**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**PURCHASE OF NATIONAL CONSULTANCY SERVICES IN THE AREAS OF PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS**

The Council of Europe is currently implementing (until May 2022) an action on “Strengthening the human rights protection of asylum seekers, migrants and victims of human trafficking in Turkey”. The action is implemented under the joint European Union (EU) and the Council of Europe (CoE) programme “[Horizontal Facility](https://mail.coe.int/owa/redir.aspx?C=-MlBhZa-8WtLbm8KI50iLeC1El9KClgZVJdMS7ox9FqtTnW9ufXXCA..&URL=https%2525253a%2525252f%2525252fwww.coe.int%2525252fen%2525252fweb%2525252fprogrammes%2525252fhorizontal-facility) for the Western Balkans and Turkey II (2019-2022)”.

In that context, the Council of Europe is looking for Provider(s) for the provision of national consultancy services in the areas of preventing and combating trafficking in human beings in Turkey to be requested by the Council on an as needed basis.

1. 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[[1]](#footnote-2), 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: “HF 30 – 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: “HF 30 – Questions on National Consultancy Services Tender”**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 23 May 2022 |
| **Deadline for submission of tenders/offers ►** | 30 June 2020 |
| **Email for submission of tenders/offers ►** | [ankara.office@coe.int](mailto:ankara.office@coe.int) |
| **Email for questions ►** | [ankara.office@coe.int](mailto:ankara.office@coe.int) |
| **Expected starting date of execution ►** | 1 July 2020 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe action “Strengthening the human rights protection of asylum seekers, migrants and victims of human trafficking in Turkey” is implemented under the [Horizontal Facility](https://www.coe.int/en/web/programmes/horizontal-facility) for the Western Balkans and Turkey II (2019-2022), a joint programme between the European Union (EU) and the Council of Europe (CoE). The action includes a series of activities that aim to assist Turkey in the effective implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (THB).

Based on recommendations made by the Group of Experts on Action against Trafficking in Human Beings ([GRETA](https://www.coe.int/en/web/anti-human-trafficking/greta)) in its first evaluation report on Turkey[[2]](#footnote-3), the action focuses in particular on measures to improve criminal justice response to human trafficking, measures to prevent THB for the purpose of labour exploitation and trafficking in children, as well as on measures to raise awareness of the THB phenomenon among national actors and the wider public.

The major planned **outputs** of the action are:

* Strengthened national and international efforts to support the development of the new Action Plan against THB;
* Strengthened criminal justice response to human trafficking;
* Strengthened prevention and protection among border management authorities;
* Strengthened prevention of child trafficking through increased operation between anti-trafficking and child protection systems;
* Strengthened action to prevent and combat THB for the purpose of labour exploitation;
* Strengthened knowledge-based policy approach to THB and improved policy communication;
* Increased awareness of local authorities, private actors – including trade unions, and of general public on the risks of THB and specific vulnerability situations

The Council of Europe is looking for a maximum of number 40 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 40 activities, to be held by 23 May 2022. 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 trafficking component of the action amounts to 1,350,000 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 the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| Lot 1: Prevention, investigation and prosecution of trafficking in human beings. | 10 |
| Lot 2: Trafficking in human beings in the context of migration | 10 |
| Lot 3: Child trafficking and child protection. | 10 |
| Lot 4: Trafficking in human beings for the purpose of labour exploitation. | 10 |

**Under Lot 1 - Prevention, investigation and prosecution of trafficking in human beings**

This lot includes conducting research, analysis and providing policy advice on ways to improve investigation, prosecution and adjudication of THB cases; developing training curriculum, courses and materials as well as conducting trainings for judges, prosecutors and lawyers; tutoring the already existing online HELP (Human Rights Education for Legal Professionals) course on trafficking in human beings; participating in the action meetings if appropriate (working groups, roundtables, etc.). The HELP course includes the adaptation of the standard online course into the national context, participating in the course launch event, tutoring course participants through the course and reporting the course results.

**Under Lot 2 - Trafficking in human beings in the context of migration**

This lot includes conducting research, developing indicators, guidelines and policy advice regarding the detection, identification, referral of, and/or assistance to the victims of human trafficking and training of the relevant key actors, in particular border management, migration and law enforcement authorities, social workers, etc.

**Under Lot 3** – **Child trafficking and child protection**

This lot includes conducting research, developing indicators, guidelines and policy advice regarding the detection, identification, referral of, and/or assistance to child victims of trafficking and training of relevant actors, including central and provincial administrative authorities, child protection professionals, social workers, etc. This lot also may require participating in meetings, roundtables and working groups related to the theme.

