**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of National Consultancy Services in the field of asylum and migration in the Republic of Moldova**

The Council of Europe is currently implementing the Project on “[Strengthening the human rights protection of refugees and migrants in the Republic of Moldova](https://www.coe.int/en/web/chisinau/human-rights-protection-of-refugees-and-migrants)” (hereinafter – the Project). The Project is being implemented from 1 October 2022 to 30 September 2024. In that context, it is looking for Provider(s) for the provision of national consultancy services in the area of asylum and migration in the Republic of Moldova to be requested by the Council of Europe on an as needed 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-1), 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, or a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: ”Asylum and Migration** **National 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 Council of Europe 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 - Asylum and Migration National Consultancy Services”.**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 30 September 2024 |
| **Deadline for submission of tenders/offers ►** | **30 March 2023** |
| **Email for submission of tenders/offers ►** | migration.moldova@coe.int |
| **Email for questions ►** | migration.moldova@coe.int |
| **Expected starting date of execution ►** | 10 April 2023 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe Project on “Strengthening the human rights protection of refugees and migrants in the Republic of Moldova” (hereinafter – the Project) aims to provide targeted support to the Republic of Moldova in the field of asylum and migration, also, in light of the refugee situation from Ukraine. Building on the rich body of Council of Europe standards, especially the jurisprudence of the European Court of Human Rights and promising practices in the field, the Project will assist national authorities and other actors in addressing the needs of refugees and migrants and building resilient migration, asylum and reception systems in the long term.

The Project is funded and implemented under the Council of Europe Action Plan for the Republic of Moldova for 2021-2024.

The Project has a three-fold approach:

**Component 1.** Supporting the advancement of the legislative and policy framework in line with European and international standards.

**Component 2.** Strengthening the capacities of varied professionals to effectively respond to the needs of refugees and migrants.

**Component 3.** Facilitating access to support services and information.

The Council of Europe is looking for a maximum of forty (40) Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise in the areas defined under the Lots below.

This Contract is currently estimated to cover up to thirty (30) activities, to be held by 30 September 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 600,000 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:** **Supporting the advancement of the legislative and policy framework on migration and asylum system in line with European and international standards** | 10 |
| **Lot 2:** **Strengthening the capacities of varied professionals to effectively respond to the needs of refugees and migrants** | 20 |
| **Lot 3:** **Facilitation of access to support services and information** | 10 |

**Lot 1** focuses on the provision of support for the review and development of legislation, legal/policy documents and strategies, policy tools, guidelines and instruments on migration and asylum. This includes ̶  but is not limited  ̶  to conducting assessment of the capacity of the national asylum system (i.e., assessment of the institutional model for the restructuring of the asylum system, legal aid, identification, protection and referral of vulnerable persons, case processing methodologies, etc.), carrying out selected interviews with stakeholders and on-site analysis/mapping of existing practices and their implementation in line with European and other international standards.

**Lot 2** focuses on providing training and support to varied professionals (migration and asylum authorities, the judiciary, legal and other professionals, education and social care personnel, etc.) on issues related to migration and asylum, in line with European and other international standards, especially the jurisprudence of the European Court of Human Rights. Areas to be addressed could, for example, include human rights consideration in migratory movements; protection of vulnerable persons; access to international and temporary protection; child-protection systems and procedures; border procedures; access to legal aid and effective remedies; immigration detention; statelessness, etc. Tasks could, among others, include, carrying out analysis on training needs, preparation of various training materials and training/teaching curricula, delivery of tailor-made programmes, preparation and delivery of presentations, facilitation, moderation of expert seminars, workshops, roundtables, etc.

**Lot 3** focuses on improving access to information and key services (i.e., health care and psychological support, education, documentation, accommodation, social protection). This includes – bus is not limited to - training of varied professionals (educational and teaching personnel, social workers, psychologist, etc.); designing/implementing information and awareness-raising materials/campaigns aimed at strengthening the protection of persons in the context of asylum and migration and facilitating integration and community cohesion.

