

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

### Purchase of local intellectual consultancy services in the area of combating child sexual abuse and violence against children in Slovenia



The Council of Europe is currently implementing a Project on Supporting the establishment of Barnahus in Slovenia, phase II (13 December 2019-12 December 2021). In that context, it is looking for Providers for the provision of local intellectual consultancy services for review and analysis of legislation, policies and institutional framework; development of tools and guidance for professionals; training and sensitisation of professionals, children and parents in the area of child sexual abuse and violence against children in Slovenia 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 €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: Local consultancy services – Barnahus, Slovenia.** 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: Local consultancy services – Barnahus, Slovenia**

<b>Type of contract ►</b>	Framework contract
<b>Duration ►</b>	Until 12 December 2021
<b>Deadline for submission of tenders/offers ►</b>	<b>19 June 2020</b>
<b>Email for submission of tenders/offers ►</b>	<b>children@coe.int</b>
<b>Email for questions ►</b>	children@coe.int
<b>Expected starting date of execution ►</b>	29 June 2020

<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

Barnahus (Children's House) is the leading European model for a child-friendly, interagency and interdisciplinary response to child sexual abuse. Its core purpose is to coordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of violence in a child-friendly and safe environment. Its unique interagency approach brings together under one roof all relevant services involved in child sexual abuse cases, including social workers, law enforcement officers, prosecutors, judges, defence attorneys, and medical professionals. The objective is to avoid re-victimisation of the child and provide every child with a coordinated and effective response that has a legal standing.

The joint EU Structural Reform Support Services (SRSS) and Council of Europe project aims at supporting Slovenia in establishing and operating their first Barnahus in line with international standards and promising European practices. This will be achieved through a series of activities aimed at reforming existing institutional set up, reviewing relevant laws and policies, developing interagency strategies, tools and procedures, strengthening case management protocols, training professionals working with and for children and raising public awareness of child sexual abuse in Slovenia, including through child participation. The project is implemented in close partnership with the Ministry of Justice of the Republic of Slovenia during the period of 13 December 2019-12 December 2021. It is a second phase to the joint EU SRSS-CoE project "Feasibility Study for setting up Barnahus" (2018-2019) and builds on its results.

The Council of Europe is looking for a maximum of 6-8 Provider(s) per lot (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on review and analysis of legislation and policies; development of tools and guidance for professionals; training and sensitisation of professionals, children and parents in the area of combating child sexual abuse and violence against children in Slovenia.

This Contract is currently estimated to cover up to 22 different activity-sets, to be held by 13 December 2021. 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 560,000 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
<b>Lot 1:</b> Analysis and review of legislation and policies	6
<b>Lot 2:</b> Training and support for legal professionals, including judges, prosecutors, lawyers and criminal investigation officers.	8
<b>Lot 3:</b> Training, sensitisation and support for interagency coordination and collaboration within Barnahus and among professionals working for and with children.	8
<b>Lot 4:</b> Child participation and child safeguarding	6
<b>Lot 5:</b> Training and support for professionals carrying out forensic interviewing of children and performing forensic medical examinations of child victims of sexual abuse.	8
<b>Lot 6:</b> Sensitisation, training and awareness raising of children, parents and professionals working for and with children for the promotion of the rights of the child and the prevention and protection of children against violence.	6

**Lot 1** concerns the provision of intellectual services for the **analysis and review of legislation, policies and institutional framework** relevant to the establishment and operation of Barnahus in Slovenia and for the prevention and protection of children against sexual and other forms of violence in Slovenia in line with relevant Council of Europe, EU law, and other international standards in this area.

**Lot 2** concerns the provision of intellectual services for the **development of training materials, courses and other supporting materials** as well as **planning and delivery of training for legal professionals** (judges, prosecutors, lawyers and criminal investigation officers) in the area of combating child sexual abuse and/or in the context of effective and child-friendly operation of Barnahus in Slovenia.

**Lot 3** concerns the provision of intellectual services for the **development of training, sensitisation materials and other supporting tools as well as planning and delivery of interdisciplinary and targeted training** with an objective to facilitate and strengthen child-friendly interagency coordination and collaboration within Barnahus as well as among professionals and local authorities working for and with children, including social workers, law enforcement officers, health care professionals, psychologists, judiciary, educators and other relevant child protection actors.

