

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

### Provision of consultancy services in the area of EU restrictive measures



The project "Effective Implementation of the Sanctions Regime and Enhanced Cross-Border Cooperation in EU Member States" (DGREF\_2023\_MCP-23CZ14) is part of the 2023 Technical Support Instrument (TSI) program jointly funded by the Council of Europe and the European Union and is being implemented by the Economic Crime and Cooperation Division. In that context, it is looking for Provider(s) for the provision of consultancy services 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 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 - 2025/ECCD/TSI II - 01**. 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 - 2025/ECCD/TSI II - 01**

Type of contract ►	Framework contract
Duration ►	Until 31 August 2025
Deadline for submission of tenders/offers ►	<b>19 February 2025 23h59 CET</b>
Email for submission of tenders/offers ►	<b>contact.econcrime@coe.int</b>
Email for questions ►	<b>contact.econcrime@coe.int</b>
Expected starting date of execution ►	24 February 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 joint EU–DG REFORM and Council of Europe project [“Effective Implementation of the Sanctions Regime and Enhanced Cross-Border Cooperation in EU Member States”](#), which began in September 2023 and will run until August 2025, seeks to strengthen the EU’s sanctions regime and improve the enforcement of restrictive measures across Member States. It particularly aims at enhancing asset-freezing practices and cross-border cooperation between National Competent Authorities (NCAs).

The Council of Europe is looking for a maximum of *six* (6) Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on EU Sanctions under the Common Foreign and Security Policy (CFSP).

This Contract is currently estimated to cover up to nine activities, to be held by 31/08/2025. 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 722,222.00 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:

- Drafting analytical reports in the area of implementation of EU sanctions, such as: risk assessments, needs and gap analysis, institutional reviews, reviews of effectiveness and good practices including international and national cooperation aspects. As part of this process desk work and participation in consultative meetings are expected. Furthermore contribute to the preparation of assessment reports and of technical specification or other documents as required.
- Developing data collection tools for clarifying different aspects of the implementation of the EU sanctions regime.
- Contributing to the preparation of strategic documents, action plans, guidelines and other similar documents in the area of implementation of EU sanctions.
- Preparing training curricula, training modules and related training materials in the area of implementation of EU sanctions.
- Conducting related training activities.
- Participate and contribute to events (conferences, workshops, seminars, roundtable discussions, high-level meetings, on-site assessments etc.) on implementation of EU sanctions.

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. 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 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:

<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).

- 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*

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

#### For legal persons and consortia:

- At least 4 years of professional experience, for the **persons assigned to the execution of the contract**, in **one or more** of the following fields:
  - Policy and Regulatory Development: Demonstrated expertise in drafting and implementing policies, strategies, and regulatory frameworks related to sanctions regimes, with specific experience addressing EU restrictive measures under CFSP. This includes work within public administration or institutional frameworks at national or EU levels to ensure alignment with geopolitical and legal priorities.
  - Sanctions Compliance and Enforcement: Proven experience in implementing and ensuring compliance with EU restrictive measures under CFSP, including identifying sanctioned individuals, entities, and jurisdictions. Expertise in designing and managing sanctions screening processes, enforcement mechanisms, and addressing circumvention techniques.
  - Asset Recovery: Expertise in freezing and recovering assets linked to sanctioned individuals or entities. This includes legal, analytical and procedural expertise in asset tracing, freezing, and repatriation in cross-border contexts under EU sanctions frameworks.
  - Asset Management: Competence in managing and valuing assets, particularly those seized or frozen under sanctions or financial crime laws. This includes experience with asset valuation, liquidations, and legal processes for managing confiscated assets.
  - Financial Investigations and Asset Tracing: Advanced skills in forensic accounting and tracing financial flows associated with sanctioned entities or individuals. Experience in using specialized software to track complex financial transactions and hidden assets.
  - Mutual Legal Assistance (MLA) and informal cooperation: In-depth knowledge of cross-border cooperation mechanisms, including handling MLA requests to support enforcement of EU sanctions. This involves coordinating the exchange of evidence and information with international partners to support investigations.
  - Law Enforcement and Judicial Procedures: Extensive understanding of judicial and law enforcement processes related to sanctions enforcement, including collaboration with EU agencies, law enforcement, and judicial bodies to prosecute violations of EU sanctions.
  - Corporate Law and Ownership Structures: Expertise in analyzing complex corporate structures to identify beneficial ownership, particularly concerning individuals and entities subject to EU

sanctions. This includes detecting shell companies or opaque ownership arrangements designed to evade sanctions.

