**CALL FOR TENDERS**

for the provision of consultancy services for strengthening anti-trafficking action in North Macedonia

**2023AO33**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | Purchase of consultancy services for strengthening anti-trafficking action in North Macedonia |
| **Project ►** | Strengthening anti-trafficking action in North Macedonia |
| **Organisation and buying entity ►** | Council of EuropeDG Democracy and Human Dignity, Programme Office in Skopje |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 31 December 2026 |
| **Expected starting date ►** | 15 June 2023 |
| **Tender Notice Issuance date ►** | 13 April 2023 |
| **Deadline for tendering ►** | 15 May 2023 |

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.

* [**The TENDER RULES** 6](#_Toc445392376)

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

* **The ACT OF ENGAGEMENT** **(See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

**HOW DOES A FRAMEWORK CONTRACT WORK?**

**Stage 1:**

**Selection** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

**Stage 2:**

**Order(s)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**Execution** as from the date of signature of each Order, unless the Order concerned provides otherwise.

**HOW TO SUBMIT A TENDER?**

**Step 1:** Read the **TENDER FILE**

**Step 2:** Complete the **ACT OF ENGAGEMENT** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

**CALL FOR TENDERS**

**for the provision of consultancy services for strengthening anti-trafficking action in North Macedonia**

**2023AO33**

1. **Background**

The designed action will assist North Macedonia in fulfilling its obligations under the Council of Europe Convention on Action against Trafficking in Human Beings, following on country-specific GRETA recommendations and relevant national strategic framework. It will contribute to strengthening the institutional capacities of relevant institutions to prevent human trafficking, to protect victims of trafficking, as well as to develop and strengthen national anti-trafficking partnerships necessary to address specific forms of exploitation (labour trafficking, child trafficking).

The action is the continuation of the anti-trafficking action implemented within the framework of the European Union and Council of Europe joint programme Horizontal Facility for the Western Balkans and Türkiye and builds on the results of activities implemented during the phases I and II of the programme.

The main partners and stakeholders of the action are the National Commission for Combating Trafficking in Human Beings and Illegal Migration, Anti-Trafficking Task Force, Ministry of Interior, Ministry of Labour and Social Policy, State Labour Inspectorate and Centres for Social Work, Ministry of Education and Science, Ministry of Health, Ministry of Justice, Public Prosecutors Office, Academy of Judges and Prosecutors, mobile teams, civil society organisations, media and business sector representatives, as well as other relevant anti-trafficking stakeholders in North Macedonia.

The duration of the project is from 01 January 2023 to 31 December 2026.

The Council of Europe is looking for a maximum of 50 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on:

* Preventing and combating trafficking in human beings for the purpose of labour exploitation;
* Preventing and combating trafficking in children;
* Investigation, prosecution and judicial proceeding on trafficking in human beings, legal aid and compensation;
* Tasks of health professionals in preventing and combating THB;
* ICT-facilitated trafficking in human beings;
* Media reporting on stories about trafficking in human beings;
* Financial investigations, freezing and forfeiture of assets in THB cases.

This Contract is currently estimated to cover up to 50 activities, to be held by 31 December 2026. 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 950,000 Euros and the total amount of the object of present tender should in principle not exceed 110,000 Euros 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.

1. **LOTS**

The action will strengthen the anti-trafficking response in the areas such as THB for labour exploitation, child trafficking, access to justice and improved investigations and prosecution of traffickers by organizing capacity building activities, research and public awareness campaigns.

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: Preventing and combating trafficking in human beings for the purpose of labour exploitation | 10 |
| Lot 2: Preventing and combating trafficking in children  | 10 |
| Lot 3: Investigation, prosecution and judicial proceeding and trafficking in human beings, legal aid and compensation  | 10 |
| Lot 4: Task of health professionals in preventing and combating THB | 5 |
| Lot 5: ICT-facilitated trafficking in human beings | 5 |
| Lot 6: Media reporting on stories about THB | 5 |
| Lot 7: Financial investigations, freezing and forfeiture of assets in THB cases | 5 |

Lot 1: Multidisciplinary capacity-building of labour inspectors, police officers, social workers, training of trainers, development of curriculum and training materials;

Lot 2: Research on child trafficking, root causes, processing of child trafficking cases, development of recommendations for improved prevention and combatting child trafficking, drafting of annual operational plan and report of the Sub-group on child trafficking;

Lot 3: Research and analysis of investigation and prosecution of trafficking cases in view of detecting weaknesses and preparing recommendations for effective investigation, prosecution and court processing of THB cases, capacity building of prosecutors, judges, lawyers and police officers;

Lot 4: Capacity building of health professionals to detect, identify, assist and refer potential trafficking victims;

Lot 5: Adjustment of the ICT guide of GRETA to local conditions, capacity building activities for investigators from the cyber-crime unit, from the task force, prosecutors, judges, lawyers and NGOs;

Lot 6: Capacity building of communications officers from the courts, prosecution, police, media on victim-centred reporting;

Lot 7: Capacity building on parallel financial investigations with THB investigations for the police, prosecution and lawyers.

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).

1. **SCOPE OF THE FRAMEWORK CONTRACT**

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is not considered exhaustive.

