



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

### Purchase of local consultancy services in the area of mediation and restorative justice for children in Ukraine. *Contract N° BH9136.2024.02*

The Council of Europe is currently implementing a Project on "Protecting the rights of Ukrainian children during and in post-war context" (hereinafter – the Project) in the framework of the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026. The duration of the project is until 31 December 2024.

In that context, it is looking for Provider(s) for the provision of local consultancy services on mediation and restorative justice for children in Ukraine 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 €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 – local consultancy on mediation.*** 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 – local consultancy on mediation.***

<b>Type of contract</b> ▶	Framework contract
<b>Duration</b> ▶	Until 31 December 2024
<b>Deadline for submission of tenders/offers</b> ▶	<b>07 April 2024 23h59 CET</b>
<b>Email for submission of tenders/offers</b> ▶	<b>children.ukraine@coe.int</b>
<b>Email for questions</b> ▶	<b>children.ukraine@coe.int</b>
<b>Expected starting date of execution</b> ▶	15 April 2024

<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 Council of Europe is currently implementing a Project "Protecting the rights of Ukrainian children during and in post-war context" (hereinafter – the Project) in the framework of the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026. The Project aims to protect and promote children's rights, in view of the particular risks generated by the conflict. This includes risks for displaced children, children without parental care, unaccompanied children, child victims or witnesses of violence, in line with Council of Europe standards. It focuses on enhancing the effectiveness of frameworks aimed at child friendly settings and procedures for investigation, as well as improving capacities of multiple professional target groups working with children.

The project is a direct follow-up of the previous Council of Europe projects "Combating violence against women and children" (2017-2018), "Combating violence against children in Ukraine, Phase II" (2020-2021), and "Combating violence against children in Ukraine, Phase III" (2022).

The Council of Europe is looking for a maximum of 7 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on mediation and restorative justice for children in Ukraine.

This Contract is currently estimated to cover up to 5 activities, to be held by 31 December 2024. 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 660,000 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 provide the following services:

- 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 restorative justice and mediation;
- Conducting surveys or studies;
- Support for development or development and the adaptation of training courses, programmes, strategies and materials of trainings related to therestorative justice and mediation;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of the contract
- 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 theme.

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).

#### 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 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 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.

#### **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>2</sup>

---

<sup>2</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

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.

#### *Eligibility criteria*

##### For Natural Persons:

- A university/higher education degree in law, social sciences, psychology, human rights/children's rights, law enforcement studies, or a related field.
- At least 3 years of professional experience as a mediator, availability of the mediator's certificate will be an advantage.
- Excellent oral and written knowledge of Ukrainian (mother tongue level).

##### For legal persons:

- Capacity to make available, for the purposes of the contract, the consultants:
  - Holding a university/higher education degree in law, social sciences, psychology, human rights/children's rights, law enforcement studies, or a related field.
  - Having at least 3 years of professional experience as a mediator, availability of the mediator's certificate will be an advantage.
  - Excellent oral and written knowledge of Ukrainian (mother tongue level)
- At least 3 years of professional experience in the areas related to the fields of expertise as described under the scope of this contract and strong knowledge of the local context.

#### *Award criteria*

- Quality of the offer (70 points), including:
  - Professional experience in the fields of expertise covered under this tender, including length of experience, availability of mediator' certificate, 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%);

---

- 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.

- 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 contract (10%).
- Financial offer (30 points).

The Council reserves the right to hold interviews with tenderers.

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

For natural persons:

- **A completed and signed copy of the Act of Engagement<sup>3</sup>** (See attached);
- A detailed **CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria (4 pages maximum);
- A **Motivation letter** describing how the tenderer meets the eligibility criteria and has experience and expertise required under the scope of the contract above;
- At least **two examples** (may be provided as links in the CV, motivation letter, or attached) in Ukrainian or English of the previous work, deliverables, publications, legal reviews, reports, studies, etc. relevant to the experience the tenderer claims.

For legal persons and private entrepreneurs:

- **A completed and signed copy of the Act of Engagement<sup>4</sup>** (See attached);
- Detailed **CVs** of each natural person who shall be allocated to the execution of the contract, preferably in Europass Format, demonstrating clearly that they fulfil the eligibility and award criteria (4 pages maximum);
- **Registration documents** proving the tenderer's ability to carry out the respective types of economic activities (human rights protection, especially protection of children's rights, provision of social and educational services to relevant target groups, provision of consultative services in these areas, implementation of relevant projects, etc). If registration documents are provided in a language other than English, a summary translation to English must be provided;
- A **professional portfolio** of the organisation in English, demonstrating clearly that the tenderer (proposed staff) meets the eligibility criteria and has experience and expertise required under the scope of the contract above;
- At least **two examples** (may be provided as links in the CVs, portfolio of the organisation, or attached) in Ukrainian or English of the previous work, deliverables, publications, legal reviews, 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, 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.**

\* \* \*

<sup>3</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.

<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.