

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of national intellectual consultancy services for the implementation of the Barnahus model in different regions of Spain in the areas of non-legal training, awareness-raising and child participation

FC.DGII.VC3272.2022.02

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) planning and delivery of interdisciplinary (non-legal) training for professionals on interagency coordination, forensic interviewing, collaboration and case management 2) development of training for professionals carrying out medical examinations; 3) awareness raising materials and sensitisation activities and 4) child participation and child safeguarding.

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 non-legal training and child participation– 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 non-legal training and child participation – 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](#).

A. EXPECTED DELIVERABLES

Background of the Project

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

In that context, the Council is looking for a maximum of 50 Providers (provided enough tenders meet the criteria indicated below) for the provision of national intellectual consultancy services to provide technical assistance in the following areas: planning and delivery of interdisciplinary training and support for non-legal professionals on interagency coordination, forensic interviewing, collaboration and case management; development of training for professionals carrying out medical examinations; awareness raising materials and sensitisation activities; and child participation and child safeguarding policies in Spain.

Experts and professionals from different fields and sectors with diverse experience are sought, including legal experts, 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 70 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 four (4) 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: Targeted and interdisciplinary (non-legal) training and support for professionals working for and with children with focus on interagency coordination, forensic interviewing, collaboration and case management.	15
Lot 2: Training and support of relevant professionals on medical examinations of child victims of violence, including child sexual exploitation and abuse.	10
Lot 3: Awareness raising and sensitisation of target groups on the Barnahus model and on violence against children, including child sexual exploitation and abuse both online and offline	15
Lot 4: Child participation and child safeguarding	10

Lot 1 concerns the provision of intellectual services for the **development of materials and other supporting tools** as well as **planning and delivery of interdisciplinary and targeted non-legal training** with an objective to facilitate and strengthen child-friendly interagency coordination, forensic interviewing of children, collaboration and case management within Barnahus and among professionals and regional and local authorities working for and with children (public authorities, social workers, law enforcement officers, health care professionals, psychologists, educators and other relevant child protection actors).

Lot 2 concerns the provision of intellectual services for the **development of materials, strategies and programmes and other supporting tools** as well as **planning and delivery training and support** for professionals carrying out or performing **medical examinations of child victims of violence**. Target groups include clinical psychologists, forensic doctors and other health care professionals.

Lot 3 concerns the provision of intellectual services for the **development of awareness-raising and sensitisation materials to promote and explain the Barnahus model** and for the **prevention and protection of children against** violence, including child sexual exploitation and abuse offline and in the digital environment. The target groups for awareness raising, sensitisation and promotional activities include children, parents, professionals working with and for children and their families as well as the wider public in Spain.

Lot 4 concerns the provision of intellectual services related to the **development of strategies, guidance and other supporting tools** related to **child participation and child safeguarding** as well as **planning and delivery of training and facilitation of activities** in these areas.

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: Targeted and interdisciplinary (non-legal) training and support for professionals working for and with children with focus on interagency coordination, forensic interviewing, collaboration and case management.**

- Assessment of training needs (for non-legal professionals) and gaps of target groups in Spain and in the different pilot regions;
- 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 (including police, child protection services, educators, social and health care workers, etc);

- Conducting targeted and/or multi-actor trainings relevant to the lot;
- Support for the development of internal guidelines, protocols, checklists, terms of references, other tools and materials to strengthen and facilitate interagency coordination, forensic interviewing of children, collaboration within Barnahus, data collection and management of violence against children cases -including child sexual exploitation and abuse- at national, regional and local levels.
- Advice and consultation on the physical infrastructure of Barnahus based on lessons learnt and best practices from other countries;
- 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.

Under Lot 2: Training and support for professionals carrying out medical examinations of child victims of violence, including child sexual exploitation and abuse.

- Research of existing practices relevant to the lot;
- Assessment of needs and gaps of target groups for training and sensitisation relevant to the lot in Spain and in the different pilot regions;
- Mapping of existing training, programmes and strategies 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, checklists, other tools and materials to strengthen and guide the forensic medical examination within Barnahus;
- Design and development of strategies, activities and tools for sensitisation for target groups;
- 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.

Under Lot 3: Awareness raising and sensitisation of target groups on the Barnahus model and on violence against children, including child sexual exploitation and abuse both online and offline

- Drafting, development and adaptation of awareness raising, prevention and informational materials for different target groups (children, parents, educators, wider public) in one or more of the following areas: risks and consequences of violence against children, including child sexual exploitation and abuse (CSEA), detection and reporting of CSEA, the Barnahus model and the interagency approach in Spain and its regions, rights of the child including in the digital environment (e.g. data protection, right to correspondence and privacy), online safety, etc.;
- Disseminating materials and implementing awareness-raising campaigns;
- 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.

Under Lot 4: Child participation and child safeguarding

- Development of strategies, internal guidelines, procedures, checklists, other tools and materials on child participation and child safeguarding in Barnahus and during the management of violence against children cases, including child sexual exploitation and abuse, from the initial report, referral to Barnahus and to court proceedings and convictions;
- Conducting child consultations to facilitate their participation in the design of relevant legal and policy instruments.
- Drafting and preparation of child-friendly materials inspired by good practice examples at national/European/international level, including child-friendly age-appropriate materials for children and adolescents in contact with the judicial system and support services;
- Development of methodologies for carrying out child participation activities and support for the facilitation, follow-up and analysis of child consultations;
- Mapping of existing training materials on child safeguarding and identification of good practices at national, European and/or international level for potential replication in Spain and its regions;

- Assessment of training needs and gaps of target groups as relevant to the lot;
- Conducting training relevant to the lot;
- Mentoring beneficiaries and partners on specific working processes relevant to the lot;
- Child 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.

B. 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 C below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

C. 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.

D. 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 medical examinations) **in addition:**
 - **Medical examinations:** At least 3 years of experience as a paediatrician, an academician or a professional in a related field; at least 1 year of experience from performing medical examinations on children with documented experience on child sexual abuse cases OR at least 3 years of experience from research.

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.

E. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

F. 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, 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.