

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of international consultancy services in the area of combating violence against children BH 8710/2020/14



The Council of Europe is currently implementing a project on Combating violence against children in the Republic of Moldova which aims to combat violence against children, including child sexual exploitation and abuse and promote the rights of the child, including in the digital environment. The duration of the project is until 31 December 2021. In that context, the project is looking for Providers for the provision of international consultancy services in the area of combating violence against children to be requested by the Council of Europe on a needs-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: International 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 CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 2 (two) 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.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2021
Deadline for submission of tenders/offers ▶	<b>06 July 2020</b>
Email for submission of tenders/offers ▶	<b>children@coe.int</b>
Email for questions ▶	<b>children@coe.int</b>
Expected starting date of execution ▶	13 July 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

The Council of Europe is currently implementing a project on [Combating violence against children in the Republic of Moldova](#) which is a direct follow-up to the project [Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova](#). It builds on the already achieved indicative results and provides further support for relevant authorities, professionals and civil society in the areas of combating violence against children, including child sexual exploitation and abuse; promoting the rights of the child, including in the digital environment; and upholding the best interests of the child in judicial and other proceedings, including in the context of family disputes and domestic violence. The project activities focus on combating child sexual exploitation and abuse caused by different factors, including social opinion, gaps in the child protection and judicial systems, poor implementation of existing laws and policies, and lack of capacities of professionals on child-friendly practices. The project duration is 21 months with the implementation period of 1 April 2020 - 31 December 2021.

The Council of Europe is looking for up to 7 (seven) Providers per lot (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the area of combating violence against children, with a particular focus on child sexual exploitation and abuse.

This Contract is currently estimated to cover up to 26 activities, to be held by 31 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.

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 lots.

Throughout the duration of the Framework Contract and under the instructions, supervision and coordination of Council of Europe staff, the selected Providers may be asked to provide technical assistance and expertise on various aspects related to international policy, legal framework and practice of relevant child protection actors with a specific focus on violence against children, child sexual exploitation and abuse, including in the digital environment, within the thematic fields described below.

Relevant Council of Europe standards for all lots include the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse ([Lanzarote Convention](#)), Council of Europe Guidelines on [child-friendly justice](#), [the rights of the child in the digital environment](#) and [integrated national strategies for the protection of children from violence](#).

Lots	Maximum number of Providers to be selected
<b>Lot 1:</b> <b>Facilitation of interagency coordination and harmonisation of national policy, legal and institutional framework and practice in line with the Council of Europe and other international standards related to children's rights</b>	<b>7</b>
<b>Lot 2:</b> <b>Training of <u>legal professionals</u>, including judges, prosecutors, lawyers, police/criminal investigators.</b>	<b>7</b>
<b>Lot 3:</b> <b>Training of <u>non-legal professionals</u>, including social workers, health care professionals, educators, teachers and other relevant child protection actors.</b>	<b>7</b>

<b>Lot 4:</b> <b>Promoting safe online behaviour for children and internet literacy</b>	<b>7</b>
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**Lot 1** concerns the provision of intellectual services in the area of **interagency coordination and harmonisation of national policy, legal and institutional framework and practice in line with the Council of Europe and other international standards related to children's rights** in one or more of the following areas: children's rights; integrated national strategies for the protection of children against violence, including interagency coordination; child-friendly justice; child abuse and neglect, child sexual exploitation and sexual abuse, including online child sexual exploitation and abuse (OCSEA); the rights of the child in the digital environment.

**Lot 2** concerns the provision of intellectual services related to **training course development and delivery of training sessions for legal professionals (judges, prosecutors, lawyers, police/criminal investigators)** in one or more of the following areas: child-friendly justice, investigation/trial of child sexual exploitation and sexual abuse, with the focus on OCSEA.

**Lot 3** concerns the provision of intellectual services related to **training course development and delivery of training sessions for non-legal professionals (social workers, health care professionals, educators, teachers and other relevant child protection actors)** in one or more of the following areas: children's rights; child abuse; detecting child sexual exploitation and sexual abuse; interagency cooperation and collaboration on child abuse cases.

