

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of local consultancy services in the area of combating violence against children in the framework of the project "Combating violence against children in Ukraine, Phase III" *Contract N° BH8804.2022.01*

The Council of Europe is currently implementing a Project *Combating violence against children in Ukraine, Phase III*, which aims to combat violence against children, including child sexual exploitation and abuse and promote the rights of the child, including in the digital environment. The duration of the project is until 31 December 2023. In that context, it is looking for Provider(s) for the provision of local consultancy services in the area of combating violence against children 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: Tender - Contract N° BH8804.2022.01 local 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 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 - Contract N° BH8804.2022.01 local consultancy services.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2022
Deadline for submission of tenders/offers ▶	28 February 2022 (23:59 CET)
Email for submission of tenders/offers ▶	Children.ukraine@coe.int
Email for questions ▶	Oksana.pugach@coe.int
Expected starting date of execution ▶	14 March 2022

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](#).

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe is currently implementing a Project *Combating violence against children in Ukraine, Phase III* as a follow-up action to the previous Council of Europe projects Combating violence against women and children (2017/DG II/VC/3800) implemented in 2017-2018, and Combating violence against children in Ukraine, Phase II (2020/DGII/VC/1813) implemented in 2020-2021.

The Phase III aims to support authorities, professionals and civil society to prevent and protect children from violence and sexual exploitation and abuse, including in the digital environment. This support is particularly important for Ukraine in the context of the adoption of the new national legislation aimed at the effective implementation of the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Convention), to which Ukraine is a party since 2012. In February of 2021, Verkhovna Rada of Ukraine, in conformity with the recommendations of the Lanzarote Committee adopted the Law of Ukraine "On Amending some Legislative Acts of Ukraine Concerning the Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)" (№ 1256-IX, came into force 17.03.2021).

Building on the results of the previous projects the project activities will promote and be further guided by recommendations and guidelines on the Council of Europe on Integrated National Strategies for the Protection of Children from Violence (CM/Rec(2009)), Child-friendly justice (CM/Rec (2010)) and Guidelines to respect, protect and fulfil the rights of the child in the digital environment (CM/Rec(2018)). Standards relevant to online child sexual abuse and exploitation include the Council of Europe [Convention on Cybercrime \(ETS No. 185\)](#). Best interests of the child in proceedings, including in domestic violence and family law cases, will also be considered in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The Council of Europe is looking for a maximum of **8 (eight) Providers** per lot (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the area of combating violence against children, with a particular focus on child sexual exploitation and abuse, including in the online environment.

This Contract is currently estimated to cover up to 15 activities, to be held by 31/12/2022. 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 *550,000* 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: Harmonisation of national policy, legal framework and practices with the Council of Europe and other international standards and good practices related to protection of children from violence and sexual exploitation and abuse, including in the digital environment.	8
Lot 2: Training and support for criminal justice and legal professionals on protection of children from violence and sexual exploitation and abuse, including in the digital environment.	8
Lot 3: Training and support for non-legal professionals on protection of children from violence and sexual exploitation and abuse, including in the digital environment; awareness raising and sensitisation of target groups.	8

Lot 1 concerns the provision of intellectual services in the area of **harmonisation of national policy, legal framework and practices with the Council of Europe and other international standards related to children's rights** in one or more of the following areas: integrated national strategies for the protection of children against violence, including interagency coordination; child friendly justice; independent monitoring and evaluation of child protection system and services provided to children; child abuse and neglect; child sexual exploitation and sexual abuse, including in the digital environment; investigation/trial of child sexual exploitation and sexual abuse, both online and offline, including electronic evidence practices and cybercrime standards relevant for online child sexual exploitation cases; role and obligations of Internet Service hosting providers and companies in the fight against online child sexual abuse; prevention of child sexual abuse and exploitation and peer-to-peer violence or sexual abuse.

Lot 2 concerns the provision of intellectual services related to development of **training courses and other supporting materials development and delivery of trainings for criminal justice and legal professionals**, in one or more of the following areas: integrated national strategies for the protection of children against violence, including interagency coordination; child friendly justice; monitoring and evaluation of child protection system and services provided to children; child abuse and neglect, child sexual exploitation and sexual abuse, including in the digital environment; investigation/trial of child sexual exploitation and sexual abuse, both online and offline, including electronic evidence practices and cybercrime standards relevant for online child sexual exploitation cases; prevention of child sexual abuse and exploitation and peer-to-peer violence or sexual abuse.

Lot 3 concerns the provision of intellectual services related to **development of training courses and other supporting materials development and delivery of trainings for non-legal professionals (social workers, educators, teachers, other relevant child protection actors, as well as private sector with role in the fight against child sexual abuse and exploitation)** in one or more of the following areas: children's rights; child abuse; detection and reporting of child sexual exploitation and sexual abuse or any form of violence against children; interagency cooperation on child abuse cases; monitoring and evaluation of child protection system; digital literacy for children and carers; role and obligations of Internet Service hosting providers and companies in the fight against online child sexual abuse; prevention of child sexual abuse and exploitation and peer-to-peer violence or sexual abuse.