**Lot 4** concerns the provision of intellectual services related to the **development of strategies, guidance and other supporting tools related to child participation and child safeguarding** as well as **planning and delivery of training and facilitation of activities** in these areas.

**Lot 5** concerns the provision of intellectual services related to **training and support for professionals carrying out forensic interviewing of children and performing forensic medical examinations of child victims of sexual abuse**. Target groups for such training and support include clinical psychologists, law enforcement officers for the former and forensic doctors and health care professionals for the latter.

**Lot 6** concerns the provision of intellectual services related to **sensitisation, training and awareness raising of children, parents and professionals** working for and with children for the **promotion of the rights of the child**, including in the **digital environment and online safety**, and the **prevention and protection of children against violence with emphasis on child sexual abuse**.

### Scope of the Framework Contract

The pre-selected Providers may be requested to work independently or as part of a team with other Providers, including international consultants. Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the following types of services:

#### Under **Lot 1: Analysis and review of legislation and policies**

- Review and analysis of policy documents, strategies, legislation, secondary legislation (draft documents and/or documents in force) and/or practice and provision of advice (in the form of an oral and/or written advice), preparation of legal opinions, comments, recommendations, reports etc.;
- Drafting and contributing towards analytical reports (risk assessments, needs and gap analysis, institutional reviews, etc.);
- Support for the development of internal guidelines/protocols/materials on specific aspects related to the theme of 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;
- Mentoring beneficiaries on specific working processes and/or cases relevant to the lot;
- Support for international short-term consultants with documents (legislation, rules and any relevant materials), and through oral and/or written advice on the Slovenian background on specific topics.

#### Under **Lot 2: Training and support for legal professionals**

- Assessment of training needs and gaps of target groups;
- Identification of and recommendation for relevant/potential training providers and structures for sustainable provision of training at national/local levels;
- Preparing, adapting and developing of training modules and training materials, session plans, manuals, guidebooks, etc. relevant to the lot;
- Development and adaptation of training courses, programmes and strategies relevant to the lot;
- Conducting training relevant to the lot;
- Support for the development of internal guidelines, protocols, check-lists, monitoring and other tools on specific aspects related to child-friendly justice, the role of legal professionals in Barnahus and

case management of child sexual abuse cases (e.g. on ensuring the best interests of the child and the principle of due process throughout criminal investigation and court proceedings);

- 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;
- Support for international consultants during fact-finding missions, training workshops and other assignments relevant to the lot, including through identification and development of relevant materials (briefings, legislation, rules, training modules, strategies, etc.).

Under **Lot 3: Training, sensitisation and support for interagency coordination and collaboration**

- Assessment of training needs and gaps of target groups and identification of relevant/potential training providers;
- Preparing, adapting and developing of training modules and training materials, sessions plans; manuals, guidebooks, etc. relevant to the lot;
- Development and adaptation of training courses, programmes and strategies relevant to the lot;
- Conducting training relevant to the lot;
- Support for the development of internal guidelines, protocols, checklists, terms of references, other tools and materials to strengthen and facilitate interagency procedures, collaboration within Barnahus and case management of child sexual abuse cases.
- Mentoring beneficiaries on specific working processes and/or cases;
- 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;
- Supporting international consultants during fact-finding missions and other assignments relevant to the lot, including through identification and development of relevant materials (briefings, legislation, rules, training modules, strategies, etc.).

Under **Lot 4: Child participation and child safeguarding**

- Review and analysis of policy documents, legislation and other sources relevant to the lot;
- Support for the development of strategies, internal guidelines, procedures, checklists, other tools and materials on child participation and child safeguarding in Barnahus and during case management of child sexual abuse cases from the initial report, referral to Barnahus and to court proceedings and convictions;
- Drafting and preparation of child-friendly materials;
- Facilitation, follow-up and analysis of child consultations;
- Assessment of training needs and gaps of target groups;
- Preparing, adapting and developing of training modules and training materials, sessions plans; manuals, guidebooks, etc. relevant to the lot;
- Development and adaptation of training courses, programmes and strategies relevant to the lot;
- Conducting training relevant to the lot;
- 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;
- Supporting international consultants during fact-finding missions and other assignments relevant to the lot, including through identification and development of relevant materials (briefings, legislation, rules, training modules, strategies, etc.).