**Scope of the Framework Contract**

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

Under Lot 1: **Supporting the advancement of the legislative and policy framework on migration and asylum system in line with European and international standards**

* Review national legislation, legal and court practices, strategies and reform plans in the areas of migration and asylum;
* Conduct research, selected interviews with stakeholders and draft comparative analytical documents (assessments, analysis, reviews, reports) on the national asylum and migration system, including in co-operation with international consultants;
* Provide recommendations, expert opinions and advice for the development of legislative regulations, legal and policy documents, etc. on the human rights protection of migrants and refugees in line with international and Council of Europe standards;
* Support international consultants with relevant documents and background information on national specific aspects related to asylum and migration in the Republic of Moldova;
* Develop, review and proofread user-friendly materials, guidelines and legal documents ensuring relevancy of legal terminology;
* Design and implement data collection methodologies to assess the skills potential and labour market integration capacity of the refugees, asylum seekers and beneficiaries of temporary protection;
* Contribute to conferences, round tables, working groups, expert meetings and other relevant events with national stakeholders, including by moderating/facilitating discussions and delivering presentations;
* Provide other intellectual services for activities related to the advancement of the legislative and policy framework on migration and asylum system.

**Under Lot 2: Strengthening the capacities of varied professionals to effectively respond to the needs of refugees and migrants**

* Design and deliver on-site and remote capacity building activities (training of trainers, round tables, seminars, workshops, consultations, e-learning courses) for asylum and migration authorities, civil servants, the judiciary, legal professionals, law enforcement officers, education, health and social care personnel, etc.;
* Develop, revise and/or proofread training methodologies, curricula, modules and other training materials on the human rights protection of persons in the context of migration and asylum and in accordance with relevant asylum and migration terminology;
* Contribute to conferences, meetings, round-tables and other online and in person events, including by moderating discussions and delivering presentations;
* Support international consultants with background information, documents, etc. related to migration and asylum in the Moldovan context of specific topics;
* Provide other intellectual services for capacity-building activities related to the human rights protection in the context of migration and asylum.

**Under Lot 3:** **Facilitation of access to support services and information**

* Design and deliver on-site and remote capacity building activities (training of trainers, round tables, seminars, workshops, etc.) for education, health care, social care personnel, etc. on how to provide psychosocial and emotional support to refugees and other displaced persons, especially children and young people;
* Design and deliver on-site and remote capacity building activities (training of trainers, round tables, seminars, workshops, etc) for various professionals on the basics of prevention of burnout, compassion fatigue, self-help and helping out others;
* Develop, adapt/prepare, review, design and proofread user-friendly materials, guidelines, tools, etc. on issues related to mental health, psychological support and self-care in the context of displacement, ensuring the relevancy of terms and definitions relating to asylum and migration;
* Develop/carry out awareness raising and advocacy campaigns to promote human rights protection of refugees and migrants;
* Design outreach activities aimed at promoting good practices in the areas of migration and asylum, in particular on issues related to protection, integration and social inclusion, gender equality, employment, health, education, children and youth;
* Develop and/or proofread informational and media products (publications, leaflets, brochures, news, social videos, media digests etc.) in accordance with relevant asylum and migration terminology.

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.

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).

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 G. 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).

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.

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.

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 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 quote[[2]](#footnote-2) (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-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;
* 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.

*Eligibility criteria*

**For****Lot 1: Supporting the advancement of the legislative and policy framework on migration and asylum system in line with European and international standards**

For natural persons

* University degree in law / political /social sciences / international relations / public administration / or related fields, from an accredited academic institution;
* At least three (3) years of experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described within the specific Lot under the scope of the contract above;
* Excellent oral and written knowledge of Romanian language (preferably mother tongue level);
* Good command/ working knowledge of English language (at least B1 or B2 level of the Common European Framework of Reference for Languages (CEFR)).

For legal persons

* Being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling;
* University degree in law / political/social sciences / international relations / public administration / or related fields, from an accredited academic institution (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person);
* At least three (3) years of experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described within the specific Lot under the scope of the contract above;
* Excellent oral and written knowledge of Romanian language (preferably mother tongue level);
* Good command / working knowledge of English language (at least B1 or B2 level of the CEFR).