**Conduct research, make analysis, draft reports and publications,** including but not limited to the following:

* analysis of specific laws with a view to indentifying gaps and prepare recommendations;
* preparation and review of policy documents with proposals;
* research on new trends in trafficking in human beings;
* information materials;
* analysis of relevant case-law.

**Prepare training modules and methodological tools/materials for target groups and institutions,** including but not limited to the following:

* developing guidelines, training curricula, rules of procedures, upgrading existing tools;
* producing training materials based on the participants’ needs analysis.

**Provide institutional capacity building,** including but not limited to the following:

* trainings/workshops/round tables or training of trainers for different professional groups (e.g. labour inspectors, law enforcement officials, legal proffessionals, representatives of private sector, trade unions, recruitment agencies, civil society organisations, social workers, education professionals, health care professionals, media representatives, financial investigators, etc.).

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.

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 unit fees, by completing the table of fees, as attached in Section A of the Act of Engagement. These fees are final and not subject to review.

The Council will indicate on each Order Form (see Section E below) the number and the total price of units ordered.

1. **HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)**

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

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.

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers of 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[[1]](#footnote-1) (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 Service 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* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[2]](#footnote-2)

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](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 G):

* University degree or higher qualification in a field relevant to the Lot(s) tendered for, such as Law, Public Policy, Political Science, Social Sciences, Social Work, Media and Communication, Psychology, Security, Medicine, IT, Economy or any related field;
* At least 2 years of professional experience in the area of interest relevant to the Lot(s) tendered for; and
* Excellent knowledge of Macedonian language (at least level C1 of the CEFR[[3]](#footnote-3)).

*Award criteria*

* Criterion 1: Quality of the offer (70% / 100%), including:
	+ Excellent knowledge of the national context in the anti-trafficking field (30%)
	+ Relevance of the experience of the tenderer in the areas covered by this call (15%);
	+ Knowledge of international standards in the field of anti-trafficking (10%).
	+ Experience in working with international organisations(15%).
* Criterion 2: Financial offer (30% / 100%)

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**
* **One** completed and signed copy of the Act of Engagement;[[4]](#footnote-4)
* A **detailed CV** **in English**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria. In the case of legal persons, the CV of all persons who will be designated to execute the contract must be provided;
* A list of all owners and executive officers, for legal persons only;
* Registration documents of legal persons accompanied by a list of all potential providers representing the organisation;
* Sample of relevant work (article, legal opinion, report, research analysis, training material etc.) in Macedonian or English language drafted by the tenderer;
* A motivation letter in English (2 pages maximum) highlighting the most relevant expertise regarding the lot(s) tendered for and demonstrating how the tendered meets the criteria listed above;
* Two references (contacts including phone number and e-mail address).

At the time a specific assignment is ordered from a tenderer (natural person) belonging to the category of local civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to submit a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the tenderer to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

Alternatively, at the time a specific assignment is ordered from a tenderer (legal person) assigning the production of the expected deliverables to an individual belonging to the category of local civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to verify and provide the Council of Europe with the necessary supporting documents confirming that this individual submitted a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the individual to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

**All documents shall be submitted in English or Macedonian, 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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**for the provision of consultancy services for strengthening anti-trafficking action in North Macedonia**

**2023AO33**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

Directorate General of Democracy and Human Dignity

**Background**

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.[[5]](#footnote-5)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 120 calendar days as from the closing date for their submission.

**ARTICLE 3 – DURATION OF THE CONTRACT**

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

**ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE**

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

**ARTICLE 5 – Content of the tender file**

The tender file is composed of:

* Technical specifications/Terms of reference;
* Tender rules;
* An Act of Engagement, including the Legal Conditions of the contract.

**ARTICLE 6 – LEGAL FORM OF TENDERERS**

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English or Macedonian, and shall be exclusively sent to the following address: HF.THB.skopje@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **electronically.**

**Electronic copies** shall be sent only to cdm@coe.int with reference no. **2023AO33** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 15 May 2023 by 23:59 CET.

**ARTICLE 10 – ASSESSMENT OF TENDERS**

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

**ARTICLE 11 – NEGOTIATIONS**

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

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**
* **One** completed and signed copy of the Act of Engagement;
* **A detailed CV in English**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria. In the case of legal persons, the CV of all persons who will be designated to execute the contract must be provided;
* A list of all owners and executive officers, for legal persons only;
* Registration documents of legal persons accompanied by a list of all potential providers representing the organisation;
* Sample of relevant work (article, legal opinion, report, research analysis, training material etc.) in Macedonian or English language drafted by the tenderer;
* A motivation letter in English (2 pages maximum) highlighting the most relevant expertise regarding the lot(s) tendered for and demonstrating how the tendered meets the criteria listed above;
* Two references (contacts including phone number and e-mail address).
1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **electronically.**

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023AO33** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 15 May 2023 by 23:59 CET.

1. It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part. [↑](#footnote-ref-1)
2. 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 en equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth requirements listed above under “exclusion criteria” are met;
	* A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement 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-2)
3. <https://www.coe.int/en/web/common-european-framework-reference-languages/cefr-descriptors> [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
5. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-5)