Under **Lot 5: Training and support for professionals carrying out forensic interviewing and forensic medical examinations of child victims of sexual abuse.**

- Assessment of training needs and gaps of target groups;
- Identification of and recommendation for relevant/potential training providers and structures for sustainable provision of training at national/local levels;
- Preparing, adapting and developing of training modules and training materials, sessions plans; manuals, guidebooks, etc. relevant to the lot;
- Development and adaptation of training courses, programmes and strategies relevant to the lot;
- Conducting training relevant to the lot;
- Support for the development of internal guidelines, protocols, checklists, other tools and materials to strengthen and guide the forensic interviewing process and the forensic medical examination within Barnahus;

- 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;
- Supporting international consultants during fact-finding missions and other assignments relevant to the lot, including through identification and development of relevant materials (briefings, legislation, rules, training modules, strategies, etc.).

Under **Lot 6: Sensitisation, training and awareness raising of children, parents and professionals working for and with children**

- Identification of needs and gaps of target groups;
- Drafting, development and adaptation of awareness raising, prevention and informational materials for different target groups (children, parents, educators, wider public) in one or more of the following areas: risks and consequences of child sexual exploitation and abuse (CSEA), detection and reporting of CSEA, the Barnahus model and the interagency approach in Slovenia, rights of the child including in the digital environment (e.g. data protection, right to correspondence and privacy), online safety;
- 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;
- Supporting international consultants during fact-finding missions and other assignments relevant to the lot, including through identification and development of relevant materials (briefings, legislation, rules, training modules, strategies, etc.).

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 quote<sup>2</sup> (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

## Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

## E. ASSESSMENT

### ***Exclusion criteria and absence of conflict of interests***

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>3</sup>

Tenderers shall be excluded from participating in the tender procedure if they:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- 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 or are likely to be in a situation of conflict of interests;

<sup>2</sup> 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.

<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 above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at [www.sanctionsmap.eu](http://www.sanctionsmap.eu)).

### ***Eligibility criteria***

#### *For natural persons:*

- **For all Lots:**
  - A university/higher education degree in law, social sciences, psychology, human rights/children's rights or a related field
  - At least 3 years of professional experience at national level (in the Republic of Slovenia) in the areas related to the fields of expertise as described within the specific LOTs under the scope of this contract;
  - Native Slovenian speaker and very good command of the English language both verbally and in writing.
- **For Lot 2 (Training and support for legal professionals) in addition:**
  - At least 4 years of professional experience as criminal investigation officer/prosecutor/judge, including documented experience in the area of child sexual abuse investigation/prosecution/trial, including online.
- **For Lot 5 (Training and support related to forensic interviewing and forensic medical examinations) in addition:**
  - **Forensic interviewing:** At least 4 years of experience as a psychologist or a related field within law enforcement; at least 1 year of experience from interviewing children, including documented experience on child sexual abuse cases.
  - **Forensic medical examinations:** At least 4 years of experience as paediatrician or related field; at least 1 year of experience from performing forensic medical examinations on children with documented experience on child sexual abuse cases.

#### *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.

### ***Award criteria***

#### *For natural persons:*

- Quality of the offer (90%), including:
  - Professional experience in the fields of expertise covered by this tender, including length of experience and proven track record of practical achievements in the given field;
  - If provided, relevance and quality of examples and sample deliverables (e.g. draft materials recently produced, training outlines or training methodologies employed).
- Financial offer (10%).

#### *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.

The Council reserves the right to hold interviews with eligible 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);
- **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 allocated to the execution of the contract, for legal persons only;
- **Motivation letter** demonstrating the tenderer's understanding of the Council of Europe needs and clearly indicating relevant professional experience and expertise for the lot(s) tendered for;
- Additional as relevant: links and/or samples of previous work if available in English.

**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.**

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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.