**CALL FOR TENDERS**

for the provision of CONSULTANCY SERVICES in the field of equality, non-discrimination, training impact assessment and adult training methodology

**2021/AO/50**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | **Consultancy services in the field of equality, non-discrimination, training impact assessment and adult training methodology to be provided by international consultants** |
| **Project ►** | **”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”** |
| **Organisation and buying entity ►** | Council of Europe  Department of the Implementation of Human Rights Justice and Legal Cooperation Standards  Co-operation Programmes |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 31 December 2021 |
| **Expected starting date ►** | 01 October 2021 |
| **Tender Notice Issuance date ►** | 29 July 2021 |
| **Deadline for tendering ►** | 30 August 2021 |

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.

* [**The TENDER RULES** 6](#_Toc445392376)

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

* **The ACT OF ENGAGEMENT** **(See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

**HOW DOES A FRAMEWORK CONTRACT WORK?**

**Stage 1:**

**Selection** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

**Stage 2:**

**Order(s)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**Execution** as from the date of signature of each Order, unless the Order concerned provides otherwise.

**HOW TO SUBMIT A TENDER?**

**Step 1:** Read the **TENDER FILE**

**Step 2:** Complete the **ACT OF ENGAGEMENT** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

**CALL FOR TENDERS**

**for the provision of**  **CONSULTANCY SERVICES in the field of equality, non-discrimination, training impact assessment and adult trainng methodology**

**2021/AO/50**

1. **Background**

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 the 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 in becoming an efficient training centre;
3. To strengthen the capacities of the Equality Council in becoming more efficient.

The Council of Europe is looking for a maximum of 10 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 equality, non-discrimination, training impact assessment and adult training methodology.

This Contract is currently estimated to cover up to *30 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 *655 000*  Euros and the total amount of the object of present tender should in principle not exceed *70 000* Euros 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.

1. **LOTS**

The national PGG Project has a duration of 32 months and aims to strengthen in the Republic of Moldova the capacities of judicial actors to deliver higher quality justice with special focus on discrimination through aharmonised application of European standards; strengthen the capacities of the Equality Council and Lawyers Training Centre to be able to fulfil more effectively their roles.

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: **Training courses delivery and presentations delivery** |  |  |  |   Prepare and deliver capacity building activities and presentations in the field of equality, non-discrimination, inclusive education and gender. | 10 |
| Lot 2: **Institutional capacity development**  Developing regulations and guidelines for the project beneficiaries. | 10 |
| Lot 3: **Training impact assessment**  Develop a concept of training impact assessment and carry out the assessment. Prepare a report with recommendations. | 10 |
| Lot 4: **Trainings on adult training methodology**  Prepare and deliver trainings on adult training methodology | 10 |

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

Strengthening the capacity of judges, prosecutors, clerks, judges’ assistants, staff of the Equality Council and other legal professionals on equality; non-discrimination and gender helps to ensure that these groups of legal professionals are equipped with knowledge and skills to effectively fulfil their professional role. The trainings are aimed at targeting the groups of professionals who are 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 on these topics, 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. This set of measures is aimed at targeting each institution as a whole rather than its concrete staff members. The assistance provided under this lot should include assessment of the current situation and should provide practical recommendations for its improvement.

**Lot 3 concerns: Training impact assessment**

The training impact assessment report will provide analysis and evaluation of the impact of the delivered capacity building activities. This activity will be organised jointly with the National Institute of Justice and will assess the impact of the trainings provided in the framework of the project for the beneficiaries of the NIJ. The report should reflect the level of absorption of knowledge by the particiants of the capacity building activities, their feedback on the activities’s impact to their daily work. It will also offer practical recommendations for future actions and work of the NIJ but also for the donors who are supporting the NIJ.

**Lot 4 concerns: Trainings on adult training methodology**

Strengthening the capacities of the trainers of the beneficiary institutions is very important in the context of their mandate. Enhancing their training skills will lead to better trainings and higher impact of these activities.

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).

1. **SCOPE OF THE FRAMEWORK CONTRACT**

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

Under Lot 1:

**A.** Training design (drafting agenda and relevant materials), preparation and delivery of capacity building for judges, prosecutors, clerks, judges’ assistants, staff of the Equality Council and other legal professionals in the field of equality, non-discrimination, inclusive education and gender;

**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, inclusive education and gender, including via HELP courses;

**C.** 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;

**D.** Workshop design(drafting agenda and relevant materials), preparation and delivery of workshop for members and staff of the Equality Council on efficiency of sanctions; how to better structure a decision; monitoring mechanisms of equality institutions.

