of the Framework Contract, being instructed, supervised and coordinated by the designated staff members from the Council of Europe Office in Ukraine and from the Council of Europe Headquarters, the **pre-selected Providers may be asked to provide through the Project advice and expertise pertaining to various aspects of civil participation, protection and promotion civil society space.**

#### Lot 1

**Strengthening the national legal and institutional framework on civil participation in line with international standards and good practices.**

- Assess legal acts and policy documents (draft documents and documents in force) related to public consultations participatory democracy tools (including e-democracy), develop and provide recommendations on improving the proposed or existing legislation and mechanisms at national and municipal levels.

- Contribute to the development of legal acts, internal regulations or guidelines on civil participation and public consultations which would facilitate inclusive policymaking processes and dialogue between citizens and public authorities.
- Assess existing municipal mechanisms and implementation practices of e-participation tools (at municipal level), provide advice on introduction, enhancement, maintenance and use of e-participation tools, online platforms and communication channels for active engagement and participation of citizens in decision-making process.
- Assess municipal frameworks and implementation practices related to public consultations and participatory democracy tools, identifying available entry points for citizens' engagement in policymaking process.
- Conduct researches and studies on good practices and mechanisms related to public consultations participatory democracy tools. Provide overviews of current examples of mechanisms and good practices for involving citizens in decision-making process through various mechanisms and innovative tools (including e-tools) at various project activities.
- Contribute to the thematic project activities, expert groups, training initiatives, including through moderating/facilitating discussions and delivering presentations.
- Contribute to the development of informational materials, hand-outs, proofread thematic documents.
- Support international consultants with documents through providing briefs, summaries and advice on the Ukrainian legislative and institutional framework, policies, practices and specific topics related to the lot.
- Other deliverables as related to the above and as requested by the Council of Europe.

## **Lot 2**

### **Training needs assessment, training course development and delivery of trainings on participatory policymaking for civil society representatives and public officials.**

- Conduct training needs assessment.
- Develop curricula, courses and materials of trainings, project training initiative Participatory Policymaking Academy complementing by national and international case studies.
- Conduct training sessions targeting civic actors and public officials focused on, but not limited to the following areas:
  - Participatory policymaking: participatory democracy, e-participation & public consultations, public communication in decision making.
  - Policymaking process, policy cycle & entry points for influencing policy.
  - NGO coalitions: establishment of coalitions advocating for change.
  - Advocacy and communications skills.
  - Guidelines on public consultations.
  - Local government reform and civil participation.
  - Gender mainstreaming and balanced participation in decision-making process, equal participation of all groups including those with particular interests and needs, such as young people, the elderly, people with disabilities and minorities.
- Preparing and delivering Training of Trainers programmes.
- Develop thematic hand-outs for the Academy participants.
- Other deliverables as related to the above and as requested by the Council of Europe.

## **Lot 3**

### **Facilitation of engagement between public authorities and NGOs in participatory policymaking. Strengthening NGO strategic planning and establishment of coalitions advocating for change.**

- Facilitate and moderate indepth dialogue events bringing together public officials and NGOs working on same policy areas, and roundtable events, training sessions, seminars, meetings.
- Provide expert and organisational advice on engagement between public authorities and NGOs in participatory policymaking; engagement and equal opportunities for participation for all groups including those with particular interests and needs, such as young people, the elderly, people with disabilities and minorities.
- Facilitate and support NGO platform strategic development; provide mentoring on-site and / or online support to the Platform to optimise NGO co-operation and organisational development.
- Develop and/or proofread thematic informational and visibility products (which may include news items, publications, leaflets, brochures, videos etc.), contribute to the implementation of the project communication strategy.
- Other deliverables as related to the above and as requested by the Council of Europe.

## **Lot 4**

### **Strengthening the enabling environment for civil society development, protection and promotion of civil society space in Ukraine.**

- Assess legal acts and policy documents (draft documents and documents in force) related to enabling environment for civil society development, protection and promotion of civil society space in Ukraine; develop and provide recommendations on improving the proposed or existing legislation.
- Participate and contribute to various project activities, round tables dedicated to the protection and promotion of civil society space and NGO enabling environment and present cases at various project activities.

- Conduct or contribute to thematic workshops, seminars, trainings dedicated to protection and promotion of civil society space.
- Develop and/or proofread thematic informational and visibility products (which may include publications, leaflets, brochures, videos etc.), contribute to the implementation of the project communication strategy.
- Other deliverables as related to the above and as requested by the Council of Europe.

The consultants can be asked to undertake missions to provide the expected deliverables.

The above lists (under Lot 1, 2, 3 and 4) of expected deliverables are not considered exhaustive. The Council of Europe reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object/scope of the present Framework Contract.

The Council will order (see Section D below on ordering procedure) specific deliverables similar to the ones listed above, provided they correspond to the project implementation needs and are within the range of the competencies of the selected Provider.

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.

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 the lot or lots they apply for (see Section A of the Act of Engagement) and their daily fees for the respective lot or lots, 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 this consultation and the subsequent selection are 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 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*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- A university degree in law, political sciences, social sciences, international relations, public or business administration or related fields;
- At least 5 years of professional experience in areas related to the fields of expertise as described for each lot under the scope of the contract above;
- Excellent knowledge of Ukrainian (at least level C2 of the Common European Framework of Reference for Languages/mother tongue).

### *Award criteria*

- Quality of the offer (90%), including:
  - Thematic expertise in the relevant area, primarily the in-depth knowledge of the Ukrainian legislation and implementation practices as well as the basic international standards and recommendations of the Council of Europe in the areas covered by this call (35%).
  - Relevance of the experience and competences of the tenderer in the areas covered by this call, including previous similar assignments at the local level and/or with international organisations (35%).
  - Working knowledge of English (English would be an advantage in order to be able to cooperate with international experts at least level B2 of the Common European Framework of Reference for Languages (20%).
- Financial offer (10%).

It should be noted in this regard that only eligible tenderers that obtain a minimum rating score of 3/5 on the assessment of the above-mentioned award criteria will be offered a framework contract.

<sup>2</sup> 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.

<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.

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

#### F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (See attached);
- A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria (in English or Ukrainian);
- Registration documents, for legal persons only;
- Motivation letter, demonstrating experience and expertise required (in English or Ukrainian);
- At least two examples in Ukrainian of the previous work/deliverables reference/links to publications, materials, legal assessments/analyses, reports, studies, training materials, presentations etc. relevant to the experience the tenderer claims in relation to the lot/s the tenderer applies\*. Optionally, one of the examples can be provided in English.

**Ace of Engagement shall be submitted in English, failure to do so will result in the exclusion of the tender. The Council of Europe reserves the right to reject the tender if any of the documents listed above are missing.**

**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.