

TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of procurement of consultancy services on implementation of the Council of Europe Leadership Academy tool for Ukrainian local authorities.

The Council of Europe Project "Decentralisation and local government reform in Ukraine" 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 restricted consultation procedure. **In accordance with Rule 1333 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: 8549/2018/015 Restricted consultations_trainers for Leadership Academy implementation.** 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 3 (three) 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_8549/2018/015 Restricted consultations_trainers for Leadership Academy implementation.**

Type of contract ►	Framework contract
Duration ►	Until 28 February 2019
Deadline for submission of tenders/offers ►	16 May 2018
Email for submission of tenders/offers ►	decentralisation.ua@coe.int
Email for questions ►	decentralisation.ua@coe.int
Expected starting date of execution ►	21 May 2018

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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The assignment is to be carried under the framework of the Council of Europe Project “Decentralisation and local government reform in Ukraine”².

The Decentralisation and local government reform in Ukraine project proposal has been designed so that its activities contribute to the following impact: decentralisation and local government reform are strengthened through revision of the legislation and capacity-building activities, which leads to improving the quality of the governance and services at the local level.

To ensure the desired impact, the main fields of the Project intervention will be as follows.

Legal assistance: despite important legislative achievements in the period 2014-2017, the major part of the decentralisation reform is still to be conducted. In Ukraine, the Council of Europe (CoE) is very much involved in the assistance to constitutional (via the Venice Commission) and legal reform in the field of decentralisation and strengthening the local government (via the Centre of Expertise for Local Government Reform). Since 2016 the CoE has been requested and has provided legal opinions on all new pieces of legislation. It is able to answer to requests for overviews, examples of best practice, recommendations and legal opinions under very strict deadlines required by the Ukrainian legislative calendar. When appropriate, legal opinions and advice provided will consider the gender equality aspects.

Human Resource Management (HRM) and Training: in 2017, on a pilot basis, a module aimed at helping a number of amalgamated communities to develop and make use of modern HRM tools has been implemented (improving the way staff is managed: revising the job descriptions and organograms, reviewing the methodology for hiring and firing, for objective-setting and appraisal of individual performance, development of objective criteria for career development). In 2018-2019, the continuation of this module should reach more results at the level of pilots, generate ideas for new legislative initiatives and start spreading tools adapted to the Ukrainian needs to most or all newly amalgamated communities. HRM work will be extensively based on a CoE specific toolkit and lessons learned from its implementation in Albania and Serbia.

Capacity building through impact-oriented projects: the CoE will focus on the continuation of some successful and well-established projects such as the Leadership Academy Programme (LAP). LAP course is an interactive training programme for public authorities of all levels that seeks to develop leadership for organisations, leadership for strategy and leadership for capacity building over 3 stages. LAP contains of a 3/4 three-day sessions for mayors on issues related to the creation of a vision for the future of the local community and making it happen through strategic delivery of public services and involvement of local populations. Between the stages, participants will carry out agreed leadership assignments within their own municipalities and report back on them in the subsequent stage. Participants will be introduced to new thinking about good governance at local level in a very inter-active way. A range of training techniques will be used. They will examine the challenges faced by municipalities and learn how good leadership can tackle those challenges by strengthening the institutional capacities of the municipality and working effectively with local people and organisations; they will develop the personal awareness, knowledge, skills and attitudes that form the foundation of good leadership.

Subject matter

The contents of the Leadership Academy Programme have been inspired by the personal experiences of the first local self-government reforms in Europe particularly in UK, as well as by feedback and experiences of the LAP participants and local government authorities from many European countries. The LAP material was first published by the Council of Europe, Centre of Expertise for Local Government Reform on its website in 2013. The LAP launched in Ukraine from 2012 for the local community's mayors.

LAP is composed of the following three stages (1. Leadership for Organisations. 2. Leadership for Strategy. 3. Leadership for Capacity building). International and local experts on behalf of the Council of Europe, Centre of Expertise for Local Government Reform, deliver the LAP course. It is an interactive programme, applying collaborative methodologies to the learning process. It is delivered, over a period of six months, in three separate sessions (one for each stage) lasting three days, to groups of up to 25 participants.

LAP is adjusted to local training needs by trainers in collaboration with local implementing partner-institutions, with the aim to focus on learning areas relevant to local contexts whilst ensuring the widespread achievement of CoE training objectives.

Between stages, participants are expected to carry out agreed leadership assignments within their own organisations and report on them in the subsequent stage.

LAP ultimate objective is to equip participants with the knowledge and the tools to deliver good governance through high-performing local government organisations.

Participants are introduced to new thinking about leadership and good governance at local level; encouraged to develop the personal awareness, values, knowledge, skills, behaviours and attitudes that form the foundation of good leadership; supported

² See information about the Project at: <http://www.slg-coe.org.ua/>.

in examining the challenges faced by their organisation and in learning how good leadership can tackle those challenges by strengthening organisational capacities and working effectively with local communities.