**Lot 4** concerns the provision of intellectual services in the area of **promoting safe online behaviour for children and internet literacy** for professionals working for and/or with children.

### **Scope of the Framework Contract**

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

#### **Under Lot 1:**

- 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.;
- Drafting of analytical reports (risk assessments, needs and gap analysis, institutional reviews, etc.);
- 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 relevant to the lot with focus on interagency coordination.

#### **Under Lot 2:**

- Training needs assessments to identify gaps and needs;
- Development and/or adaptations of training courses and training materials;
- Preparation and delivery of training sessions, courses and programmes;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on aspects related to the theme of the lot.

#### **Under Lot 3:**

- Training needs assessments to identify gaps and needs;
- Development of training courses and materials;
- Preparation and delivery of training sessions, courses and programmes;
- Preparation and delivery of presentations during workshops, seminars, conferences, round-tables and other relevant events on aspects related to the theme of the lot.

#### **Under Lot 4:**

- Preparation and delivery of training and presentations during workshops, seminars, conferences, round-tables and other relevant events on aspects 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).

#### 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 daily 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 select 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/her behalf within the above 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;

<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.

- 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.

### **CRITERIA FOR NATURAL PERSONS**

#### ***Eligibility criteria***

- A university degree in law, children's rights, social assistance or related fields;
- At least 3 years of professional experience at international level in the areas related to the fields of expertise as described within the specific LOTs under the scope of this contract;
- For **lot 2**, at least 3 years of professional experience as a criminal investigation officer/prosecutor/judge, of which at least 1 year of experience in the area of child sexual abuse investigation/prosecution/trial, including online;
- Excellent knowledge of the English language.

#### ***Award criteria***

Quality of the offer (90%), including:

- Proven track record and thematic expertise in the relevant area, primarily in-depth knowledge of standards and recommendations of the Council of Europe and other international organisations in the areas covered by this tender.
- Relevance of the experience of the tenderer in the areas covered by each lot, including previous similar assignments with international organisations;
- Knowledge of the Moldovan legal framework and context in the areas covered by this tender will be an asset.

Financial offer (10%).

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<sup>3</sup> 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.

## CRITERIA FOR LEGAL PERSONS

### ***Eligibility criteria***

- At least 3 years of experience at international level in the areas related to the fields of expertise as described within the specific LOTs under the scope of the contract above;
- For all natural persons (experts) allocated to the execution of the contract within the Tender submitted by the legal person:
  - A university degree in law, children's rights, social assistance or related fields;
  - At least 3 years of professional experience at international level in the areas related to the fields of expertise as described within the specific LOTs under the scope of the contract above;
  - For **lot 2**, at least 3 years of professional experience as a criminal investigation officer/prosecutor/judge, of which at least 1 year of experience in the area of child sexual abuse investigation/trial, including online for;
  - Excellent knowledge of the English language.

### ***Award criteria***

Quality of the offer (90%), including:

- Proven track record and thematic expertise in the relevant area.
- Relevance of the experience of the tenderer in the areas covered by each lot, including previous similar assignments with international organisations;
- Knowledge of the Moldovan legal framework and practices in the areas covered by this tender will be an asset.

Financial offer (10%).

If the bid of a legal person is considered eligible, the award criteria shall then be applied both to the Tenderer/legal person and individually to all natural persons proposed by the legal person and the assessment shall be carried out cumulatively.

The Council reserves the right to hold interviews with eligible tenderers.

## F. NEGOTIATIONS

The Council reserves the right to hold negotiations with the tenderers 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>;
- Registration documents, for legal persons only;
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility and award criteria (4 pages maximum). For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
- A Motivation letter describing how the tenderer meets the requirements of the expected types of deliverables related to the fields of expertise as described under the scope of this tender (1 page maximum). For legal persons, this letter should also include a list of all natural persons who shall be allocated to the execution of the contract;
- At least two examples of previous unedited work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims (**Lot 1, 2, 3 and 4**). For legal persons, at least two unedited examples of previous work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims and produced by the natural persons allocated to the execution of the contract.

**All documents shall be submitted in English (except registration documents, for legal persons only), failure to do so will result in the exclusion of the tender.**

<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.

**If any of the documents / materials 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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