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

Purchase of international consultancy services to support Malta with the preparation of a new Anti-Trafficking Strategy and Action Plan

The Council of Europe is currently implementing a Project on 'Supporting Malta in the design and implementation of a new national Anti-Trafficking Strategy'. It is co-financed by the European Union via the Technical Support Instrument and is implemented by the Council of Europe Anti-Trafficking Division in close cooperation with the EU DG Reform and the Human Rights Initiatives Unit (HRIU) within the Human Rights Directorate (HRD) under the Maltese Ministry for Home Affairs, Security, Reform and Equality (MHSR) until 21 September 2024. In that context, the Council of Europe is looking for providers for the provision of international consultancy services in the area of trafficking in human beings to be requested by the Council of Europe 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[1], the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 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: International Consultancy Services – THB Strategy Malta.** 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 – International Consultancy Services - THB Strategy in Malta**

Type of contract ►	Framework contract
Duration ►	Until the end of the project
Deadline for submission of tenders/offers ►	**26 September 2023**
Email for submission of tenders/offers ►	**trafficking@coe.int**
Email for questions ►	Stephanie.burel@coe.int
Expected starting date of execution ►	01 October 2023

[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 Project on 'Supporting Malta in the design and implementation of a new national anti-trafficking Strategy' is implemented jointly by the Council of Europe Division on Action against Trafficking in Human Beings and the Directorate-General for Structural Reform Support (DG REFORM) of the European Commission. The main beneficiairy of the project is the Human Rights Initiatives Unit (HRIU) within the Human Rights Directorate (HRD) under the Ministry for Home Affairs, Security, Reform and Equality (MHSR) of Malta. The project started on 22 September 2022 and will end on 21 September 2024.

The Project aims to contribute to the ongoing policy reform for combating trafficking in human beings in Malta. It will support the Maltese authorities in designing and implementing a new national Strategy to prevent and combat trafficking in human beings, in line with European and international standards. In doing so, the Project will continue to draw on the technical expertise of international experts, the recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) addressed to Malta in its last report (2021), and international best practice. The project will also provide technical support and guidance to strengthening operational capacities of relevant institutions.

The Council of Europe is looking for up to 6 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise of international standards, in particular the Council of Europe Convention on Action against Trafficking in Human Beings and the work of its monitoring body: the Group of Experts on Action against Trafficking in Human Beings (GRETA). The providers should have knowledge of international good practices in the field of trafficking in human beings experience in formulating and supporiting the implementation of targeted policies, including national Strategies and Action Plans to improve:

- the prevention of trafficking in human beings;
- the protection of victims of human trafficking;
- the criminal justice response;
- partnerships, coordination and international cooperation.

This Contract is currently estimated to cover up to 4 activities per month to be held by 21 September 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 440,000 Euros and the total amount of the object of present tender **shall not exceed 20,000 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:

- Collect examples of good practices to be included in a compendium of international good practices, including concerning Special Operating Procedures, guidelines and technical specifications to collect data concerning human trafficking that is suited to the Maltese context;
- Support the drafting of the proposal for the anti-trafficking strategy;
- Collect and analyse proposed actions for the future national action plan;
- Moderate the working groups which will be established to discuss and approve the draft anti-trafficking Strategy and Action Plan;
- Develop the Theory of Change framework for the anti-trafficking strategy and related indicators to monitor its implementation;
- Develop tools and processes required for the implementation and monitoring of the strategy and action plan;
- Develop guidelines to improves the coordination between the stakeholders responsible for the implementation and monitoring of the Strategy
- Lead trainings and workshops;
- Develop a communication strategy and action plan to enhance the communication amongst national authorities regarding the anti-trafficking strategy and to enhance communication with

victims of trafficking, access of victims to support and roles and responsibilities in providing this support.

The above list is not considered exhaustive. The Council of Europe reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the subject matter 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 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[2] (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;

[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.

- 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;
- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu).

Eligibility criteria

- University degree in law, human rights, political or social sciences or in other areas that are relevant to action against trafficking in human beings;
- Minimum of 5 years of professional experience in areas related to action against trafficking in human beings at national and international level;
- Ability to work in an international environment;
- Excellent communications skills, confirmed drafting skills and excellent spoken English at C1-C2 level.

Award criteria

- Quality of the offer (90 % including):

[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;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

- Proven expertise of the Council of Europe standards in this area, in particular the Convention on Action against Trafficking in Human Beings and the work of its monitoring body, the GRETA (30%)
- Professional experience in the fields of expertise covered by this tender, including length of experience and proven track record of practical achievements in the given fields (20%);
- Experience of supporting the preparation of international and national policies including anti-trafficking Strategies and Action Plans (20%);
- In-depth knowledge of the standards and work of other international organisations in the field of human trafficking (20%);

- Financial offer (10%).

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 Engagement**[4] (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, 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 for fields of expertise as described under the scope of this contract;

All documents shall be submitted in English to trafficking@coe.int, 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.