

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

Purchase of international intellectual consultancy services to support the project to End Online Child Sexual Exploitation and Abuse @ Europe Plus (EndOCSEA@Europe+) FC.DGII.980.2023



The Council of Europe is currently implementing a project to End Online Child Sexual Exploitation and Abuse @ Europe Plus (EndOCSEA@Europe+) with particular focus on the following countries: Georgia, the Republic of Moldova and Montenegro. The project will last and until 31 August 2025. In that context, it is looking for Provider(s) for the provision of international consultancy services in the area of online child sexual exploitation and abuse to be requested by the Council on an as needed basis.

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 €6,000 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 180 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

Tenders shall be submitted by email only (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender – International Consultancy services ENDOCSEA@EUROPE+. 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 - International Consultancy services ENDOCSEA@EUROPE+**

Type of contract ►	Framework contract
Duration ►	Until 31 August 2025
Deadline for submission of tenders/offers ►	06 November 2023 23h59 CET
Email for submission of tenders/offers ►	ENDOCSEA@coe.int
Email for questions ►	ENDOCSEA@coe.int
Expected starting date of execution ►	27 November 2023

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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

A. EXPECTED DELIVERABLES

Background of the Project

EndOCSEA@Europe Plus will build on the results of the previous EndOCSEA@Europe project to strengthen actions to prevent and combat OCSEA across the Council of Europe member states with particular focus of the following countries: Georgia, the Republic of Moldova, Montenegro. The project will promote and integrate the recommendations from the Baseline Mapping reports produced within the first phase (2018-2021) to ensure direct follow up and consistency.

The project includes the 3 following outcomes:

1. Providing technical support to member states to strengthen legislation and policies in line with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) as regards general measures of protection for victims and the Council of Europe Convention on Cybercrime (Budapest Convention) relevant for procedures and for international cooperation regarding e-evidence.
2. Building on the existing Training Modules for Law Enforcement, Judges and Prosecutors, further developing capacity building and training materials (including e-learning/online) for multi-stakeholder co-operation between governmental and state agencies that need to work together and have a common understanding of Online Child Sexual Abuse case processing, with a view to victim identification and support.
3. Awareness raising through the development of practical guidance notes and factsheets for frontline professionals on the protection of children from OCSEA through the Budapest Convention and the Lanzarote Convention, as well as child participation and awareness raising among children.

This Contract is currently estimated to cover up to 15 activities, to be held by *31 August 2025*. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total budget of the project amounts to 569,668 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: Legal analysis, desk and field research, and drafting of legal documents to support the improvement of legislation and policies concerning OCSEA at national and regional level.	8
Lot 2: Training and support for criminal justice and legal professionals on Online Child Sexual Exploitation and Abuse	8
Lot 3: Training and support for non-legal professionals on Online Child Sexual Exploitation and Abuse	8

Lot 1 concerns the provision of intellectual services in the area of carry out desk and field research, legal analysis and drafting documents supporting **the improvement of legislation and policies concerning OCSEA at national and regional level** in line with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) as regards general measures of protection for victims and the Council of Europe Convention on Cybercrime (Budapest Convention).

Lot 2 concerns the provision of intellectual services for the **development and/or delivery of training materials, courses and other supporting materials** as well as planning and delivery of training **for legal professionals** (e.g. judges, prosecutors, lawyers and criminal investigation officers) in the area of combating online child sexual exploitation and abuse (OCSEA).

Lot 3 concerns the provision of intellectual services related to **development and/or delivery of training materials, courses and other supporting materials development and delivery of trainings for non-legal professionals (e.g. social, workers, educators, psychologists, teachers, other relevant child protection actors or policy makers, as well as private sector with role in the fight against child sexual abuse and exploitation)** in the area of combating online child sexual exploitation and abuse (OCSEA).

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).

Scope of the Framework Contract

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

Under **Lot 1 - Legal analysis, desk and field research and drafting of legal documents to support the improvement of legislation and policies concerning OCSEA at national and regional level**

- Contribution to the review of policy documents/legal framework/secondary legislation (draft documents and/or documents in force), practice; provision of advice (in the form of an oral and/or written advice) and preparation of legal opinions, comments, recommendations, reports etc.;
- Prepare roadmaps to follow-up on priority recommendations which were formulated in the Gap Analysis reports for the 3 pilot countries (Georgia, the Republic of Moldova and Montenegro)
- Contribution to drafting or drafting of analytical reports (risk assessments, needs and gap analysis, institutional reviews, etc.);
- Support for the development or development of internal guidelines/protocols/materials on specific aspects related to the theme of the lot;
- Conducting sociological surveys or studies;
- 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 relevant to the lot.

Under **Lot 2 - Training and support for criminal justice and legal professionals:**

- Assessment of training needs and gaps of target groups;
- Support for development or development and the adaptation of training courses, programmes, strategies and materials of trainings related to the theme of the lot;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of 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.

Under **Lot 3 - Training and support for non-legal professionals :**

- Support for the development or development and the adaptation of training courses, programmes, strategies and materials of trainings;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on the aspects related to the theme of 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.
- Contribution to the drafting or drafting, development and adaptation of awareness raising, prevention and informational materials for different target groups (children, parents, educators, wider public) related to the theme of the lot.

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).

B. 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 C below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

C. 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 3 (three) 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.

D. 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

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

- An advanced university degree, in law, political or social science or other relevant professional qualification with proven experience, knowledge and practical understanding of the international legal standards applicable to Online Child Sexual Exploitation and Abuse (OCSEA);
- Having at least 3 years of professional experience in the areas related to the fields of expertise as described within the specific Lots under the scope of this contract and strong knowledge of the context;
- Excellent communication skills; confirmed drafting skills in English and excellent spoken English, equivalent to at least C1 level.

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.

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.

Award criteria

- Quality of the offer (90%), including:
 - Professional experience in the fields of expertise covered by the selected lot(s) under this tender, including length of experience and proven track record of practical achievements in the given field;
 - Thematic expertise in the relevant area, primarily the in-depth knowledge of the basic international standards and recommendations of the Council of Europe in the areas covered by this tender (e.g. Lanzarote Convention, Budapest Convention and other relevant standards for procedures and international cooperation regarding e-evidence)
 - Relevance and quality of examples and sample deliverables (e.g. draft materials recently produced, training outlines or training methodologies employed); provided or referred to by the tenderer in the areas covered by the selected lot(s)
 - In-depth knowledge of the standards and work of international organisations on OCSEA;
 - Experience and track record of addressing OCSEA;
 - Experience in international assistance project, in particular in the field of children's rights
- Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement⁴** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- Motivation letter demonstrating how the tenderer meets the award criteria
- At least **two examples** (may be provided as links in the CV, motivation letter, or attached) in English of the previous unedited work, deliverables, publications, legal reviews, reports, studies, etc. relevant to the experience the tenderer claims.

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.