Furthermore, joining the LAP courses engages participants in an enduring and cohesive network of colleagues working in local government. LAP Alumni are encouraged to continue to support each other as well as learn from each other beyond LAP courses so to exchange best practices as well as tackling up-coming challenges on a shared basis. Ultimately, LAP Alumni become a powerful force for change that is particularly important for Ukraine in the times of fast democratic changes and decentralisation. Detailed scope and comprehensive list of consultancy services within the LAP will be defined in co-operation with the Council of Europe and corresponded to the pass of implementation of Local Self-Government Reform (see Expected types of deliverables).

Expected types of deliverables

The Council of Europe is looking up to 20 Providers/Consultants (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular focus on implementation of the Council of Europe Leadership Academy tool/trainings for Ukrainian local authorities.

This Contract is currently estimated to cover written contribution (of different scale and form: drafting/adapting LAP texts, cases, presentations, preparing comments, recommendations, e-mail correspondence) with a particular focus on adaptation LAP tools for Ukrainian context, as well as mentoring/provision of advice in the course of the implementation by the LAP participants its tasks corresponding to the training course, delivery of the LAP training events/sessions to be held in Ukraine or elsewhere by 28 February 2019. 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.

Under no circumstances will the total (cumulative) cost of the contract 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.

Throughout the duration of the Framework Contract, pre-selected Provider/Consultant may be asked to provide the following types of deliverables/services (listed also in the Act of Engagement):

1.	LAP agenda and training materials: adapting and/or developing taking into account the learning needs of the audience (using the CoE toolkits) 1.1. Local experts 1.2. International experts
2.	LAP methodological and informational materials: adapting and/or developing taking into account the learning needs of the audience (using the CoE toolkits) 2.1. Local experts 2.2. International experts
3.	Learning needs/developments assessments: developing evaluation questionnaires, reports, comments, recommendations etc.
4.	LAP training sessions: delivery of the training working individually or in pair with international and national trainers 4.1. Local expert 4.2. International expert
5.	Trainings for trainers on LAP implementation: delivery of the trainings for trainers 5.1. Local expert 5.2. International expert
6.	Provision of guidance and consultations to other local trainers in terms of the LAP implementation
7.	Contributing to sharing of experience and promotion of LA in Ukraine and abroad: participation in different event (meetings, workshops, round tables, conferences, summer schools, etc) for different audiences (local authorities, central authorities, trainers, etc) as well as provision of consultations and delivering of presentations on the Council of Europe tools, the Project instruments and achievements, the best European practices in the area, etc.

All tenderers are not required to apply for all types of deliverables; tenderers could apply for deliverables according to their expertise and the field of interest. The Council of Europe will order (see Section D below on ordering procedure) specific deliverables similar to the ones listed above, provided they correspond to the Project implementation needs.

In addition to the orders requested on an as needed basis, the Provider(s) shall keep regular communication with the Council of Europe Project to ensure continuing exchange of information relevant to the Project implementation. This involves, among others, to inform the Project as soon as it becomes aware, during execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other developments related to the object of the Contract (see more on general obligations of the Provider(s) in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Written documents produced by the Provider(s) shall be in Ukrainian and/or English specified in concrete order of the Council, (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).

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 selected Service Provider(s) 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.

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 this consultation and the subsequent selection are 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).

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(s) 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.

The Provider(s), **if subject to VAT**, shall also send, together with each signed Form, a quote³ (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)⁴

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

³ 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.

⁴ 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.

- 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 public administration, management, psychology or other relevant fields;
- Minimum 3-5 years of experience in training delivery (not lecturing); experience in LAP delivery – is a plus;
- Proven experience in development of training programmes; delivery of trainings for trainers – is a plus;
- Experience in working with Ukrainian authorities and training bodies in support to the reform implementation; provision of support for local authorities on decentralisation, good governance and promotion of reforms - is a plus.

Only bids submitted in English shall be deemed eligible.

Award criteria

- Quality of the offer (90%), including:
 - Professional experience in training delivery (45%);
 - Professional experience in support institutional reforms (45%);
- Financial offer (10%).

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

1. A completed and signed copy of the **Act of Engagement**⁵ (See attached);
2. A **detailed CV**, preferably in Europass Format, demonstrating clearly that the tenderer meets the eligibility criteria;
3. **List** of delivered trainings (year/title/audience) and/or trainings for trainers (year/title/audience) and/or developed training programmes (title/description).

Deadline for submission of tenders/offers: 16 May 2018, 24:00.

Documents F.1, F.2 shall be submitted in English, failure to do so will result in the exclusion of the tender. Documents F.3 could be submitted in English or Ukrainian.

If any of the documents listed above are missing, the tender will not be considered.

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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⁵ 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.