Under Lot 2:

1. Developing regulations and guidelines for the project beneficiaries;
2. Developing guidelines and recommendations for strengthening the monitoring mechanism and instruments of the Equality Council and for better implementation of its decisions;
3. Assessing the efficiency of sanctions of the Equality Council and providing recommendations for improvement.

Under Lot 3:

1. Developing a concept of the training impact assessment;
2. Developing an online questionnaire which will be sent to the participants of the training sessions;
3. Preparing the questions and moderate 3 online/face to face focus groups (FG): 1 FG with judges and prosecutors; 1 FG with judicial staff and 1 FG with the trainers of the National Institute of Justice (NIJ);
4. Preparing the impact assessment report which will include the analysis of the results of the online questionnaire and the results of the FG discussions.

Under Lot 4:

Training design (drafting agenda and relevant materials), preparation and delivery of trainings on adult training methodology for project beneficiaries.

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).

1. **FEES**

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of 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 daily fees, as agreed by this Contract.

1. **HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)**

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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.

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers of 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 quote[[1]](#footnote-1) (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 Service 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.

1. **ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[2]](#footnote-2)

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 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*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

***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 at least at C1 level (self-assessed, with reference to the Common European Framework of Reference for Languages).

***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 oral and written English at least at C1 level (self-assessed, with reference to the Common European Framework of Reference for Languages).

***Lot 3***

* University Degree in law, human rights or other field relevant for the Project’s thematic area;
* Excellent analytical and drafting skills, proven by samples of work (ex. assessment of training impact; assessment of project impact, etc);
* Excellent oral and written English at least at C1 level (self-assessed, with reference to the Common European Framework of Reference for Languages).

***Lot 4***

* University Degree in law, human rights or other field relevant to the Project’s thematic area;
* Professional experience of 5 years or more in delivering presentations and trainings for legal professionals on adult training methodology, proven by presentation samples;
* Excellent oral and written English at least at C1 level (self-assessed, with reference to the Common European Framework of Reference for Languages).

*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:
  + Thematic expertise (40%)
  + Analytical and drafting skills (50%)
* Financial offer (10%).

***Lot 3***

* Quality of the offer (90%), including:
  + Thematic expertise (40%)
  + Analytical and drafting skills (50%)
* Financial offer (10%).

***Lot 4***

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

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

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**

* **One** completed and signed copy of the Act of Engagement;[[3]](#footnote-3)
* A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
* A Motivation letter demonstrating the tenderer’s understanding of the Council of Europe needs and describing how the tenderer meets the requirements described under the Terms of Reference above (1page maximum);
* At least two examples of previous work / deliverables, either by indicating the reference or by including the link to publications, legal assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims (in English).

**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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**for the provision of consultancy services in the field of equality, non-discrimination, training impact assessment and adult training methodology**

**2021/AO/50**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

**DEPARTMENT OF THE IMPLEMENTATION OF HUMAN RIGHTS JUSTICE AND LEGAL COOPERATION STANDARDS**

**Background**

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.[[4]](#footnote-4)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 120 calendar days as from the closing date for their submission.

**ARTICLE 3 – DURATION OF THE CONTRACT**

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

**ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE**

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

**ARTICLE 5 – Content of the tender file**

The tender file is composed of:

* Technical specifications/Terms of reference;
* Tender rules;
* An Act of Engagement, including the Legal Conditions of the contract.

**ARTICLE 6 – LEGAL FORM OF TENDERERS**

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: [dgi-coordination@coe.int](mailto:dgi-coordination@coe.int)

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **electronically.**

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 30 August 2021.

**ARTICLE 10 – ASSESSMENT OF TENDERS**

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

**ARTICLE 11 – NEGOTIATIONS**

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

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**

* **One** completed and signed copy of the Act of Engagement;
* A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
* A Motivation letter demonstrating the tenderer’s understanding of the Council of Europe needs and describing how the tenderer meets the requirements described under the Terms of Reference above (1page maximum);
* At least two examples of previous work / deliverables, either by indicating the reference or by including the link to publications, legal assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims (in English).

1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **electronically.**

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

The deadline for the submission of tenders is 30 August 2021

1. It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part. [↑](#footnote-ref-1)
2. 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 en equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth requirements listed above under “exclusion criteria” are met;
   * A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement 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).

   [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
4. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-4)