

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

Contract Number: DGregF22IT35-03



### Purchase of consultancy services: international expertise in the fields of multilevel governance and migrants' integration

The Council of Europe is currently implementing a project on reinforcing multi-level policy co-ordination for the integration of Third Country Nationals (TCN) in Italy. The project is funded under the EC DG Reform/CoE agreement, has a duration of two-years and the main beneficiary is the Italian Ministry of Labour.

In that context, it is looking for Providers for the provision of international expertise in the fields of multilevel governance and migrants' integration 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, 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: Tender – DGregF22IT35-03.** 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 – DGregF22IT35-03**

Type of contract ▶	Framework contract
Duration ▶	Until 18 September 2024
Deadline for submission of tenders/offers ▶	<b>10 February 2023</b>
Email for submission of tenders/offers ▶	<b>dgregf.italy@coe.int</b>
Email for questions ▶	<b>dgregf.italy@coe.int</b>
Expected starting date of execution ▶	15 February 2023

<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 project on reinforcing multi-level policy co-ordination for the integration of TCN in Italy aims at increasing the efficiency of policies for migrants' integration, through an enhanced multi-level and multi-stakeholders' co-ordination mechanism to foster the governance, the design and the implementation of integration measures at all levels.

Project objectives are:

- To establish an improved and more efficient multi-level and multi-stakeholder coordination mechanism on integration policies, and
- To strengthen the capacities of key stakeholders to work in synergy and to address migrants' integration needs in a more effective and efficient way.

The project plans to achieve the objectives above through:

- Research, consultations with relevant stakeholders, analysis of the existing mechanisms for multilevel governance and relevant European practice, policy and legal recommendations for designing and implementing an improved coordination mechanism for the integration of TCNs;
- Support to the activation of the new co-ordination mechanism;
- Thematic policy briefs and activities for exchanges and capacity building on priority topics in the field of migrants' integration, including in relation to the areas of labour exploitation, employment, non-discrimination, education, training, social and labour inclusion of migrant women and participation and anti-discrimination through sport and cultural activities;
- Thematic workshops for exchanges and peer-learning on main sectoral integration policy area;
- Research on existing good practices on the use of one-stop-shop (OSS) models for the integration of migrants
- Workshops/study visits on existing OSS models for integrated provision of services and relevant examples in EU Member and piloting of the approach.

The Council of Europe is looking for a maximum of 12 (twelve) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on international standards and practices in the fields of multilevel governance and migrants' integration.

This Contract is currently estimated to cover up to 10 activities to be held by 18 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 555,556 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.

### Scope of the Framework Contract

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

- Providing advice and expertise on international standards and practices, including on existing best practices and lessons learned, in the fields of multilevel governance and migrants integration through participation in meetings, expert revision of documents, drafting of research, analysis and reports;
- Drafting analytical reports, comparative analysis and assessments of existing international models in the fields of multilevel governance and migrants' integration;
- Contributing to the drafting of research, concept, planning and strategy papers, policy and legal briefs; action plans, analysis, assessments, reports and recommendations;
- Providing advice and contributing to the content, planning and facilitation of events and training with stakeholders;
- Contributing to the planning and conduct of study visits;
- Contributing to, analysing, assessing and revising legal, regulatory and policy documents;
- Planning, conducting and presenting comparative research on topics of relevance to the project.

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.

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 2.5 will be selected.

#### **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);

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<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 (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, 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](http://www.sanctionsmap.eu)).

#### *Eligibility criteria*

1. Master's level university degree in law, political sciences, social sciences, or related fields, with focus on immigration issues and/or multi-level governance, or equivalent experience as researcher or practitioner;
2. At least 5 years of experience in one or more of the following areas: research, analysis, legal and/or policy review, provision of legal and/or policy advice and recommendations, policy making, in the fields of migrants' integration, inclusion, diversity management and/or anti-discrimination.

#### *Award criteria*

1. Quality of the offer (90%), including:
  - a. Proven professional experience in performing tasks similar to those required under this call (see bullet points list under "Scope of the framework contract" under section B above), in particular in advising or supporting national or local authorities in designing or implementing reforms, providing comparative analysis and recommendations, drafting policy briefs and/or good practices examples, as well as in providing legal advice and support in areas related to this project; (45%)

<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 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).

- b. Proven and specific experience or knowledge in one or more of the following fields:
- multilevel governance, co-ordination mechanisms, one-stop-shop services for migrants' integration;
  - prevention and tackling undeclared work as well labour exploitation of migrants;
  - social and labour active policies (employment and skills) of vulnerable migrants;
  - education and training (improve achievement in education; foster the recognition of qualifications; providing targeted measures to access the labour market);
  - social and labour inclusion of migrant women;
  - participation and anti-discrimination through sport and cultural activities;
- with particular reference to international standards and existing good practices. (45%)

Financial offer (10%).

For Consultancy ONLY: 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<sup>4</sup>** (See attached);
- **Curriculum Vitae**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria and indicating contact details of two references;
- **Motivation letter** (maximum 1 page long - in word or pdf format)
- **Self-assessment document or table** (maximum 2 pages long – to be drafted by the tenderer - in word or pdf format) showing how the tenderer meets each of the eligibility and award criteria as listed under Section E (Assessment) above;
- **Sample of a document** recently drafted by the tenderer on a topic of relevance to this call, such as immigration or governance issues;
- A list of all owners and executive officers, 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 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.