

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of national intellectual consultancy services for the implementation of the Barnahus model in different regions of Spain in the areas of legal review and training for legal professionals

FC.DGII.VC3272.2022.01

The Council of Europe is currently implementing a Project on Strengthening child-friendly justice through effective co-operation and coordination among different Barnahus-type services in the regions of Spain. It is co-financed by the EU Structural Reform Support Programme and implemented in close cooperation with the EU DG Reform and the Spanish Ministry of Social Affairs and Agenda 2030 for the period 6/7/2022 to 5/7/2024.

In that context, it 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 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 Spain.** 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 Spain**

| | |
|---|--------------------|
| Type of contract ▶ | Framework contract |
| Duration ▶ | Until 05 July 2024 |
| Deadline for submission of tenders/offers ▶ | 28 October 2022 |
| Email for submission of tenders/offers ▶ | children@coe.int |
| Email for questions ▶ | children@coe.int |
| Expected starting date of execution ▶ | 24 November 2022 |

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. In 2021, on 4th June 2021, Spain approved the Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence. This law (LOPIVI for its Spanish acronym) is unique in Europe for its comprehensive and holistic approach to protection, which encompasses awareness raising, prevention, early detection and reparation and places great importance on capacity building for professionals working with and for children, as well as child participation. Since in Spain the protection of children is a competence delegated to each region (Comunidad Autónoma), following the adoption of the LOPIVI, regional authorities will need to adapt their regional laws on protection of childhood and adolescence to comply with the new national law and take necessary action for the implementation of the new legal framework.

The EU-CoE Joint Project Barnahus in Spain, to be implemented by the Council of Europe's Children's Rights Division over 24 months (6 July 2022- 5 July 2024), sets to support the Spanish authorities in ensuring that all children who are victims of violence, including sexual exploitation and sexual abuse, benefit from a child-friendly access to justice and from strengthened and timely child protection services in Spain and its regions. It will go hand in hand with the practical implementation of the LOPIVI and will contribute in particular to the introduction and development of the Barnahus model in three different regions of Spain (pilot regions).

The project is divided into two main components:

1. Improving the legislative and policy framework to introduce the Barnahus model in Spanish regions
2. Strengthening capacities of relevant professionals to support the introduction of the Barnahus model at regional level.

As regards the first component, the Council of Europe is looking for a maximum of 30 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 and regional legal and policy frameworks on children's rights and training and support for legal 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 from working in Barnahus-type contexts and/or for the prevention and protection of violence against children, including sexual exploitation and sexual abuse.

This Contract is currently estimated to cover up to 60 activities, to be held by 5 July 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.

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, review and drafting of legal, policy and institutional framework in Spain in line with international standards and good practices. | 15 |
| Lot 2: Training and support for legal professionals on violence against children, including child sexual exploitation and abuse both online and offline, forensic interviewing of children, pre-constituted evidence, etc. | 15 |

Lot 1 concerns the provision of intellectual services for the **analysis, review and drafting of national and regional legislation, policies and institutional framework** relevant to the establishment, operation, monitoring and evaluation of Barnahus in Spain and for the prevention and protection of children against all forms of violence in Spain 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 professionals** (judges, prosecutors, lawyers and criminal investigation officers) in the area of combating violence against children, including child sexual exploitation and abuse (CSEA), online CSEA, forensic interviewing of children, pre-constituted evidence and/or in the context of effective and child-friendly operation of Barnahus in Spain and its regions with a focus on the role of legal professionals 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 violence against children**

- Review and analysis of national and regional legislation, policy documents, strategies and existing practices on violence against children -including child sexual exploitation and abuse- and provision of advice (in the form of an oral and/or written advice), preparation of legal opinions, comments, recommendations, reports, gap and needs analysis, etc.
- Following the adoption of Organic Law 8/2021 (LOPVI), analysis and recommend on how to introduce the Barnahus model in different Autonomous Communities, bringing regional legislation in line with the LOPVI.
- Drafting of analytical reports (risk assessments, needs and gap analysis, institutional reviews, etc.);
- Carrying out research relevant to the lot;
- Monitoring 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 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 Spain and its regions;
- 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 Spain and its regions;
- 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 professionals involved in cases of violence against children, including child sexual exploitation and abuse (e.g. on ensuring the best interests of the child and the principle of due process throughout criminal investigation and court proceedings, pre-constituted evidence, etc.);
- 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 Spanish or in English (to be specified in the contract), with an executive summary 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;
- 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;

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.

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).

- 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 and Spanish languages. Knowledge of Spanish regional languages would be considered as an asset.
- **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.

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 Engagement**⁴ (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, French or Spanish.

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.