

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of consultancy services in the field of equality, non-discrimination and gender

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### **Contract N° BH 4725/2019/8**

The Council of Europe is currently implementing and will implement until 31 December 2021 a Project on strengthening the capacities of the justice sector actors to deliver justice in line with European standards, in particular to fight discrimination in the Republic of Moldova. In that context, it is looking for Providers for the provision consultancy services in the field of equality, non-discrimination and gender 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 a natural person, or a legal person 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: CoE consultancy services.** 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: CoE consultancy services**

<b>Type of contract ▶</b>	Framework contract
<b>Duration ▶</b>	Until 31 December 2021
<b>Deadline for submission of tenders/offers ▶</b>	<b>16 December 2019</b>
<b>Email for submission of tenders/offers ▶</b>	<b>Diana.cealic@coe.int</b>
<b>Email for questions ▶</b>	Diana.cealic@coe.int
<b>Expected starting date of execution ▶</b>	20 January 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](#).

## EXPECTED DELIVERABLES

### Background of the Project

The European Union and the Council of Europe Joint Project on strengthening the capacities of the justice sector actors to deliver justice in line with European standards, in particular to fight discrimination (the Project) is part of the Partnership for Good Governance (phase II). It is a national project for Republic of Moldova.

Duration of the Project: May 2019 – December 2021

The objectives of the Project are:

1. To strengthen the capacities of the judges and prosecutors to deliver higher quality justice with special focus on discrimination;
2. To support lawyers training centre for becoming an efficient training center;
3. The strengthen the capacities of the Equality Council for becoming more efficient.

The Council of Europe is looking for a maximum of *eight* Providers per LOT (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on non-discrimination; equality and assessment of needs of institutions.

This Contract is currently estimated to cover up to *twenty eight activities*, to be held by 31 December 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 594'177 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 Providers to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
<p><b>Lot 1: Training courses delivery and presentations delivery</b></p> <p><b>A.</b> Training design (drafting agenda and relevant materials), preparation and delivery of capacity building for judges, prosecutors, clerks, judges' assistants, lawyers, intern lawyers, staff of the Equality Council and other legal professionals in the field of equality, non-discrimination and gender;</p> <p><b>B.</b> ToT design (drafting agenda and relevant materials), preparation and delivery of capacity building for the legal professionals in the field of equality, non-discrimination and gender, including via HELP courses;</p> <p><b>C.</b> Preparation and delivery of presentation during international conferences/seminars and round tables/workshops on topics related to equality, non-discrimination, efficiency of equality institutions and gender.</p>	8
<p><b>Lot 2: Institutional capacity development</b></p> <p><b>A.</b> Assessment of institutional needs of the National Institute of Justice; Lawyers training center and Equality Council;</p> <p><b>B.</b> Assessment of training curricula of the National Institute of Justice and Lawyers training center;</p> <p><b>C.</b> Developing training methodologies for the National Institute of Justice and Lawyers training center;</p> <p><b>D.</b> Developing regulations and guidelines for the National Institute of</p>	8

<p>Justice; Lawyers training center and Equality Council;</p> <p>E. Developing guidelines and recommendations for strengthening the monitoring mechanism and instruments of the Equality Council and for better implementation of its decisions;</p> <p>F. Assessing the efficiency of sanctions of the Equality Council and providing recommendations for improvement.</p>	
---	--

### **Lot 1 concerns: Training courses delivery and presentations delivery**

Strengthening the capacity of judges, prosecutors, clerks, judges' assistants, lawyers, intern lawyers, staff of the Equality Council and other legal professionals on equality; non-discrimination and gender helps to ensure that they have enough capacity to effectively fulfil their role. The trainings are aimed at targeting the groups of professionals who are directly responsible for implementing the ECHR and other European standards on equality and non-discrimination.

The presentations planned to be delivered during the international conferences/seminars and round tables aim to raise awareness on non-discrimination; equality and gender to improve the knowledge of the participants and to create a forum for discussions and exchange of opinions.

### **Lot 2 concerns: Institutional capacity development**

Institutional capacity development is aimed at improving the efficiency and ability of the main Project beneficiaries to effectively fulfil their functions. However, this set of measures is aimed at each institution as a whole rather than its concrete staff members. The assistance should include assessment of the current situation and should provide practical recommendations for its improvement.

The Council will select the abovementioned number of Providers 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:

- Prepare and deliver training courses for the target audience;
- Prepare and deliver training of trainers;
- Prepare and deliver presentations during international conferences, round tables, etc.

#### Under Lot 2:

- Conduct assessment of needs of the National Institute of Justice; Lawyers training center and Equality Council; draft report on the assessments of needs and provide recommendations for improvement;
- Conduct assessment of training curricula of the National Institute of Justice; Lawyers training center, provide recommendations for improvement;
- Develop training methodology for the National Institute of Justice and Lawyers training center;
- Develop regulations, guidelines for the National Institute of Justice; Lawyers training center and Equality Council;
- Develop guidelines with recommendations for strengthening the monitoring mechanism and instruments of the Equality Council and for better implementation of its decisions;
- Assess the efficiency of sanctions of the Equality Council, provide practical recommendations for improvement, etc.

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).

## B. 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 C below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

## C. 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 1 (one) working day 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

<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.

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.

#### D. 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;
- 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](http://www.sanctionsmap.eu)).

##### *Eligibility criteria*

###### **Lot 1**

- University Degree in law, human rights or other field relevant to the Project's thematic area;
- Professional experience of 5 years or more in the area of non-discrimination and protection of human rights;
- Professional experience of 5 years or more in delivering presentations and trainings for legal professionals (in particular, judges, prosecutors, clerks, judges' assistants, lawyers and intern lawyers) in the Project's thematic area, proven by presentation samples;
- Excellent oral and written English.

###### **Lot 2**

- University Degree in law, human rights or other field relevant for the Project's thematic area;
- Professional experience of 3 years or more in the area of non-discrimination and protection of human rights;
- Excellent analytical and drafting skills, proven by samples of work (ex. assessment of needs reports, guidelines, regulations, etc);
- Excellent knowledge of oral and written English.

##### *Award criteria*

###### **Lot 1**

- Quality of the offer (90%), including:
  - Thematic expertise (40%)
  - Capacity building experience (50%)
- Financial offer (10%).

###### **Lot 2**

- Quality of the offer (90%), including:

<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 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).

- Research, analysis and writing skills (50%)
- Thematic expertise (40%)
- Financial offer (10%).

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

Multiple tendering is not authorised.

#### E. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

#### F. 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;
- A list of all owners and executive officers, for legal persons only;
- At least 2 (two) examples of previous relevant work.

**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.**

\* \* \*

---

<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.