**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of national consultancy services in the area of human rights and preventing discrimination and sexual harassment in the armed forces.**

***Contract N° 9214/2025/19***

The Council of Europe is currently implementing the Project “Rights of Veterans and Personnel of Armed Forces in Ukraine” (hereinafter – the Project), duration - 24 months (1 February 2024 – 31 January 2026).

In that context, it is looking for a Provider for the provision of national consultancy services in the area of human rights and preventing discrimination and sexual harassment in the armed forces to be requested on an as needs basis.

1. 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[[1]](#footnote-2), the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 180 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 – Prevention of discrimination and sexual harassment in the armed forces.** 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 2 (two) 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 – Prevention of discrimination and sexual harassment in the armed forces.**

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| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 January 2026 |
| **Deadline for submission of tenders/offers ►** | **08 May 2025** 14:00 EEST |
| **Email for submission of tenders/offers ►** | **tenders\_veteransrights\_ua@coe.int** |
| **Email for questions ►** | tenders\_veteransrights\_ua@coe.int |
| **Expected starting date of execution ►** | 12 May 2025 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe is currently implementing the project “Rights of Veterans and Personnel of Armed Forces in Ukraine” (hereinafter – the Project), which spans a period of 24 months, from 1 February 2024 to 31 January 2026. The Project aims to support Ukrainian authorities in promoting and safeguarding the human rights, including social rights, of military personnel, veterans, and their families by enhancing the effective operation of human rights institutions and mechanisms during and/or following the war.

In response to a request from the Ministry of Defence of Ukraine (MoD), the Project will organise a training programme on "Prevention of discrimination and sexual harassment in the Armed Forces of Ukraine." The training will address key topics such as forms of discrimination and sexual harassment within the military, international best practices for prevention and response, action steps for affected individuals, and procedures for follow up to such cases. Until the end of the project, at least four training sessions are expected to be conducted.

Other similar trainings may be organised in the framework of the Project. These activities are mainly targeted at the MoD, but may also include training programmes for the Military Law Enforcement Service of Ukraine.

The Council of Europe is looking for a maximum of 3 providers to support the implementation of the project with particular expertise in the prevention of discrimination and sexual harassment in the armed forces.

This Contract is currently estimated to cover up to 10 activities, to be held by 30 January 2026. 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 1,000,000 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.

**Scope of the Framework Contract**

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

* Develop, review, adapt training modules/curricula and materials (including HELP training courses), methodological documents;
* Conduct training needs assessment exercises, produce subsequent reports, provide relevant recommendations;
* Produce tailored educational and awareness-raising materials including handbooks, manuals, guidelines, posters, videos, booklets for different target groups including both legal professionals and non-legal professionals based on the requirements of the Ukrainian regulatory framework on human rights and good governance in military;
* Conduct tailored training for different target groups including both legal professionals and non-legal professionals, training of trainers;
* Contribute to workshops, seminars and other capacity development activities with lectures, 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.

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).

1. 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.

1. 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 quote[[2]](#footnote-3) (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.

1. 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]](#footnote-4)

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;
* are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
* have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
* are subject to restrictive measures applied by the United Nations Security Council or the European Union. In the case of legal persons, the restrictive measures imposed on the tenderer’s owner(s) or executives will also exclude the tenderer from participating in this tender procedure.

*Eligibility criteria*

* Master’s degree in Law, International Law, or Political Science (excellent knowledge of Ukrainian legislation and international standards for the protection of victims’ rights is essential);
* Minimum of 4 years of relevant professional experience in the thematic area of the training (e.g., legal practice, advocacy, anti-discrimination work, etc.);
* Minimum of 2 years of experience in conducting trainings, development of training programmes and materials independently, or as co-trainer;
* Experience of cooperating with the Ministry of Defence of Ukraine, Security Service of Ukraine, law enforcement agencies or other relevant public bodies;
* English language proficiency at B1 level or higher.

*Award criteria*

* Quality of the offer (80 points), including:
  + Professional experience in the fields of expertise (45 points)
    - Length of relevant experience;
    - Proven record of excellent knowledge of the Ukrainian and international legislation (regulatory framework) and practice relating to human rights of members of the armed forces, specifically addressing anti-harassment and anti-discrimination issues in the Armed Forces context, including but not limited to military regulations, strategic documents in the field, criminal justice sector legislation, disciplinary and/or administrative legislation etc.
  + Quality of sample deliverables (35 points)
    - Coherence of drafting;
    - Relevance and adequacy of content and its correspondence to the Ukrainian context and international human rights standards.
* Financial offer (20 points).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

1. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

1. DOCUMENTS TO BE PROVIDED

* **A completed and signed copy of the** **Act of Engagement[[4]](#footnote-5)** (See attached);
* A list of all owners and executive officers, for legal persons only;
* A detailed CV (3 pages maximum), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria;
* Up to 2 examples of training programme(s) from previous trainings on the similar topics – in Ukrainian;
* Up to 2 examples of training materials (a few presentation slides, guides, articles, manuals, or a video recording of a training session) – in Ukrainian;
* 1-page concept note outlining the proposed vision for the training on this topic.

**All documents shall be submitted in English (except for the ones explicitly required in Ukrainian), 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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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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;

   For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;

   For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport). [↑](#footnote-ref-4)
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. [↑](#footnote-ref-5)