

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of international intellectual consultancy services to support the project Council of Europe Consultation Group on the Children of Ukraine



Contract N° FC.DGII.1381.2024

The Council of Europe is implementing a Project on the Council of Europe Consultation Group on the Children of Ukraine (CGU) until 31 July 2025. In that context, it is looking for Provider(s) for the provision of intellectual services and technical expertise to be requested by the Council on an as needed basis.

A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €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 180 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 consortia of legal and/or natural persons.

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 – Provision of intellectual services to the Council of Europe Consultation Group on the Children of Ukraine.** 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: Questions - Provision of intellectual services to the Council of Europe Consultation Group on the Children of Ukraine.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 July 2025
Deadline for submission of tenders/offers ▶	02 December 2024 23h59 CET
Email for submission of tenders/offers ▶	cgu@coe.int
Email for questions ▶	cgu@coe.int
Expected starting date of execution ▶	09 December 2024

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

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe Consultation Group on the Children of Ukraine (CGU) project aim is to act as a cooperation platform to facilitate dialogue and the exchange of information, in a multilateral setting, on policies regarding children of Ukraine residing in Council of Europe member states. In particular, the CGU facilitates cooperation in order to: exchange information on legal and policy frameworks regarding the situation, status and needs of children from Ukraine residing in its member states; advise on the reform of the Ukrainian child protection and care system; facilitate the sharing of relevant information, and, as far as possible, the coordination of measures taken with regard to the best interests of the children of Ukraine. Although the Consultation Group has all the classical traits of an inter-governmental committee, it is set up as an international cooperation project and funded under the Action Plan of Ukraine until 31 July 2025.

The Council of Europe is looking for 5 (five) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on private international law, notably complex transnational aspects affecting children of Ukraine including parental abduction; assessing and raising awareness of suitable education models for children of Ukraine in Council of Europe member states; the role of local authorities (i.e. municipalities) in enhancing the rights of children of Ukraine and assessing the preconditions of safe return of children of Ukraine back to Ukraine from CoE member states; child protection and childcare services and systems relevant to children affected by Russia's war of aggression against Ukraine; understanding the specific trauma of war-affected children of Ukraine, including children having returned following unlawful deportation to the Russian Federation, Belarus and temporarily controlled or occupied territories.

This Contract is currently estimated to cover up to 25 [*twenty-five*] activities (provision of strategic advice, research, mapping documents, compilations, studies, guidance notes, matrices, etc.), to be carried out by 31 July 2025, with possibility of extension beyond that date in accordance with Section A of the Act of Engagement. 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 849,143.00 Euros and the total amount of the object of present tender **shall not exceed 25,000 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 Framework contract concerns provision of international intellectual consultancy services on private international law, notably complex transnational aspects affecting children of Ukraine including parental abduction; assessing and raising awareness of suitable education models for children of Ukraine in Council of Europe member states; the role of local authorities (i.e. municipalities) in enhancing the rights of children of Ukraine and assessing the preconditions of safe return of children of Ukraine back to Ukraine from CoE member states; child protection and childcare services and systems relevant to children affected by Russia's war of aggression against Ukraine; understanding the specific trauma of war-affected children of Ukraine, including children having returned following unlawful deportation to the Russian Federation, Belarus and temporarily controlled or occupied territories, and other relevant thematic areas.

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

- Undertake research, provide studies, comparative analyses, matrices, guidelines;
- Draft comprehensive reports presenting recommendations and pragmatic solutions to support the work of the CGU;
- Support the evaluation of adopted and implemented reform of laws and policies, mechanisms, structures, resources and tools, actors and/or practices related to the protection of children's rights, notably those affected by Russia's war of aggression against Ukraine;
- Participate and, where needed, provide advice to the CGU Secretariat and help steer the work of revolving thematic topics (i.e. hearings and other events) or of the relevant Thematic Dialogue Groups, Plenary meeting of the CGU or other events as requested.

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.

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).

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 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);

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

Signature of orders

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

E. ASSESSMENT

Exclusion criteria and absence of conflict of interests

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

Tenderers shall be excluded from participating in the tender procedure if they:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
- have been involved in mismanagement of the Council of Europe funds or public funds;
- are or appear to be in a situation of conflict of interest;
- are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure.

Eligibility criteria

- An advanced university degree, in law, political or social science or other relevant professional qualification with proven experience, knowledge and practical understanding of the international legal standards applicable to children's rights;
- Having at least 3 years of professional experience in the areas related to the fields of expertise as described in the Tender File under the scope of this contract and strong knowledge of the context;
- Excellent communication skills as confirmed by drafting skills in English and excellent spoken English, equivalent to at least B2 level of the Common European Framework of Reference for Languages.

Legal persons and consortia are requested to include in their bids the profiles of a minimum of 2 persons proposed to be assigned to the contract. The Council reserves the right not to accept the inclusion in the contract of persons not satisfying the eligibility criteria and to reject a bid entirely when less than 2 profiles included in an offer satisfy the eligibility criteria. If awarded a contract, legal persons or consortia undertake to always assign work related to the execution of the present contract to the persons accepted for inclusion in the contract by the Council.

Award criteria

- Criterion 1: Quality of the offer (80%), including:

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.

- Professional experience in at least one or in several fields of expertise covered by this tender, including length of experience and proven track record of practical achievements in the given field (15%);
 - Thematic expertise in the relevant area(s), primarily the in-depth knowledge of the basic international standards and recommendations of the Council of Europe in the areas covered by this tender (15%);
 - Relevance and quality of examples and sample deliverables (e.g. draft materials recently produced, training outlines or training methodologies employed); provided or referred to by the tenderer in the areas covered by the tender (10%);
 - In-depth knowledge of the standards and work of international organisations on children's rights, including child safeguarding principles (15%);
 - Experience and track record of dealing with/addressing legal and policy issues related to the displacement in the context of international armed conflict, child safeguarding, child poverty and discrimination, child-friendly justice, child participation, access to education and mental health and psychological support (15%);
 - Experience in international assistance project, in particular in the field of children's rights (10%).
- Criterion 2: Financial offer (20%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

F. NEGOTIATIONS

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

G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement⁴** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- A list of publications and relevant work done annexed to the CV.

All documents shall be submitted in English, in Word or PDF format, 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.