**Under Lot 4 – Trafficking in human beings for the purpose of** **labour exploitation**

This lot includes conducting research, developing indicators, guidelines and policy advice regarding the detection, identification, referral of, and/or assistance to the victims of human trafficking as well as training and sensibilization of the relevant key actors, in particular labour and other relevant inspectors, trade union members, private sector entities, administrative authorities, etc. This lot also may require participating in meetings, roundtables and working groups related to the theme.

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**

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, several or all lot(s).**

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

LOT 1:

* Conduct research, make analysis and draft reports (analysis of specific laws, review of policy documents, analysis of relevant case-law) and subsequently present findings in the scope of large-scale stakeholder meetings;
* Participate, moderate and deliver presentations in large-scale 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 trainings/workshops/round tables or training of trainers for different professional groups (e.g. labour inspectors, law enforcement officials, legal professionals, representatives of private sector, trade unions, recruitment agencies, civil society organisations, social workers, education professionals, health care professionals and media representatives).

LOT 2, 3, 4:

* Analyse national trends in the specific area of THB and subsequently draft a report on the subject. Based on the previous research findings, participate in the development of identification indicators in the relevant areas, which should be presented during experts’ meetings with stakeholders;
* Participate in the development of tools such as identification indicators and guidelines in the relevant areas;
* 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 trainings/workshops/round tables or training of trainers for different professional groups (e.g. labour inspectors, law enforcement officials, legal professionals, representatives of private sector, trade unions, recruitment agencies, civil society organisations, social workers, education professionals, health care professionals and media representatives).
* Provide institutional capacity building, in line with European standards, including but not limited to the following: technical trainings/workshops/round tables or training of trainers for different professional groups (e.g. labour inspectors, law enforcement officials, administrative authorities, legal professionals, representatives of private sector, trade unions, recruitment agencies, civil society organisations, social workers, education professionals, health care professionals and media representatives).

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).

1. 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](#bookmark) below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

1. 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[[3]](#footnote-4) (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.

1. 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)**[[4]](#footnote-5)**

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;
* 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:

Lot 1:

* University degree in Law, preferably post graduate qualifications;
* At least 5 (five) years of professional experience in the area of prevention of human trafficking or related areas, at national level;
* Excellent oral and written knowledge of Turkish language (preferably mother tongue level);
* Excellent oral and written knowledge of English language (at least B1 or B2 level CEFR).

Lot 2:

* University degree in the relevant field (Law, Public Policy, Political Science, Social Sciences, Business Management, Economics, Social Work, Law Enforcement or any other related field), preferably post graduate qualifications;
* At least 5 (five) years of professional experience in the area of migration and border security and management, at national level preferably;
* Excellent oral and written knowledge of Turkish language (preferably mother tongue level);
* Excellent oral and written knowledge of English language (at least B1 or B2 level CEFR).

Lot 3:

* University degree in Psychology, Social Sciences, Social Work, preferably post graduate qualifications;
* At least 5 (five) years of professional experience in the area of child protection, at national level preferably (experience in working with victims of human trafficking and/or SGBV, or in the field of humanitarian protection is considered an asset);
* Excellent oral and written knowledge of Turkish language (preferably mother tongue level);
* Excellent oral and written knowledge of English language (at least B1 or B2 level CEFR).

Lot 4:

* University degree in the relevant field (Law, Public Policy, Political Science, Social Sciences, Communication, Journalism or any related field or any other related field), preferably post graduate qualifications;
* At least 5 (five) years of professional experience in the area child labour, forced labour, trafficking, labour standards, labour law, at national level preferably;
* Excellent oral and written knowledge of Turkish language (preferably mother tongue level);
* Excellent oral and written knowledge of English language (at least B1 or B2 level CEFR).

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;
  + Experience in working with international organisations and the knowledge of international standards in the field of anti-trafficking;
  + Knowledge of the regional context in the anti-trafficking field, as well as of local languages can be an advantage.
* Financial offer (20%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED

* A completed and signed copy of the **Act of Engagement[[5]](#footnote-6)** (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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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
2. [The report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey, GRETA (2019)11](https://www.coe.int/en/web/anti-human-trafficking/turkey)  [↑](#footnote-ref-3)
3. 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. [↑](#footnote-ref-4)
4. 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). [↑](#footnote-ref-5)
5. 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. [↑](#footnote-ref-6)