

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of national intellectual consultancy services for the implementation of the Barnahus model in Ireland in the areas of legal review and training for legal and other relevant professionals



FC.DGII.BH4922.2022.01

The Council of Europe is currently implementing the Project "Barnahus Ireland: Supporting the implementation of the Barnahus model in Ireland". It is co-financed by the EU Structural Reform Support Programme and implemented in close cooperation with the EU DG Reform and the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) for the period 12/08/2022 to 11/02/2025.

In that context, the Council of Europe is looking for Providers for the provision of national intellectual consultancy services to provide technical assistance in the areas of 1) legal review and analysis and 2) training and support for legal and other relevant professionals.

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 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, a legal person or consortium of natural and/or legal person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: National consultancy tender legal analysis and training – Barnahus Ireland.** 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 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 - National consultancy tender legal analysis and training – Barnahus Ireland.**

Type of contract ►	Framework contract
Duration ►	Until 11 February 2025
Deadline for submission of tenders/offers ►	15 February 2023
Email for submission of tenders/offers ►	children@coe.int
Email for questions ►	children@coe.int
Expected starting date of execution ►	01 March 2023

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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

Barnahus is a leading European model for a child-friendly multidisciplinary and interagency response to child sexual abuse.

Ireland successfully implemented the Children First Act 2015, which introduced mandatory reporting of suspected child abuse. In 2019 the DCEDIY provided finance to support the implementation of a pilot "One House" Barnahus project in Galway, which is part of the PROMISE II project. Since January 2022 the centre in Galway, known as Barnahus West, is operational and the Child and Family Agency (Tusla), the Health Service Executive (HSE) and the National Police (An Garda Síochána) are able to provide their services under the same roof. The current project sets to address the challenges faced during the implementation of the pilot and to replicate the Barnahus model in the South (Cork) and East (Dublin).

The project has two main outputs:

1. The three Barnahus sites are initiated: the design and operations are set up, well coordinated and standardised
2. The Barnahus model is integrated into practice and staff is confident in its use and in applying interagency processes

As regards the first output, the Council of Europe is looking for a maximum of 20 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on review and analysis of national legal and policy frameworks on children's rights and training and support for legal and other relevant professionals.

Experts and professionals from different fields and sectors with diverse experience are sought, including legal experts, policy advisors, academia, researchers, professionals with practical experience of working in Barnahus-type contexts and/or work relating to the identification of, and response to child sexual abuse and the sexual exploitation of children.

This Contract is currently estimated to cover up 60 activities, to be held by 11 February 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 666,667 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 Provider(s) to support the implementation of the project and is divided into two (2) lots as detailed below.

Relevant Council of Europe standards for all lots include the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse (Lanzarote Convention), Council of Europe Guidelines on child-friendly justice, integrated national strategies for the protection of children from violence and the rights of the child in the digital environment.

Lots	Maximum number of Providers to be selected
Lot 1: Analysis and review of legal, policy and institutional frameworks in Ireland in line with international standards and good practices.	10
Lot 2:	10

Training and support for legal and other relevant professionals on responses to child sexual exploitation and abuse both online and offline with a focus on the role of the legal system.	
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Lot 1 concerns the provision of intellectual services for the **analysis and review of national legislation, relevant policies and institutional frameworks** pertinent to the establishment, operation, monitoring and evaluation of Barnahus in Ireland, and for the identification of and response to child sexual exploitation and abuse in Ireland in line with relevant Council of Europe, EU law, other international standards and good practices in this area.

Lot 2 concerns the provision of intellectual services for the **development of training materials, courses and other supporting materials** as well as **planning and delivery of training for legal and other relevant professionals**, in the area of responses to child sexual exploitation and abuse, both online and offline, in the context of effective and child-friendly operation of Barnahus in Ireland with a focus on the role of the legal system in that process.

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).

Scope of the Framework Contract

The pre-selected Providers may be requested to work independently or as part of a team with other Provider(s). Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the following types of services:

Under Lot 1: **Analysis and review of legislation and policies on child sexual exploitation and abuse**

- Review and analysis of national legislation, relevant policy documents, strategies and existing practices on the identification of and responses to child sexual exploitation and abuse and provision of comments, recommendations, reports, gap and needs analysis, etc.
- Drafting of analytical reports (risk assessments, needs and gap analysis, institutional reviews, etc.);
- Carrying out research relevant to the lot;
- Assessing of the effectiveness of Barnahus set up and procedures and development of strategies and tools for that purpose;
- Development of internal guidelines/protocols/materials on specific aspects related to the theme of the lot;
- Participation and contribution to conferences, roundtables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations;
- Mentoring beneficiaries on specific working processes and/or cases relevant to the lot.

Under **Lot 2: Training and support for legal and other relevant professionals**

- Assessment of training needs and gaps of target groups;
- Mapping of existing training materials and identification of good practices at national, European and/or international level for potential replication in Ireland;
- Development and adaptation of training courses, programmes, strategies and training materials (e.g. session plans, manuals, guidebooks, etc.) relevant to the lot, the needs of target groups and the context in Ireland;
- Conducting training relevant to the lot;
- Support for the development of internal guidelines, protocols, check-lists, monitoring and other tools on specific aspects related to the work of legal and other relevant professionals involved in cases of child sexual exploitation and abuse (e.g. on ensuring the best interests of the child and the role of the legal system);
- Mentoring beneficiaries on specific working processes and/or cases relevant to the lot;
- Participation and contribution to conferences, roundtables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations.

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).

Written documents produced by the Provider shall be either in English.

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 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;

² 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.

- 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, 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;
- 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).

Eligibility criteria

For natural persons:

- **For all Lots:**
 - A university/higher education degree in law, social sciences, human rights/children's rights or a related field;
 - At least 3 years of professional experience at international level or at national level of the country of residence/origin in the areas related to the fields of expertise as described within the specific Lots under the scope of this contract;
 - Good written and verbal command of English.
- **For Lot 2 (Training and support for legal professionals) in addition:**
 - At least 3 years of professional experience as criminal investigation officer/prosecutor/judge/legal advisor, including documented experience in the area of violence against children, including child sexual abuse investigation/prosecution/trial, online OR at least 3 years of practical experience from training the above-mentioned target groups.

³ 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).

For legal persons:

Same requirements as for natural persons mentioned above, to be applied for the natural persons allocated to the execution of the contract.

Award criteria

- Quality of the offer (70%), including:
 - Professional experience in the fields of expertise covered by this tender, including length of experience and proven track record of practical achievements in the given field;
 - If provided, relevance and quality of examples and sample deliverables (e.g. draft materials recently produced, training outlines or training methodologies employed);
 - Practical experience from working in a Barnahus-type context is considered as an advantage.
- Financial offer (30%).

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 Engagement⁴** (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;
- CVs of persons allocated to the execution of the contract, for legal persons only;
- **Motivation letter (optional)** demonstrating the tenderer's understanding of the Council of Europe needs and clearly indicating relevant professional experience and expertise for the lot(s) tendered for;
- Additional, as relevant: links and/or samples of previous work if in English or French.

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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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.