

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



## Purchase of intellectual services in the field of Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) financial intelligence [Contract N° ECCD-FI-2024]

The Council of Europe is currently implementing the project "Strengthening the risk assessment mechanisms and the AML/CFT strategic analysis function of the Polish Financial Intelligence Unit" until 28 September 2024, as well as the project "Enhancing the capabilities for risk-based AML supervision and financial intelligence in Bulgaria" until 30 November 2025. The projects are part of the 2022 and 2023 Council of Europe / European Union joint Technical Support Instrument (TSI) Programme that provides tailor-made technical expertise to EU Member States to design and implement reforms.

In that context, the projects are looking for Provider(s) for the provision of intellectual services in the field of AML/CFT financial intelligence, and more specifically in the area of strategic analysis and open-source intelligence (OSINT), 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 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 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 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 – Financial intelligence – PL/BG.** 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 4 (four) 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 Financial Intelligence – PL/BG.**

Type of contract ▶	Framework contract
Duration ▶	Until 30 November 2025
Deadline for submission of tenders/offers ▶	<b>02 September 2024 23h59 CET</b>
Email for submission of tenders/offers ▶	<b>DGI-EconomicCrime@coe.int</b>
Email for questions ▶	<b>contact.econcrime@coe.int</b>
Expected starting date of execution ▶	09 September 2024

<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 DELIVERABLES

### Background of the Project

The Council of Europe is currently implementing the project "Strengthening the risk assessment mechanisms and the AML/CFT strategic analysis function of the Polish Financial Intelligence Unit" until 28 September 2024, as well as the project "Enhancing the capabilities for risk-based AML supervision and financial intelligence in Bulgaria" until 30 November 2025. The projects are part of the 2022 and 2023 Council of Europe / European Union joint Technical Support Instrument (TSI) Programme that provides tailor-made technical expertise to EU Member States to design and implement reforms. More specifically, the projects aim to assist the Financial Intelligence Units in Poland and Bulgaria with strengthening their AML/CFT financial intelligence function, and namely the performance of strategic and operational analysis, which should also entail the use of OSINT techniques.

The Council of Europe is therefore looking for a maximum of 8 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 field of Financial Intelligence Units (FIUs)' operational and strategic intelligence, and namely in the area of strategic analysis and OSINT techniques.

This Contract is currently estimated to cover up to 8 activities, to be held by 30 November 2025. 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 "Strengthening the risk assessment mechanisms and the AML/CFT strategic analysis function of the Polish financial intelligence unit" amounts to 533,334 Euros, while the total budget of the project "Enhancing the capabilities for risk-based AML supervision and financial intelligence in Bulgaria" amounts to 583,333 Euros. 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: AML/CFT FIU strategic analysis	4
Lot 2: Use of open-source intelligence to support FIUs' operational and strategic analysis	4

Lot 1 concerns the provision of intellectual services aimed at supporting FIUs in Poland and Bulgaria with enhancing the performance of their strategic analysis function, namely with regard to the development of various strategic analysis products, the intelligence cycle (e.g. planning and tasking, data collection, collation and evaluation, analysis, report drafting, and other) development and dissemination of strategic analysis products and reports (trends, typologies, indicators, risk assessments).

Lot 2 concerns the provision of intellectual services aimed at supporting FIUs in Poland and Bulgaria with further enhancing their employees' skills with regard to OSINT trends, tools and techniques and their practical application to the intelligence analysis and processing of money laundering and terrorist financing cases.

The Council will select the above-mentioned 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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 50 (within a scoring system from 0 to 100) will be selected under each Lot.

### Scope of the Framework Contract

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

#### Under Lot 1:

- 1) Draft analytical reports in the area of strategic analysis, such as: needs and gap analysis, institutional effectiveness reviews, guidance documents, inclusive of desk work and participation in on-site assessment visits, where required.
- 2) Prepare training curricula, training modules and related training materials for the FIU representatives on carrying out strategic analysis functions.
- 3) Conduct in person training activities on strategic analysis.
- 4) Participate and contribute to events (conferences, workshops, seminars, roundtable discussions, high-level meetings, on-site assessments etc.).