- Risk Assessment and Circumvention Detection: Skills in conducting risk-based assessments to identify evasion of EU sanctions. Expertise in identifying and addressing circumvention methods, such as the use of third-party intermediaries, re-flagging of vessels, and exploitation of financial loopholes.
- University degree or equivalent in law, political or social science, economics or finance, information technology or in a related field, **for the persons assigned to the execution of the contract.**
- Written and spoken fluency in English or French of the persons allocated to the execution of the contract (Level C1/C2 on CEFR).

For natural persons:

- At least 4 years of professional experience, **as a natural person**, in **one or more** of the following fields:
  - Policy and Regulatory Development: Demonstrated expertise in drafting and implementing policies, strategies, and regulatory frameworks related to sanctions regimes, with specific experience addressing EU restrictive measures under CFSP. This includes work within public administration or institutional frameworks at national or EU levels to ensure alignment with geopolitical and legal priorities.
  - Sanctions Compliance and Enforcement: Proven experience in implementing and ensuring compliance with EU restrictive measures under CFSP, including identifying sanctioned individuals, entities, and jurisdictions. Expertise in designing and managing sanctions screening processes, enforcement mechanisms, and addressing circumvention techniques.
  - Asset Recovery: Expertise in freezing and recovering assets linked to sanctioned individuals or entities. This includes legal, analytical and procedural expertise in asset tracing, freezing, and repatriation in cross-border contexts under EU sanctions frameworks.
  - Asset Management: Competence in managing and valuing assets, particularly those seized or frozen under sanctions or financial crime laws. This includes experience with asset valuation, liquidations, and legal processes for managing confiscated assets.
  - Financial Investigations and Asset Tracing: Advanced skills in forensic accounting and tracing financial flows associated with sanctioned entities or individuals. Experience in using specialized software to track complex financial transactions and hidden assets.
  - Mutual Legal Assistance (MLA) and informal cooperation: In-depth knowledge of cross-border cooperation mechanisms, including handling MLA requests to support enforcement of EU sanctions. This involves coordinating the exchange of evidence and information with international partners to support investigations.
  - Law Enforcement and Judicial Procedures: Extensive understanding of judicial and law enforcement processes related to sanctions enforcement, including collaboration with EU agencies, law enforcement, and judicial bodies to prosecute violations of EU sanctions.
  - Corporate Law and Ownership Structures: Expertise in analyzing complex corporate structures to identify beneficial ownership, particularly concerning individuals and entities subject to EU sanctions. This includes detecting shell companies or opaque ownership arrangements designed to evade sanctions.
  - Risk Assessment and Circumvention Detection: Skills in conducting risk-based assessments to identify evasion of EU sanctions. Expertise in identifying and addressing circumvention methods, such as the use of third-party intermediaries, re-flagging of vessels, and exploitation of financial loopholes.
- University degree or equivalent in law, political or social science, economics or finance, information technology or in a related field.
- Written and spoken fluency in English or French (Level C1/C2 on CEFR).

*Award criteria*

For legal persons:

Quality of the offer (80 points), including:

- **Criterion 1:** Professional experience of the persons assigned to the execution of the contract in the fields of expertise covered by this tender (50 points), consisting of:
  - Length of relevant experience;
  - Proven track record of practical achievements or technical expertise in the given field.
- **Criterion 2:** Quality of sample deliverables recently produced by the persons assigned to the execution of the contract (30 points):

- Coherence of drafting; and/or
- Relevance and adequacy of content.

Financial offer (20 points).

For natural persons:

Quality of the offer (80 points), including:

- **Criterion 1:** Professional experience in the fields of expertise covered by this tender (50 points), consisting of:
  - Length of relevant experience;
  - Proven track record of practical achievements or technical expertise in the given field;
- **Criterion 2:** Quality of sample deliverables recently produced by the tenderer (30 points):
  - Coherence of drafting; and/or
  - Relevance and adequacy of content.

Financial offer (20 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

- **A completed and signed copy of the Act of Engagement<sup>4</sup>** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, for legal persons only;
- CVs of persons assigned to the execution of the contract (for legal persons only);
- Motivation letter demonstrating the tenderer's understanding of the Council of Europe needs as well as its compliance with the eligibility criteria listed above. The motivation letter shall also indicate the areas of expertise of the tenderer;
- At least one sample of an English or French text recently drafted by the tenderer; the legal persons shall submit one such sample for each person assigned to the execution of the contract;
- 3 (three) professional referees' contact details

**All documents shall be submitted in English or French, 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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<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.