



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

Purchase of local consultancy services to undertake research and draft a report *Contract N° BH 8585/2019/34*

The Council of Europe is currently implementing a Project on protecting children from sexual exploitation and sexual abuse in the Republic of Moldova. In that context, it is looking for local Providers for the provision of intellectual services to analyse judicial practice on child sexual exploitation and abuse cases and draft the overall research report

A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **framework contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Moldova_1841 – Research_judicial practice.** 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_Moldova_1841 – Research_judicial practice.**

Type of contract ▶	Framework contract
Duration ▶	Until 10 March 2020
Deadline for submission of tenders/offers ▶	18 November 2019
Email for submission of tenders/offers ▶	Lucia.popescu@coe.int
Email for questions ▶	Lucia.popescu@coe.int
Expected starting date of execution ▶	21 November 2019

¹ The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1393 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 on [Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova](#) in the framework of the [Council of Europe Action Plan for the Republic of Moldova \(2017-2020\)](#). The Project aims at supporting the Republic of Moldova to effectively implement the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse ([Lanzarote Convention](#)) and strengthen the state response towards child sexual exploitation and sexual abuse. It has three key components focusing on: 1) harmonization of the legal and policy framework; 2) capacity building of professionals; and 3) awareness raising for the prevention and protection of children against sexual exploitation and sexual abuse. The Project is implemented during the period of 15 October 2018-31 March 2020.

The first project component foresees the following outcomes and outputs:

Immediate outcome 1.2: The child protection system's capacity to design and implement measures and responses in cases of child sexual exploitation and sexual abuse is strengthened	
Output 1.2.1: In consultation with major stakeholders, baseline study on the systemic issues affecting the child protection system's response to child sexual exploitation and sexual abuse, to support the enhancement of appropriate tools and measures and any relevant policy and institutional reforms.	Output 1.2.2: Proposals are available to identify risks and address gaps and deficiencies in the policy, institutional and legislative frameworks concerning prevention and fight against child sexual exploitation and sexual abuse

The Council of Europe is looking for two Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on analysis of judicial practice on child sexual abuse and exploitation in the Republic of Moldova by carrying out research on the finalised criminal case files related to child sexual exploitation and/or abuse, where the child is a victim and contribute to the drafting of the overall research report in collaboration with an international expert.

This Contract is currently estimated to cover up to four activities, to be carried out by 10 March 2020. 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 370,000 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

The providers will be responsible for:

- Develop a research methodology and a template check list form to be used for the research and analysis of judicial practice.
- Carry out research of audio recordings of child hearings and the finalised criminal case files and fill in the check list forms.
- Draft the overall research report in cooperation with the international expert.
- Contribute to the presentation of findings at national level to key stakeholders in the Republic of Moldova.

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

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 as **a needs-basis** (there is therefore no obligation to order on the part of the Council).

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 quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

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

Signature of orders

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

E. ASSESSMENT

Exclusion criteria and absence of conflict of interests

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

² 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.

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

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.

Eligibility criteria

- University degree in law, with experience in the area of child protection and/or combating child sexual exploitation and abuse;
- Minimum of 5 years of professional experience as practicing lawyer, former judge or prosecutor at national level or academia;
- Experience in defending, investigating or examining criminal cases involving children or similar assignments in the area of child protection system.

Award criteria

- Quality of the offer (90 %), including:
 - Experience in the area covered by this call.
- Financial offer (10%).

Multiple tendering is not authorised.

F. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A detailed Curriculum Vitae, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- Cover letter demonstrating the experience in the area covered by this call.

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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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.