

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

### Purchase of international consultancy services to support the project to End Online Child Sexual Exploitation and Abuse @ Europe (EndOCSEA@Europe) BH8576/2020/01



The Council of Europe is currently implementing a project to End Online Child Sexual Exploitation and Abuse @ Europe (EndOCSEA@Europe Project) which supports member states in preventing and combating online child sexual exploitation and abuse (OCSEA). It cooperates with 10 focus countries (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Turkey and Ukraine) and pilots targeted activities in 3 pilot countries (Armenia, Azerbaijan and Ukraine). The duration of the project is until 30 June 2021. In that context, it is looking for Providers 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.

#### 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 duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

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 on OCSEA.** 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: International consultancy services on OCSEA.**

Type of contract ▶	Framework contract
Duration ▶	Until the end of the project
Deadline for submission of tenders/offers ▶	<b>01 September 2020</b>
Email for submission of tenders/offers ▶	<b>Children.endocsea@coe.int</b>
Email for questions ▶	Children.endocsea@coe.int
Expected starting date of execution ▶	15 September 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 EndOCSEA@Europe project is implemented by the Children's Rights Division of the Council of Europe (CoE) in the framework of the CoE Strategy for the Rights of the Child (2016-2021), in co-operation with the Cybercrime Office (C-PROC) in Bucharest, Romania. The implementation period of the project is July 2018- June 2021. The project's beneficiaries are all 47 member states of the Council of Europe, with a focus on Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Turkey, Ukraine]. Armenia, Azerbaijan and Ukraine are the project's pilot countries.

The project's main objectives are to prevent and combat child sexual exploitation and abuse facilitated by ICTs (OCSEA) at pan-European level, ensuring that the rights of children are protected. The project aims: to set up enabling environments for cross-sector, multidisciplinary collaboration at national and regional levels; to support legislative and procedural reforms, training and improved capacities of law enforcement officials, judiciary and prosecutors; and to develop capacities through awareness-raising, education of key targets groups and empowerment of children. The project supports the implementation of relevant international and European standards, in particular the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), and 8 of the capabilities identified in the WePROTECT Model National Response.

The Council of Europe is looking for up to 8 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the prevention and the protection of children against sexual exploitation and sexual abuse when facilitated by information and communication technologies (ICTs), taking due account of increasing risks in the current context of the pandemic of COVID-19.

This Contract is currently estimated to cover up to 4 activities per month to be held by 30 June 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.

For information purposes only, the total budget of the project amounts to 933 944 Euros and the total amount of the object of 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

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

- Support the improvement of legislation and policies concerning OCSEA at national and regional level; in particular the Providers may be requested to prepare roadmaps to follow-up on priority recommendations which were formulated in the Gap Analysis reports for the 3 pilot countries (Armenia, Azerbaijan and Ukraine), prepare needs assessment of policies, strategies and action plans, develop and pilot a risk assessment methodology;
- Contribute to the improvement of law enforcement capacities to lead, support and coordinate OCSEA investigations including in context of crisis with the COVID-19 pandemic; in particular the Providers may be requested to promote, improve and deliver the OCSEA module for law enforcement and the judiciary, provide follow-up on the review of existing training strategies, materials and programmes, develop training strategies for law enforcement to include child-friendly practices and e-evidence, collect information on good practices during the confinement period to ensure on-going training and action and provide concrete recommendations;
- Collect information and prepare analytical reports on the impact of the COVID-19 pandemic on OCSEA with proposals of measures to ensure that OCSEA can be tackled at all times with operational reporting mechanisms, judicial system, law enforcement and child protection services;
- Contribute to international, regional and local webinars and other events to address specific aspects related to OCSEA;
- Collect, analyse and promote promising practices to protect child-victims of OCSEA at regional level including in times of crisis such as with the COVID-19 pandemic.

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.

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.

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 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 shall 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 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);

<sup>2</sup> 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.

- 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.

#### *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);
- Minimum of 3 years professional experience working in an area related to OCSEA at national or international level;
- Ability to work in an international environment;
- Excellent communication skills; confirmed drafting skills and excellent spoken English at B2 level.

#### *Award criteria*

- Quality of the offer (90%), including:
  - Proven expertise of the CoE standards in this area, in particular the Convention on the protection of children against sexual abuse and sexual exploitation (Lanzarote Convention) and the Convention on Cybercrime;
  - In-depth knowledge of the standards and work of other 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;
  - Proven understanding of the impact of COVID-19 on OCSEA.
- Financial offer (10%).

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

Multiple tendering is not authorised.

### **F. NEGOTIATIONS**

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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.

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, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Motivation letter demonstrating how the tenderer meets the award criteria

**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.