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3.5 will be selected under each Lot.

Scope of the Framework Contract

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

Under Lot 1 Harmonisation of national policy, legal framework and practices with the Council of Europe and other international standards and good practices related to protection of children from violence and sexual exploitation and abuse, including in the digital environment:

- Contribution to the review of policy documents/legal framework/secondary legislation (draft documents and/or documents in force), practice; provision of advice (in the form of an oral and/or written advice) and preparation of legal opinions, comments, recommendations, reports etc.;
- Support international short-term consultants with documents (legislation, rules, modules and any relevant material) and/or written advice on the Ukrainian background on specific topics;
- Contribution to drafting or drafting of analytical reports (risk assessments, needs and gap analysis, institutional reviews, etc.);
- Support for the development or development of internal guidelines/protocols/materials on specific aspects related to the theme of the lot;
- Conducting sociological surveys or studies;
- Participation and contribution to conferences, roundtables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations.
- Mentoring beneficiaries on specific working processes relevant to the lot.

Under Lot 2 Training and support **for criminal justice and legal professionals** on protection of children from violence and sexual exploitation and abuse, including in the digital environment:

- Support for development or development and the adaptation of training courses, programmes, strategies and materials of trainings related to the theme of the lot;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of the lot;
- Support international short-term consultants with documents (legislation, rules, modules and any relevant material) and/or written advice on the Ukrainian background on specific topics
- Mentoring beneficiaries on specific working processes and/or cases relevant to the lot;
- Participation and contribution to conferences, roundtables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations.

Under Lot 3 Training and support **for non-legal professionals** on protection of children from violence and sexual exploitation and abuse, including in the digital environment; awareness raising and sensitisation of target groups:

- Support for the development or development and the adaptation of training courses, programmes, strategies and materials of trainings;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of the lot;
- Support international short-term consultants with documents (legislation, rules, modules and any relevant material) and/or written advice on the Ukrainian background on specific topics
- Mentoring beneficiaries on specific working processes and/or cases relevant to the lot;
- Participation and contribution to conferences, roundtables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations.
- Contribution to the drafting or drafting, development and adaptation of awareness raising, prevention and informational materials for different target groups (children, parents, educators, wider public) related to the theme of the lot.

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 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, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;

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 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.

- 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.

Eligibility criteria

- A university/higher education degree in law, social sciences, psychology, human rights/children's rights, law enforcement studies, or a related field.
- For LOT 1 and LOT 3: At least 3 years of professional experience at national level (Ukraine) in the areas related to the fields of expertise as described within the specific Lots under the scope of this contract.
- For LOT 2: at least 3 years of professional experience as criminal investigation officer/prosecutor/judge/attorney, including experience in the area of child sexual abuse investigation/prosecution/trial, including online OR at least 3 years of practical experience from training the above-mentioned target groups.
- For legal person and private entrepreneurs: The tender must be registered in the relevant field of activity, and the natural persons represented by a legal person or a private entrepreneur should have not less than 3 years of experience in providing services in question.
- Excellent knowledge of the Ukrainian language.

Award criteria

- Quality of the offer (80%), including:
 - Professional experience in the fields of expertise covered by the selected lot(s) under this tender, including length of experience and proven track record of practical achievements in the given field (30%);
 - 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 tender (30%);
 - Relevance and quality of examples and sample deliverables (e.g. draft materials recently produced, training outlines or training methodologies employed); provided or referred to by the tenderer in the areas covered by the selected lot(s) (20%).
- Financial offer (20%).

For legal persons:

Same requirements as for natural persons mentioned above, to be applied for the natural persons allocated to the execution of the contract.

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 and private entrepreneurs, including those that proving their ability to carry out the respective types of economic activities or non-profit activities (for

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.

- NGOs). If registration documents are provided in a language other than English, a summary translation to English must be provided;
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria (4 pages maximum). For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
 - A Motivation letter describing how the tenderer meets the requirements of the expected types of deliverables related to the fields of expertise as described under the scope of the contract above (1 page maximum). For legal persons, this letter should also include a list of all natural persons who shall be allocated to the execution of the contract;
 - At least two examples (may be provided in the CV, motivation letter or attached) of the previous unedited work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims (**Lot 1, 2, and 3**). For legal persons, at least two unedited examples (may be provided in the CV, motivation letter or attached) of the previous work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims and produced by the natural persons allocated to the execution of the contract.

All documents shall be submitted in English, except of the registration documents and examples of previous works, which can be provided in Ukrainian with a summary translation into 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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