

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

Purchase of consultancy services on children's rights in the framework of the Council of Europe Strategy for the Rights of the Child (2022-2027)

Contract N°: FC.DGII.0966.2022

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently undertaking, and until 2027, a wide variety of activities in implementation of the [Council of Europe Strategy for the Rights of the Child \(2022-2027\)](#). In that context, it is looking for Providers for the provision of consultancy services to support the implementation of such activities 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 €150,000 tax exclusive.**

This specific tender procedure aims at concluding **framework contracts** 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 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 – Strategy for the Rights of the Child.** 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 – Tender – Strategy for the Rights of the Child.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2024
Deadline for submission of tenders/offers ▶	17 October 2022
Email for submission of tenders/offers ▶	children@coe.int
Email for questions ▶	children@coe.int
Expected starting date of execution ▶	28 October 2022

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](#).

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B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe has recently adopted its new **Strategy for the Rights of the Child** (2022 -2027). The Strategy outlines the priorities of the Council of Europe and its member states for protecting and promoting the rights of the child, through six strategic objectives for action.

The Council of Europe is looking for a maximum of 40 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Strategy with specific expertise on children's rights and, in particular, on one or several of the following six strategic objectives:

- 1. Freedom from violence for all children

Under Strategic Objective No. 1, the Council of Europe will continue **fighting violence against children** in all its forms and settings, through an integrated and strategic approach to violence, by stepping up prevention and reinforcing reporting and response systems. The Council of Europe will also continue focusing on fighting **child sexual exploitation and sexual abuse**, through the work of the Committee of the Parties to the Lanzarote Convention (Lanzarote Committee).

- 2. Equal opportunities and social inclusion for all children

Under Strategic Objective No. 2, the Council of Europe will look at **situations of vulnerability** of children by focusing on **children's social rights** and applying an **anti-discrimination** approach, including by tackling the situations of, among others, children living in poverty, **children affected by migration**, children without parental care and/or living in alternative care, children belonging to national minorities, children with disabilities, LGBTI children, child victims of trafficking, children living and/or working on the streets, children of parents using drugs, or children with imprisoned parents. Additionally, the Council of Europe will also tackle children's access to **mental health** services.

- 3. Access to and safe use of technologies for all children

Under Strategic Objective No. 3, the Council of Europe will continue promoting and protecting the rights of the child in the digital environment by following a balanced approach, including the rights to non-discrimination, access to information and freedom of expression on the one hand, and protection from violence and protection of privacy and personal data on the other hand; thus ensuring safe participation, education, leisure and play in their **use of ICTs**. The Council of Europe will also analyse the risks posed by and possibilities to benefit from the use of **artificial intelligence** technologies.

- 4. Child-friendly justice for all children

Under Strategic Objective No. 4, the Council of Europe will continue supporting member states in **adapting justice proceedings to children's needs**, covering civil, administrative and criminal proceedings, with the aim of avoiding their re-traumatisation and re-victimisation. Among others, the Council of Europe will continue promoting the **Barnahus model**, as well as the implementation of the Council of Europe **Guidelines on child-friendly justice**.

- 5. Giving a voice to every child

Under Strategic Objective No. 5, the Council of Europe will continue providing guidance on how to embed **child participation** in practice in a systemic manner and in all contexts relevant for children, as well as undertaking **child consultations** and producing **child-friendly versions** of its standards and reference texts. The Council of Europe will also look at ways to protect and empower **children acting as human rights or environmental defenders**.

- 6. Children's rights in crisis and emergency situations

Under Strategic Objective No. 6, the Council of Europe will look at specific risks and rights violations that children face during **crisis and emergency situations**, which include **public health crisis, war or armed conflicts, climate change and environmental degradation**.

