



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

Purchase of national consultancy services on various aspects of civil participation, protection and promotion civil society space *Contract N° 8592-FC7-2020*

The Council of Europe is currently implementing until *the 31st of December, 2020* a Project "Promoting civil participation in democratic decision making in Ukraine". In that context, it is looking for Provider(s) for the provision of national consultancy services on various aspects of civil participation in the decision-making process 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 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, a self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director 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: National consultancy services 8592-2020-FC7-2020.** 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 national consultancy services 8592-2020-FC7-2020.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2020
Deadline for submission of tenders/offers ▶	05 August 2020
Email for submission of tenders/offers ▶	Kateryna.Berezovska@coe.int
Email for questions ▶	Kateryna.Berezovska@coe.int
Expected starting date of execution ▶	14 August 2020

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](#).

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe project "Promoting civil participation in democratic decision-making in Ukraine" helps to create the conditions for strengthening civil participation in Ukraine and enhanced citizen participation in decision-making process at local, regional and national levels in Ukraine, in accordance with the standards of the Council Europe and international best practices.

The project's goals:

- improvement of the legislative and institutional framework for civil participation at national, regional and local levels to ensure effective participation and engagement of citizens and NGOs in the decision-making process and development and maintenance of enabling environment for civil society development in Ukraine in accordance with the Council of Europe standards and best practices;
- promoting effective and broad application of civil participation tools at local, regional and national levels;
- promoting and facilitating dialogue between NGOs, citizens and public authorities in the decision-making process;
- strengthening the capacity of public officials in participatory decision-making process, citizens and NGOs' to advocate changes and promote dialogue with authorities in the decision-making process;
- assisting in the development and implementation of innovative civil participation tools and mechanisms;
- building regional NGOs' cooperation for sharing best practices.

The project's COVID-19 response toolbox offers continues online assistance in ensuring civil participation in the decision-making process. It features a mentoring programme «Mentoring for Change», online game-based training Uchange, online courses on effective public consultations, tailored online courses on local mechanisms for civil participation "Academy of Civil Participation", expert on-distance support to local authorities in enhancing municipal regulations on civil participation, guidelines in planning and implementation of innovative participation tools, such as School Participatory Budgeting and Civic Engagement in Creation of Public Spaces, interactive online and offline facilitation methodology CivicLab.

The Council of Europe is looking for 30 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on civil participation.

This Contract is currently estimated to cover up to 20 by the 31-st of December, 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 **600,000 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
Lot 1: Legal and policy advice, developing appraisals of legal acts, guidelines, recommendations in the area of civil participation.	10
Lot 2: Capacity building and training for public authorities and civil society representatives in the area of civil participation.	20

Lot 1 concerns legal and policy advice, developing appraisals of legal acts, guidelines, recommendations in the area of civil participation, in particular:

- Provision of recommendations according to the European standards and best practices (including the Ukrainian best practices), in order to improve the legislative and institutional framework in Ukraine, in the areas of civil participation, including but not limited on the development of the draft legislation concerning civil participation tools and mechanisms
- Undertaking research and writing up overview papers on best practices;
- Carrying out analysis of legal texts and data;
- Participating in expert working groups (online), delivering presentations, draft reports, legal opinions and policy advices;
- Participation and presentation during the offline and online events, not limited to webinars, online workshops.
- Providing expert advice and support in the development, adopting and implementation of School Participatory Budgeting regulation in pilot municipalities (in accordance with the CoE methodology – The CoE toolkit on School PB).
- Providing expert advice and support in the development, adopting and implementation of Public Space and Citizen Participation regulation in pilot municipalities

Lot 2 concerns capacity building and training for public authorities and civil society representatives in the area of civil participation, in particular:

