

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

### PURCHASE OF NATIONAL CONSULTANCY SERVICES IN THE AREA OF PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS BH8730/06/2020



As part of the project on "Preventing and Combating Trafficking in Human Beings in Kosovo,"<sup>1</sup> the Council of Europe is looking for Provider(s) for the provision of training services in the areas of trafficking in human beings, to be requested by the Council on an as needed basis.

The project is implemented until December 2021.

#### 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>2</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, 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: "BH8730/06/2020 – National Consultancy Services Tender"**. 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: "BH8730/06/2020 – Questions on National Consultancy Services Tender"**

Type of contract ▶	Framework contract
Duration ▶	Until <b>23 December 2021</b>
Deadline for submission of tenders/offers ▶	10 January 2021
Email for submission of tenders/offers ▶	<a href="mailto:coe.pristina@coe.int">coe.pristina@coe.int</a>
Email for questions ▶	<a href="mailto:coe.pristina@coe.int">coe.pristina@coe.int</a>
Expected starting date of execution ▶	<b>1 February 2021</b>

<sup>1</sup> All reference to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with the United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>2</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 "Preventing and Combating Trafficking in Human Beings in Kosovo\*" of the Council foresees the implementation of a series of capacity building activities aiming to improve anti-trafficking responses in Kosovo\*: investigation, prosecution, adjudicating of cases concerning trafficking in human beings and victim identification, assistance and protection measures, by training relevant key stakeholders, mostly legal and law enforcement professionals: judges, prosecutors, lawyers, police investigators, border guards, etc.

The main partners and beneficiaries of the project are:

- National Anti-Trafficking Coordinator and Secretariat for Strategies - Ministry of Internal Affairs;
- Directorate against Trafficking in Human Beings - Kosovo Police;
- Kosovo Academy for Public Safety;
- Office of the Chief State Prosecutor - Office for Protection and Assistance to Victims;
- Kosovo Bar Association;
- Victims of trafficking and persons in vulnerable situations, in particular, women and children.

The Council of Europe is looking for a maximum number of 25 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the areas defined under the Lots below.

This Contract is currently estimated to cover up to 12 activities, to be held by 23 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 trafficking component of the action amounts to 18,000 Euros and the total amount of the object of the 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 Provider(s) to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
<b>LOT 1: Labour exploitation</b> (training for frontline officers and border guards to identify potential labour exploitation victims; training on cultural differences; best practice for THB experts; involving labour inspectors)	5
<b>LOT 2: Child trafficking</b> (training on communication with children, also for judges and prosecutors; identification of child trafficking, including child begging); better cooperation with social NGOs, labour inspectorates; social media monitoring)	5
<b>LOT 3: Victim identification</b> (links and difference between THB and illegal immigration; evidence gathering, alternative evidence, victims' rights, also for prosecutors, judges and labour inspectors; collecting evidence and interviewing techniques targeted at different forms of THB and different categories of victims)	5
<b>LOT 4 : Links to other crime types</b> (financial investigations and operations, asset recovery, drugs, firearms; general training for frontline officers including indicators of other crime, in addition to victim identification; general/awareness training for investigators working in other crime areas; awareness for THB as part of OCG crimes; connection with other crimes into which victims are forced)	5

<b>LOT 5 : Rights of victims</b> (need for training to ensure interests/rights of victims in criminal proceedings; trauma informed response to THB : techniques for interviewing victims (traumatised persons, children), victim identification and referral for support; finding alternative ways to evidence gathering instead of victims' testimony; training for law enforcement officials, prosecutors as well as judges as they safeguard victims' rights and interest during the proceedings)	5
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Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

**Tenderers may tender for one or several lot(s).**

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

- Participate, moderate and deliver presentations at stakeholder meetings, expert working groups, workshops, seminars, conferences and round tables;
- Prepare training modules and methodological tools/materials to professionals and institutions (developing guidelines, training curricula, standard operative procedures, upgrading existing tools, producing training materials based on the participants' needs analysis);
- Provide institutional capacity building, including but not limited to the following: technical training/workshops/round tables or training of trainers for different professional groups (e.g. law enforcement officials, legal professionals, members of police, labour inspectors, representatives of private sector, civil society organisations 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).

### 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 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 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<sup>3</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 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>4</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;

<sup>3</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.

<sup>4</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).

- 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*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F). These minimum criteria apply to each person(s) whose CV is provided:

- University degree in Law, preferably post graduate qualifications and/or at least 5 (five) years of professional experience in the area relevant to human trafficking, or related areas, at international level;
- Advanced knowledge of European human rights standards and implementation of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the Council of Europe Convention on Action against Trafficking in Human Beings;
- Advanced knowledge of Kosovo\* legal framework in the field of preventing and combating THB;
- Excellent oral and written knowledge of the English language (at least C1 or C2 level CEFR) and/or Albanian language, and/or Serbian language;
- Extensive experience in the field of development and delivery of training and resource materials in relation to the below areas of expertise:

1/ Prevention, investigation, prosecution, adjudicating of cases concerning trafficking in human beings, provision of legal assistance to victims of human trafficking, substantive and procedural law, protective measures.

2/ State compensation scheme, compensation claims in criminal and civil proceedings, protection and rights of trafficking victims during investigation and in-court proceedings.

3/ Detection, identification, referral of and/or assistance to victims of trafficking, including child victims, provision of psychosocial assistance and psychological support.

4/ Ethical reporting on trafficking in human beings - producing fact-based media/news reporting on human rights issues in a fair, balanced, ethical and gender-sensitive manner.

#### *Award criteria*

- Quality of the offer (80%), including:
  - Thematic expertise and relevance of experience of the tenderer, including the knowledge of the standards and recommendations of the CoE in the areas covered by this call (20%);
  - Experience in working with international organisations and the knowledge of international standards in the field of anti-trafficking (20%);
  - Knowledge of the local context in the anti-trafficking field, as well as local languages can be an advantage (40%).
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible 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>5</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A **Motivation letter** describing how the tenderer meets the eligibility criteria above and demonstrating the tenderer's understanding of the CoE standards (2 pages maximum);
- A sample of an English text recently drafted by the tenderer, preferably in a form of references/links to publications, analyses, reports, assessments, 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.**

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<sup>5</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.