This Contract is currently estimated to cover up to 50 activities, to be held by December 2025, with the possibility of having some activities extended until December 2026. 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 Steering Committee for the Rights of the Child (CDENF) is the main intergovernmental body designing, implementing, and overseeing progress made under the Strategy. For information purposes only, the CDENF, under its current [Terms of Reference](#) (2022-2025), shall complete the following activities amongst others, for which external consultants might be contracted (non-exhaustive):

- Guide of good practice for the participation of children in decision making processes on matters relating to their health
- Mapping study on children's access to quality mental health care services in member states, including an overview on mental health services available for children, obstacles and barriers to access faced by children in general, and by specific groups, and examples of practices addressing such obstacles. *See [Concept note](#)*
- Report on children as defenders of human rights, including information on challenges and good practices at national level, as well as relevant actions undertaken by international or civil society organisations and other CoE bodies. *See [Concept note](#)*
- Implementation review report of Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration
- Feasibility study and draft non-binding instrument on age-appropriate comprehensive sexuality education to strengthen responses for inter alia preventing and combatting violence against children, including sexual violence and harmful behaviour
- Implementation review report on Recommendation CM/Rec(2009)10 on Council of Europe policy guidelines on integrated national strategies for the protection of children from violence, including the development of model prevention approaches
- Guidance on effective strategies to prevent violence against children
- Implementation review report on Guidelines on child-friendly justice and development of further guidance
- Implementation review report on Recommendation Rec(2005)5 on the Rights of Children living in residential institutions
- Guidelines on strategic litigation and legal clinics on the rights of the child
- Guidelines on the protection of children's personal data and privacy
- Report on the rights of the child and artificial intelligence, identifying the main human rights challenges for children related to AI systems and including an overview of international standards and pertinent national practices. *See [Concept note](#)*

For information purposes only, the total amount of the object of the present tender **shall not exceed 150,000 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.

Scope of the Framework Contract

The pre-selected Providers may be requested to work independently or as part of a team with other Provider(s). Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the following services amongst others, and closely collaborate with the Council of Europe Secretariat in doing so:

- Draft concept notes, questionnaires and analytical reports on specific topics (assessments, gap analysis...)
- Support the drafting of soft-law instruments and standards (recommendations, resolutions...)
- Develop methodologies for various activities and involving different working methods and partners
- Conduct research relevant to the Strategy objectives, including the identification of good practices in different Council of Europe member states
- Review and analyse policy documents, strategies, legislation, secondary legislation (draft documents and/or documents in force) and/or practice
- Provide advice to the Council of Europe Secretariat or member states' representatives (in the form of an oral and/or written advice)

- Participate in and/or organise events (workshops, conferences, high level meetings, roundtables, working group meetings, consultation meetings and other relevant events), including by moderating/facilitating discussions and delivering presentations
- Undertake fact-finding visits to member states and participate in monitoring developments in member states
- Develop child-friendly materials and child-friendly versions of Council of Europe publications and standards
- Prepare/contribute to training modules and training materials
- Conduct trainings/workshops
- Prepare promotional materials and campaigns to raise awareness on children's rights issues
- Undertake child consultations

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 a given field of expertise covered by the present Framework Contract.

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;
- Timelines are fully respected as requested and agreed in advance of the collaboration.

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, including delays taken with regard to the initially agreed work programme (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, all 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 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 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, 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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.

² 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.

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.

Eligibility criteria

- A university degree in law, political or social sciences, psychology, human rights/children's rights or a related field;
- At least 3 (three) years of professional experience at international or national level in the areas related to one or several of the fields of expertise as described within the scope of this contract;
- Ability to work in an international environment;
- Excellent written and verbal command of English language.

Award criteria

- Quality of the offer (80%), including:
 - Professional experience in at least one or in several fields of expertise covered by this tender, demonstrated through current or previous professional main occupation, length of experience and participation in similar projects in the past;
 - Proof of conceptual, research, drafting, analysis, communication and coordination skills demonstrated through previous experiences or, when provided, relevance and quality of examples and sample deliverables (e.g. draft reports recently produced, materials resulting from other consultancy services provided);
 - Excellent written and verbal command of English language.
- Financial offer (20%).

The Council reserves the right to hold interviews with 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 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;
- CVs of persons allocated to the execution of the contract, for legal persons only;
- **Motivation letter** demonstrating the tenderer's understanding of the Council of Europe needs and clearly indicating relevant professional experience and expertise under one or more of the six Strategic Objectives;
- Additional as relevant: links and/or samples of previous work if available in English or French.

All documents listed above shall be submitted in English or French, 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.