- Contribution to the mentoring programme for NGOs and local officials "Mentoring for Change". More information here: <https://cutt.ly/CoE-Mentoring4Change2020>;
- Capacity building and methodological support of School Participatory Budgeting in pilot municipalities and regions, including various youth camps, meetups, trainings, online and offline courses, forums, experience exchanges, etc;
- Development and implementation of the online course on School Participatory Budgeting;
- Design and execute the awareness raising campaign IPARTICIPATE: implementation of Statute and regulations on civil participation in pilot municipalities;
- Development and adaptation of the game-based training UCHANGE 2.0 for various target audiences, development of the CoE Uchange Toolkit;
- Development and adaptation the online Academy of Civil Participation for various target audiences, development of the CoE Academy Toolkit;
- Facilitation of policy dialogue through the CivicLab methodology around various policy areas and target groups, stakeholders;
- Offline and online webinars, master classes and trainings on various aspects of civil participation;
- Participation and presentation during the offline events, not limited to webinars, online workshops.
- Other capacity building and training for public authorities and civil society representatives in the area of civil participation

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 and policy advice in the area of civil participation;
- draft legal and policy advice, reports and other relevant documents;
- participate at events (online workshops, conferences);
- participate in peer reviews and preparation of reports;
- record short videos and speak about best practices for civil participation, challenges and trends, etc.

Under Lot 2:

- develop and implement training modules and online learning tools on civil participation and toolkits on various aspects of civil participation (School participatory budgeting, civic engagement in urban public space development, public consultations and other areas of civil participation)
- further implementation of the mentoring programme "Mentoring for Change";
- conduct skills and needs assessment, develop training programmes;
- develop presentations, video and audio presentations for the training modules.
- act as trainers and mentors at offline workshops and trainings and online webinars workshops and events;
- act as facilitators, moderators, notetakers at various online and online events, applying CivicLab methodology;
- provide reports and feedback;
- provide coaching for public officials, NGOs, citizens on the implementation of their initiatives, projects and plans in the area of civil participation.

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 or in Ukrainian with brief explanatory note, provided 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 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 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

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

Lot 1 Legal and policy advice, developing appraisals of legal acts, guidelines, recommendations in the area of civil participation:

- Master's Degree in Law, Public Administration, Public Policy, Economics, Political Science, Sociology or a related field;
- Minimum five years of relevant experience at the international and/or national level in undertaking specific research, providing legal advice, legal opinions, recommendations in the field of civil participation and democratic governance;
- Knowledge of the Council of Europe relevant norms, standards and recommendations in the field of civil participation;
- Knowledge of the Ukrainian legislative framework for civil participation and best practices.
- Excellent Ukrainian language skills, both oral and written.

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 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.

Lot 2 Capacity building and training for public authorities and civil society representatives in the area of civil participation:

- Master's Degree in Public Administration, Public Policy, Economics, Political Science, Sociology or a related field;
- Minimum five years of relevant experience at the international and/or national level in undertaking specific research, consolidating data, developing training modules, providing training and delivering capacity-building activities;
- Familiarity with Council of Europe capacity building tools and methodology in the area of civil participation and good governance;
- Excellent Ukrainian both oral and written language skills.

Award criteria

For Lot 1

Quality of the offer (80%), including:

- 40% Thematic technical expertise in the field of legislative frameworks and procedures for civil participation including demonstrated knowledge of standards of the Council of Europe with respect to the civil participation and best practices in the decision-making process. Experience in conducting and writing legislation appraisals and analysis, guidelines, recommendations.
- 40% Relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations;
- Knowledge of English would be an asset.

Financial offer (20%).

For Lot 2

Quality of the offer (80%), including:

- 40% Thematic technical expertise in the field of capacity building initiatives in the area of civil participation including demonstrated experience in facilitation, moderation and training techniques, designing and implementing online courses and training modules;
- 40% Relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations;
- Knowledge of English would be an asset.

Financial offer (20%).

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**⁴ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A motivation letter;
- A 1-2 page word or pdf document with examples of the previous work in the field of civil participation related to each lot - the WEB LINKS to the related documents, websites or online resources. PLEASE DO NOT PROVIDE YOUR WORK EXAMPLES AS SEPARATE FILES), in particular:
- For Lot 1 – 2 examples of reports, assessments and recommendations related to legal acts and procedures for civil participation;

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.

- For Lot 2 – 2 examples of needs assessment, curriculum, presentations, training programmes and tools (including online);
- Certificate of English proficiency level (if available);
- Registration documents, for legal persons only.

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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