

TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of international consultant services on various aspects of human rights protection of internally displaced persons in Ukraine.

Contract N° 8562/2018/RC/FC/2

The Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: Building Solutions" in the framework of the Council of Europe Action Plan for Ukraine 2018-2021 which aims to strengthen the capacities of internally displaced persons, displaced professionals, displaced institutions and other key stakeholders to improve the human rights protection of IDPs in Ukraine.

A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 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 €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 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: *Int consultancy_IDP UA Project***. 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 3 (three) 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: *Int consultancy_IDP UA Project***

| | |
|---|--|
| Type of contract ► | Framework contract |
| Duration ► | Until 30 September 2019 |
| Deadline for submission of tenders/offers ► | 18 November 2018 |
| Email for submission of tenders/offers ► | Internally.Displaced.Persons@coe.int |
| Email for questions ► | Internally.Displaced.Persons@coe.int |
| Expected starting date of execution ► | 22 November 2018 |

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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

In the framework of the Council of Europe Action Plan for Ukraine 2018-2021 the Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: building solutions" (hereinafter – the Project) which aims to strengthen the capacities of internally displaced persons, displaced professionals, displaced institutions and other key stakeholders to improve the human rights protection of IDPs in Ukraine. Specific objectives of the Project are enhancing competencies of IDPs and displaced professionals in improving services for and by IDPs; strengthening the legal and regulatory framework on internal displacement and empowering IDP agency and integration at local and regional level.

Main National Partners of the Project: Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine, Ministry of Social Policy of Ukraine, Ministry for Regional Development, Building and Housing of Ukraine, Ministry of Education and Science of Ukraine (Department of Higher Education), Ukrainian Parliament Commissioner for Human Rights, State Fund for Youth Housing Assistance, Coordination Centre for Free Legal Aid Provision, National School of Judges of Ukraine, National Notary Chamber of Ukraine, displaced universities, civil society organisations and local authorities.

Target groups of the Project: internally displaced persons, displaced professionals, displaced institutions; national policy-makers, national, regional and local authorities working on IDP issues, civil servants, judges, lawyers, civil society organizations.

Final beneficiaries of the Project are internally displaced persons and communities hosting IDPs.

The project ensures a combination of legislative experience, institutional, operational and professional capacity building support, paying attention to impact and aiming at sustainability. The Project disseminates good practices and contributes to raising the standards of human rights in Europe.

The Project draws upon an extensive network of consultants with knowledge of international and European standards and different European systems ("international consultants") and consultants with local expertise/knowledge of the domestic system in which the activities are implemented ("national consultants") to carry out its work.

This call is aimed at selecting "international consultants".

The Council of Europe is looking for a maximum of 15 Provider/Consultant(s) per Lots 1,2,3 and a maximum of 5 Provider/Consultant(s) per Lots 4 and 5 (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise pertaining to the various aspects of the internal displacement in Ukraine in the thematic fields under the Lots below.

This Framework Contract is to be concluded until 30 September 2019.

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.

Scope of the Framework Contract

The tender is divided into the following 5 lots. Consultants may submit a tender for one or for several lots subject to the fulfilment of the criteria listed in the Tender Rules for the lot(s) concerned.

Throughout the duration of the Framework Contract, being supervised and coordinated by the staff members from the Council in Europe in Ukraine and from the Council of Europe Headquarters, the pre-selected Providers may be asked to provide intellectual services within one or several following fields:

Lot 1 - Expertise on the CoE standards and the ECtHR case-law; constitutional jurisprudence on human rights protection of internally displaced persons

- Assessment of law and bylaw and/or practice in light of the CoE standards and the ECtHR case-law, provision of advice (in the form of an oral and/or written advice), preparation of comparative analyses, research, comments, recommendations, reports, etc. related to protection of human rights of IDPs and constitutional jurisprudence on forced displacement and conflict related matters
- Participation and contribution to the conferences, round-tables, seminars, trainings, the working group meetings, workshops and other relevant events, including through moderating/facilitating discussions and delivering presentations
- Developing methodology and conducting needs assessment on specific institutional or operational aspects related to human rights protection of IDPs
- Contributing to the development of information and guiding materials
- Other deliverables as related to the above and as requested by the Council of Europe.

The consultants can be asked to undertake missions to provide the expected deliverables.

Lot 2 - Expertise on access to justice, housing and property rights for internally displaced persons

- Assessment of case-law of European court of human rights related to internal displacement and conflicts, international legal and/or court practices of the human rights protection of IDPs, provision of free legal aid for IDPs, access to pensions and inheritance for IDPs, schemes for property restitution and compensation, housing programs and housing legislation for IDPs.
- Reviewing international legislation, legal and/or court practices on access to justice, domestic remedies, housing and property rights for internally displaced persons and develop recommendations on further implementation of the Council of Europe standards in this regard;
- Participation and contribution to the conferences, round-tables, seminars, trainings, the working group meetings, workshops and other relevant events, including through moderating/facilitating discussions and delivering presentations
- Developing methodology and conducting needs assessment on specific institutional or operational aspects related to access to justice, housing and property rights for IDPs
- Contributing to the development of information and guiding materials
- Other deliverables as related to the above and as requested by the Council of Europe.

