

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of local consultancy services under the project Supporting Transparency, Inclusiveness and Integrity of Electoral Practice and Process in Georgia, Phase II

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### Contract N° BH9201-13/02/2024

The Council of Europe is currently implementing, a Project on 'Supporting Transparency, Inclusiveness and Integrity of Electoral Practice and Process in Georgia' Phase II until 31/12/2025. In that context, the Project is looking for Provider(s) for the provision of local consultancy services in the field of electoral support indicated in this Tender File and respective Act of Engagement, 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, a self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Electoral Support Project.** 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\_Electoral Reform Project**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2025
Deadline for submission of tenders/offers ▶	<b>29 March 2024</b>
Email for submission of tenders/offers ▶	<a href="mailto:electoralprojectgeo@coe.int">electoralprojectgeo@coe.int</a>
Email for questions ▶	<a href="mailto:electoralprojectgeo@coe.int">electoralprojectgeo@coe.int</a>
Expected starting date of execution ▶	15 April 2024

<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 'Supporting Transparency, Inclusiveness and Integrity of Electoral Practice and Process in Georgia' (Phase II). The overall objective of the Project is to improve electoral processes in Georgia and bring it closer to European and international standards and good practices in electoral matters.

This Contract is currently estimated to cover up 30 (thirty) activities, to be held by 31 December 2024. 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 500.000 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> Capacity building of electoral stakeholders, including trainings on campaign and party finance, disinformation and hate speech and electoral dispute resolution.	10
<b>Lot 2:</b> Developing research papers, manuals and toolkits, presentations on electoral matters, including in the fields of campaign and party finance, disinformation and hate speech, digitalisation technologies in elections and electoral dispute resolution	10
<b>Lot 3:</b> Gender equality and women political empowerment, young people and first-time voters, national minorities, underrepresented categories, and vulnerable groups of society.	10

**Lot 1** concerns Consultancy services relating to:

Capacity development activities -

- design, development and conduct of study courses and training modules;
- development of pertinent training and workshop materials/script;
- development of strategy papers and action plans.

**Lot 2** concerns the consultancy services relating to:

- supporting dialogue platforms and public consultations aimed at reforming electoral legal framework and practices, including campaign and party finance;
- providing high-level policy advice and technical expertise on electoral matters;
- development of policy and research papers, manuals, and toolkits

**Lot 3** concerns the Consultancy services relating to:

- conducting workshops/seminars/conferences to mainstream gender equality and intersectionality perspectives in electoral processes, including within partner institutions;• conducting voter education and public awareness raising campaigns.

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 provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

### Under Lot 1:

- Design and develop study courses and training modules, deliver trainings, trainings of trainers and pertinent training materials/script;
- conduct baseline study/needs assessment or survey;
- development of strategy and a corresponding action plan.

### Under Lot 2:

- Develop and provide policy advice and research papers, articles aimed at further refinement of electoral legal framework and practices with European standards and good practices;
- prepare and hold presentations at various dialogue platforms and public consultations supported by the Project;
- develop manuals, toolkits and other publications in respective thematic areas.

### Under Lot 3:

- Participate in thematic discussions (workshops/seminars) on gender equality and intersexuality perspectives in elections;
- design and conduct voter education and public awareness campaigns for young people and first-time voters, national minorities, underrepresented categories, and vulnerable groups of society;
- develop and provide policy advice and research papers.

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.

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, 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;

<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 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.

- 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*

- Graduate university degree in law, public administration, political science, statistics, social sciences, information technology or a related field.
- At least five (5) years' professional experience in fields related to the objectives of the actions to be carried out throughout the implementation of the Project.
- Excellent knowledge of the Georgian language (oral and written) and basics of the English language.

#### *Award criteria*

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

- Quality of the offer (90%), including:
  - Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to electoral reform programmes at national and/or international level, including:
    - Design and development of study courses and training modules;
    - conducting trainings;
    - developing strategy papers and action plans.
  - Criterion 2 (30%): Knowledge of international standards and practices in the field, advantage would be given to the knowledge of CoE standards and good practices
- Financial offer (10%).

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

- Quality of the offer (90%), including:
  - Relevance of the experience of the tenderer in the fields identified by the Call (75%);
  - consultancy or other relevant work experience in international projects and/or in projects related to the relevant sphere (15%).
- Financial offer (10%).

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

- Quality of the offer (90%), including:
  - Relevance of the experience of the tenderer in the field of conducting (1) voter education and public awareness campaigns in the field of electoral support, including with young voters or (2) mainstreaming gender equality and intersectional perspectives in electoral processes (70%);
  - consultancy or other relevant work experience with international projects and/or in projects related to the relevant sphere (20%).
- Financial offer (10%).

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).
- A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria.
- A list of all owners and executive officers, for legal persons only;
- A sample, not exceeding 3 pages (i.e. an extract), of a study, report or another relevant text recently drafted, in English or Georgian languages, by the tenderer for Lots 2 and 3, if any.
- Motivation letter, not exceeding 1 page, describing how the tenderer meets the requirements of the expected services. Tenderers may supplement motivation letters with documents proving their knowledge, such as programmes of events and descriptions of projects they participated in, titles and references of research they undertook and summaries of reports they produced, certificates/diplomas/awards demonstrating qualification of Tenderer.

**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.