#### **Under Lot 2:**

- 1) Draft analytical reports in the area of open-source intelligence related to the FIU and Law Enforcement Agencies (LEAs) work, such as: needs and gap analysis, institutional effectiveness reviews, guidance documents, inclusive of desk work and participation in on-site assessment visits, where required.
- 2) Prepare training curricula, training modules and related training materials for the FIU (and LEAs per need) representatives on using open-source intelligence for operational and strategic analysis.
- 3) Conduct in person training activities on using open-source intelligence to support the FIU (and LEAs per need) operational and strategic analysis functions.
- 4) Participate and contribute to events (conferences, workshops, seminars, roundtable discussions, high-level meetings, on-site assessments etc.).

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).

#### **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 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<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>

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;

<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:

- 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).

- 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;
- 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 legal persons and consortia:

- University degree in law, economics or finance, information technology (IT) or in a related field of each of the **persons allocated to the execution of the contract**. Exceptionally, the degree or qualification requirement may be waived if the candidate has equivalent professional experience of more than five years.
- If tendering for Lot 1, at least seven years of relevant professional experience of each of the **persons allocated to the execution of the contract** in areas of work related to anti-money laundering/countering financing of terrorism out of which three years of experience of work in a Financial Intelligence Unit in operational or strategic analysis.
- If tendering for Lot 2, at least four years of relevant professional experience of each of the **persons allocated to the execution of the contract** in the area of open-source investigation techniques. Experience in the FIU (e.g. operational and strategic analysis) or LEAs work will be considered as an asset.
- Written and spoken fluency in English or French of each of the **persons allocated to the execution of the contract** (Level C1/C2 on CEFR).

##### For natural persons:

- University degree in law, economics or finance, information technology (IT) or in a related field. Exceptionally, the degree or qualification requirement may be waived if the candidate has equivalent professional experience of more than five years.
- If tendering for Lot 1, at least seven years of relevant professional experience, **as a natural person**, in areas of work related to anti-money laundering/countering financing of terrorism out of which three years of experience of work in a Financial Intelligence Unit in operational or strategic analysis.
- If tendering for Lot 2, at least four years of relevant professional experience, **as a natural person**, in the area of open-source investigation techniques. Experience in the FIU (e.g. operational and strategic analysis) or LEAs work will be considered as an asset.
- Written and spoken fluency in English or French (Level C1/C2 on CEFR).

#### *Award criteria*

##### For legal persons and consortia:

- Criterion 1: **Quality of the offer** (70%), including:
  - Demonstrated professional experience or technical expertise of each of the persons assigned to the execution of the contract in the areas of work covered by the tender.
  - Proven track record of contributions and achievements in the given field.
- Criterion 2: **Financial offer** (30%).

##### For natural persons:

- Criterion 1: **Quality of the offer** (70%), including:
  - Demonstrated professional experience or technical expertise in the areas of work covered by the tender.
  - Proven track record of contributions and achievements in the given field.
- Criterion 2: **Financial offer** (30%).

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 Engagement<sup>4</sup>** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- In the case of legal persons and consortia, the CVs of persons assigned to the execution of the contract;
- A list of all owners and executive officers, for legal persons only;
- Registration documents, for legal persons only;
- Motivation letter demonstrating the tenderer's understanding of the Council of Europe needs as well as its compliance with the eligibility criteria listed above. The motivation letter shall also indicate the areas of expertise of the tenderer in the areas of work covered by the tender;
- At least one sample of an English or French text recently drafted by the tenderer; the legal persons shall submit one such sample for each person assigned to the execution of the contract;
- 3 (three) professional referees' contact details.

**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.