

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



## Purchase of intellectual consultancy services to develop a study to measure progress related to the average duration of judicial processes of child sexual abuse cases in Finland.

### FC.DGII.BH4798.2023.01

The Council of Europe is currently implementing a Project on Ensuring child-friendly justice through the effective operation of the Barnahus-Units in Finland. It is co-financed by the EU Structural Reform Support Programme and implemented in close cooperation with the EU DG Reform and the Finnish National Institute of Health and Welfare (THL) for the period 1/9/2021 to 29/2/2024.

In that context, the Council is looking for Providers for the provision of intellectual consultancy services to carry out a study to measure progress related to the average duration of judicial processes of child sexual abuse cases. (See Section A of the Act of Engagement). [A study on the duration of such proceedings was carried out by the Finnish government in 2021.](#) The goal of the current study is to assess whether both the project activities and various other national initiatives have contributed towards any progress in shortening the lengthy proceedings, as well as to determine the impact of the COVID-19 pandemic on the duration of the proceedings.

#### A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>1</sup>, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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: Tender Study judicial proceedings – Barnahus Finland.** 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 seven 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 - Tender Study judicial proceedings – Barnahus Finland.**

Type of contract ▶	Framework contract
Duration ▶	Until 29 February 2024
Deadline for submission of tenders/offers ▶	<b>31 August 2023</b>
Email for submission of tenders/offers ▶	<b>children@coe.int</b>
Email for questions ▶	Teresa.Gil-Ricol@coe.int

<sup>1</sup> The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe.](#)

<b>Expected starting date of execution</b>	15 September 2023
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## B. 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 2019, Finland initiated its own nationwide Barnahus project to be implemented around the core of five university hospital expert units specialising on forensic psychology/psychiatry (Barnahus-units). The EU-CoE Joint Project Barnahus in Finland sets to support the Finnish authorities in addressing the needs and challenges identified since the launch of their project so as to reduce significant existing delays in the pre-trial and judicial processes of child sexual abuse cases in Finland.

The project is divided into three main components:

1. Improving the legislative and policy framework for the functioning of Barnahus services in Finland;
2. Strengthening inter- and multi-agency coordination mechanisms to reduce the delays in the duration of the judicial processes related to child victims of violence;
3. Increasing awareness on child sexual abuse through child participation.

The project aims to assess the impact the project activities have had on the duration of judicial processes of child sexual abuse cases in Finland. The study will also measure the impact of the COVID-19 pandemic on the duration of the processes.

The Council of Europe is looking for maximum 7 Providers in order to develop the study.

This Contract is currently estimated to cover up to 5 activities, to be held by 29 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.

### 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:

- Development of a methodology for the study
- Identification of data sources, research methods and existing bibliography
- Data analysis of information available in the Finnish National Statistics Service/Statistics Finland regarding judicial processes of child sexual abuse cases
- Analysis of the duration of judicial processes of child sexual abuse cases and comparison with the situation in 2020 and, within the limits of the data, a reflection on the factors affecting the duration (e.g. COVID)

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 addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).

### C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

### D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

#### **Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers for the relevant lot the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within five (5) working days after its reception. If a Provider is unable to take an Order or if no reply is given on his behalf within that deadline, the Council may call on another Provider using the same criteria, and so on until a suitable Provider is contracted.]

#### **Providers subject to VAT**

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote<sup>2</sup> (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

#### **Signature of orders**

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

### E. ASSESSMENT

#### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>3</sup>

<sup>2</sup> It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
- 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*

##### For natural persons:

- Minimum of 3 years of experience in conducting legal and policy research and legal drafting in Finland
- Minimum 1 year of experience working on the topic of children's rights in Finland
- Experience conducting research on the Finnish judicial system in at least one project in the last 5 years.
- At least B2 level in English and C1 level in Finnish.

##### 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 children's rights, child sexual abuse, research on judicial proceedings in Finland;
  - 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.

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- 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).

## F. NEGOTIATIONS

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

## G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement<sup>4</sup>** (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** 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.

**All documents shall be submitted in English, failure to do so will result in the exclusion of the tender.**

**If any of the documents listed above are missing, the Council of Europe reserves the right to reject the tender.**

**The Council reserves the right to reject a tender if the scanned documents are of such a quality that the documents cannot be read once printed.**

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<sup>4</sup> The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred.