

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

### Purchase of catering services in Madrid in the framework of the project Barnahus Spain (Phase II).



The Council of Europe is currently implementing and until 31 April 2027 the joint EU-CoE Project "[Strengthening child-friendly justice among Barnahus-type services in Spanish regions \(Phase II\)](#)", co-financed by the EU Structural Reform Support Programme and implemented in cooperation with the European Commission, SG REFORM. The project aims at strengthening child-friendly justice and support for child victims of violence in Spain and its regions (Autonomous Communities).

In that context, it is looking for Providers for the provision of catering services in Madrid (Spain) 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 €6,000 for intellectual services) and €171,000 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 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 – Catering services in Madrid".** 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 – Catering services in Madrid".**

Type of contract ►	Framework contract
Duration ►	Until 30 June 2027
Deadline for submission of tenders/offers ►	<b>06 October 2025 23h59 CET</b>
Email for submission of tenders/offers ►	<b>maria.asensio-velasco@coe.int</b>
Email for questions ►	maria.asensio-velasco@coe.int
Expected starting date of execution ►	01 November 2025

<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](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

The European Union - Council of Europe Joint Project "[Barnahus in Spain – Strengthening child-friendly justice among Barnahus-type services in Spanish regions](#)" aims to ensure that all children who are victims of violence, including sexual exploitation and sexual abuse, benefit from a child-friendly, multidisciplinary and interagency comprehensive response in Spain and its regions (Autonomous Communities).

The Project contributes to the implementation of the reform initiated by Organic Law 8/2021 for the Comprehensive Protection of Children and Adolescents against Violence (known as LOPIVI), its subsequent Strategy, and Organic Law 10/2022 on the Comprehensive Guarantee of Sexual Freedom (known as LOGILS), which laid the legal basis for the Barnahus model in Spain. Following the adoption of the LOPIVI and the Strategy, regional authorities are required to align their regional laws and policies on the protection of childhood and adolescence with the new legal framework.

Running from November 2024 to April 2027, the Project supports the implementation of the Barnahus model at national level and provides tailored assistance to the Spanish regions to adapt the legal and policy framework. It also strengthens collaboration between justice operators and other services for child victims of sexual violence.

The Project is co-funded by the European Union via the Technical Support Instrument, and implemented by the Council of Europe, in co-operation with the European Commission, Reform and Investment Task Force (SG REFORM), and in collaboration with the Spanish Ministry of Youth and Childhood and the Ministry of the Presidency, Justice and Relations with Parliament.

The Council of Europe is looking for a maximum of 10 (ten) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in **providing catering services for high-level events**.

This Contract is currently estimated to cover up to five activities, to be held by 30 June 2027. 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 747,126 Euros and the total amount of the object of present tender **shall not exceed 171,000 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 provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

## 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 number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

## D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

## Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

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

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

## Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a 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, 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;

<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 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).

- 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;
- 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*

The eligibility criteria determine the conditions for participating in a procurement procedure and define the essential requirements that each bidder must comply with. Bidders shall demonstrate that they fulfil the following criteria:

- Being a registered company specialised in the field of provision of catering services in Spain;
- At least three years of experience in providing similar services to national public entities or international clients.

#### *Award criteria*

The award criteria aim at assessing the quality of a bid in order to **identify the bid/s offering the best value for money**. Eligible bids will be assessed against the following award criteria:

- Criterion 1: **Quality**: capacity to meet the technical and quality requirements under this Contract (40%), including diversity of menu options proposed, vegetarian options, etc.,
- Criterion 2: **Financial offer**: the cost of individual services and the overall handling fee/commission (60%).

The above award criteria will be assessed based on the bidder's capacity, as outlined in the supporting document, or on the basis of a consolidated assessment of the combined capacity of all eligible profiles or consortium members if the bid is submitted by a legal person or a consortium.

#### *Additional rules applicable to the submission and assessment of the bids*

The bidders' attention is drawn to the following additional rules governing the assessment of the bids:

- Unless expressly provided otherwise in the tender documents, a bidder may not submit more than one bid for the same procurement procedure. Bidding for more than one lot – where a contract is divided into lots – is allowed;
- In the same procurement procedure, natural person may not submit a bid on his/her own behalf and, at the same time, be included in a bid submitted by a legal person or a consortium. In such cases, the Council of Europe reserves the right to exclude the bid submitted by the natural person from the procurement procedure;
- In the same procurement procedure, a legal person may not submit a bid and, at the same time, be a member of a consortium also bidding under the same procurement procedure. In such cases, the Council of Europe reserves the right to exclude the bid submitted by the legal person from the procurement procedure.

#### 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

- **One** completed and signed copy of the Act of Engagement;<sup>4</sup>
- A list of all owners and executive officers, for legal persons only;

<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.

- Record of 3 years of experience in providing similar services to public entities in the country or international clients (international or European Institutions, embassies, international companies etc.);
- Examples of menus of coffee breaks and lunch provided to similar events.

**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.**

**Documents may be submitted via file sharing services such as WeTransfer, Dropbox, OneDrive, etc.). In this case, the link must mandatorily remain active for at least 30 days after the deadline for the submission of the bids. Failure to ensure this may lead to the bid being excluded from the procurement procedure.**

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

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