The consultants can be asked to undertake missions to provide the expected deliverables.

Lot 3 - Gender expertise with focus on gender equality in the context of internal displacement

- Assessment of the implications of gender experiences for individual and community resilience, and policy and programme design in fragile and conflict affected contexts; access to justice, integration and empowerment with focus on gender equality
- Participation and contribution to the conferences, round-tables, seminars, trainings, the working group meetings, workshops and other relevant events, including through moderating/facilitating discussions and delivering presentations
- Developing methodology and conducting needs assessment on specific institutional or operational aspects related to gender equality
- Contributing to the development of information and guiding materials on gender equality
- Other deliverables as related to the above and as requested by the Council of Europe.

The consultants can be asked to undertake missions to provide the expected deliverables.

Lot 4 - Psycho-social support for internally displaced persons

- Participation and contribution to the conferences, round-tables, seminars, trainings, the working group meetings, workshops and other relevant events, including through moderating/facilitating discussions and delivering presentations on provision of psycho-social support for IDPs and post-traumatic stress disorder treatment, prevention of addictions among IDPs in particular
- Developing methodology and conducting needs assessment on specific institutional or operational aspects related to the functioning psycho-social support for IDPs
- Contributing to the development of information and guiding materials related to psych-social support for IDPs
- Other deliverables as related to the above and as requested by the Council of Europe.

The consultants can be asked to undertake missions to provide the expected deliverables.

Lot 5 – Public advocacy, information and media campaign

Coordinate the CoE Headquarter of the IDP team and help to define communication products for related key project activities concerning the promotion and protection of the IDPs, and define ways to give greater visibility to the CoE standards by attracting greater media interest;

- Creating brochures, flyers, graphics, presentations, and online training tools
- Publishing online newsletters and Communication strategy
- Planning and coordinating communications and Communication Strategy on IDP related issue and ensure presence in the media

- Coordinate the preparation of promotional multimedia material for the outreach activities and global campaigns on IDPs related matters
- Communication channels aiming at different target audiences with the overall objective to raise the visibility of the IDPs related issues
- Promote and co-ordinates public and media events; conducts interviews and prepares relevant texts for publication.

The consultants can be asked to undertake missions to provide the expected deliverables.

The above lists (under Lot 1, 2, 3, 4 and 5) of expected deliverables are 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 field of expertise object/scope of the present Framework Contract.

The Council will order (see Section D below on ordering procedure) specific deliverables similar to the ones listed above, provided they correspond to the project implementation needs and are within the range of the competencies of the selected Provider.

In terms of **quality requirements**, the selected Provider(s) must ensure, inter alia, that:

- The deliverables 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

The units of work under the present Framework Contract are time-based, i.e. daily fee.

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 this consultation and the subsequent selection are 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 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 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;
- 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

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

Eligibility criteria for Lots 1,2,3

- A university degree in law / political sciences / social sciences/ public administration/economy or related fields;
- At least 5 years of professional experience in areas related to the fields of expertise as described under the relevant Lots in the terms of reference above, acquired in an international context;
- Excellent knowledge of the English language (at least level C1 of the Common European Framework of Reference for Languages)
- A financial offer not exceeding the exclusion level set out in the Act of Engagement

Eligibility criteria for LOT 4

- A university degree in medicine/ psychology / social sciences/ public administration / or related fields;
- At least 5 years of professional experience in areas related to the fields of expertise as described under the Lot 4 in the terms of reference above, acquired in an international context;
- Excellent knowledge of the English language (at least level C1 of the Common European Framework of Reference for Languages)
- A financial offer not exceeding the exclusion level set out in the Act of Engagement

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 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.

Eligibility criteria for LOT 5

- A university degree in communication, social science, journalism, political science/or related fields;
- At least 5 years of professional experience in areas related to outreach, exhibitions, special events or campaigns;
- Excellent knowledge of the English language (at least level C1 of the Common European Framework of Reference for Languages)
- A financial offer not exceeding the exclusion level set out in the Act of Engagement

Award criteria for all Lots

- Quality of the offer (80%), including:
 - Relevance of the experience of the tenderer in the areas covered by this call (45%);
 - Academic background (30%)
 - Working knowledge of Russian and/or Ukrainian (at least level B2 of the Common European Framework of Reference for Languages (5%)
- Financial offer (20%).

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum)
- A motivation letter stating the Lot(s) tendered for and describing how the tenderer's experience and expertise meets the requirements of the expected types of deliverables as described above (1 page maximum)
- A few samples of the previous work/deliverables relevant to the experience the tenderer claims, including references/links to any publications, assessments/analyses, reports, studies etc.
- 3 (three) relevant references with contact persons' details
- Registration documents, for legal persons only.

**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 reserve 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.

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.