**For Lot 2:** **Strengthening the capacities of varied professionals to effectively respond to the needs of refugees and migrants**

For natural persons

* University degree in law / political / social sciences / international relations / public administration / or related fields, from an accredited academic institution;
* At least 3 (three) years of experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described within the specific Lot under the scope of the contract above;
* Excellent oral and written knowledge of Romanian language (preferably mother tongue level);
* Good command/ working knowledge of English language (at least B1 or B2 level of the CEFR).

For legal persons

* Being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling;
* University degree in law / political /social sciences / international relations / public administration / or related fields, from an accredited academic institution (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person);
* At least four (4) years of experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described within the specific Lot under the scope of the contract above;
* Excellent oral and written knowledge of Romanian language (preferably mother tongue level);
* Good command / working knowledge of English language (at least B1 or B2 level of the CEFR).

**For Lot 3: Facilitation of access to support services and information**

For natural persons

* University degree in law/ media and communication/ psychology/ political /social sciences / international relations / public administration /or related fields, from an accredited academic institution;
* At least three (3) years of experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described within the specific Lot under the scope of the contract above;
* Excellent oral and written knowledge of Romanian language (preferably mother tongue level);
* Good command/ working knowledge of English language (at least B1 or B2 level of the CEFR).

For legal persons

* Being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling;
* University degree in law / media and communication/ psychology / political / social sciences / international relations / public administration / or related fields, from an accredited academic institution (for all natural persons allocated to the execution of the contract within the Tender submitted by the legal person);
* At least three (3) years of experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described within the specific Lot under the scope of the contract above;
* Excellent oral and written knowledge of Romanian language (preferably mother tongue level);
* Good command/ working knowledge of English language.

*Award criteria*

**Lot 1: Supporting the advancement of the legislative and policy framework on migration and asylum system in line with European and international standards**

* Quality of the offer (80%), including:
* Expertise of the tenderer in the areas covered by this call, including in-depth knowledge of the Moldovan legislation and practices in the field of migration and asylum (30%);
* Experience in conducting assessment/policy analysis and providing recommendations on the human rights protection of asylum seekers, refugees and migration (30%);
* Experience in providing services to international organisations operating in the field of human rights, migration, asylum, social protection, legal aid, etc. (20%);
* Financial offer (20%).

**Lot 2:** **Strengthening the capacities of varied professionals to effectively respond to the needs of refugees and migrants**

* Quality of the offer (80%), including:
* Expertise of the tenderer in the areas covered by this call (30%);
* Experience in designing and delivering trainings and other capacity building activities in the areas covered by this call (30%);
* Experience in providing services to international organisations operating in the field of human rights, migration, asylum, social protection, legal aid, etc. (20%).
* Financial offer (20%).

**Lot 3: Facilitation of access to support services and information**

* Quality of the offer (80%), including:
* Expertise of the tenderer in the areas covered by this call (30%);
* Communication, drafting and/or training skills in the field of human rights, migration, asylum, social protection, legal aid, communication with vulnerable categories in emergency context, management of stress and crisis situations, burnout prevention, etc. (30%);
* Experience in providing services to international organisations operating in the field of human rights, migration, asylum, social protection, legal aid, etc. (20%).
* Financial offer (20%).

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-4)** (See attached);
* A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria;For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
* Registration documents, for legal persons only (in Romanian, with a summary translation in English);
* Up to one A-4 page motivation letter which proves that tenderer fulfils the eligibility criteria and has experience that matches the areas mentioned in the relevant LOTs (in English);
* At least one sample of previous professional work relevant to the scope of the project (articles, research analysis, policy reviews /recommendations/opinions, strategy papers, training programmes/materials, etc.) (in Romanian or in English, with a summary translation in English);
* Two references (contacts including phone number and e-mail address).

**All documents shall be submitted in English or Romanian, 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.**

**\* \* \***

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-1)
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. [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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-4)