

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

### Purchase of online/in person moderation and training services on anti-discrimination Contract N° DAD-ADD/NHSCU(2020)28



The Council of Europe is currently implementing until 31 December 2021a Project on strengthening access to justice through non-judicial redress for victims of discrimination, hate crime and hate speech in the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, and Ukraine).

In that context, the Council of Europe is looking for Providers (see below) for the provision of online/in person moderation of project meetings and activities, and online/in person training provision on anti-discrimination topics, 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 €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: Tender online/ in person moderation and training on anti-discrimination.** 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 online/in person moderation and training on anti-discrimination.**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2021
Deadline for submission of tenders/offers ►	<b>04 September 2020</b>
Email for submission of tenders/offers ►	<a href="mailto:tenders.antidiscrimination@coe.int">tenders.antidiscrimination@coe.int</a>
Email for questions ►	<a href="mailto:anti-discrimination@coe.int">anti-discrimination@coe.int</a>
Expected starting date of execution ►	15 September 2020

<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 a Project on "Strengthening access to justice through non-judicial redress for victims of discrimination, hate crime and hate speech in the Eastern partnership countries", financed by the European Union and the Council of Europe in the framework of their Partnership for Good Governance phase II.

The project has the following objectives:

- Support the development of legislation on anti-discrimination, hate crime and hate speech and its implementation in line with European human rights standards
- Assist the country stakeholders in the improvement of their procedures and tools for disaggregated data gathering on discrimination, hate crime and hate speech
- Develop the capacity of Equality bodies/ Ombudsoffices and NGOs to assist men and women from vulnerable groups in pursuing discrimination complaints through relevant non-judicial redress mechanisms
- Raise awareness of the work of 'equality bodies' / Ombudsoffice and related non-judicial redress mechanisms is increased among women and men from vulnerable communities, general public, and NGOs.

The project implementation phase started in May 2019 and continues until 31 December 2021.

The project foresees specific national level activities in the following countries: Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine. Furthermore, the project foresees regional activities involving entities from the 6 project countries as well.

At the moment, the project foresees for autumn 2020 and 2021 a number of online/ in person meetings, such as conferences, seminars, training courses, webinars.

The Council of Europe is looking for 24 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on moderation of online/in person meetings and training in the field of anti-discrimination.

This Contract is currently estimated to cover up to 20 activities, to be held by 31.12.2021. 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 1 265 000 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: Moderation for project activities (online and in person seminars, conferences, etc.)	12
Lot 2: Training provision on topics related to discrimination in online and in person environments	12

Lot 1 concerns moderation for project activities (online and in person seminars, conferences, etc.), including the drafting of the agenda of the meeting, the facilitation of different agenda items, using interactive techniques to elicit participant engagement, evaluation of meeting results, using the appropriate online tools for moderation, etc.

Lot 2 concerns training provision on topics related to discrimination for target groups such as staff of equality bodies/Ombudsoffices, civil servants, NGO representatives, etc in online and in person environments. The provider is expected to have specific knowledge in the field of discrimination, including European standards, legislative provisions on the topic, responses to discrimination, combating hate speech and hate crime etc.

The provider is also expected to have specific expertise in conducting training online and in person, using appropriate interactive methodologies for developing participants skills, knowledge and understanding of discrimination topics.

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

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

Under Lot 1:

- draft of the agenda of the meeting
- facilitate/moderate different agenda items of the meeting
- use interactive techniques to elicit participant engagement during the meeting
- evaluate meeting results
- use the appropriate online tools for moderation.

Under Lot 2:

- Coordinate the organisation of training sessions
- Develop the curriculum of training session and propose an appropriate methodology
- Act as trainer in online/in person sessions and courses on discrimination topics
- Conduct evaluation of training activities
- Adopt appropriate online tools and methods for online trainings.

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.

#### FOR CONSULTANCY SERVICES ONLY:

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.

For Consultancy ONLY: 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;
- 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;

<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 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 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*

- A higher education degree
- At least 5 years of experience in the field of anti-discrimination, combating hate speech or hate crime
- At least 5 years of experience with moderation (for Lot 1) or training (for Lot 2)
- Evidence of past experiences of using online tools for training and meeting organisation purposes.

#### *Award criteria*

- Quality of the offer (70%), including:
  - Expertise in the field of discrimination, hate speech and/or hate crime
  - Knowledge of the specific country context in the field of discrimination, hate speech and/or hate crime for the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine)
  - Skills of working online as moderator or trainer
  - Knowledge of the languages spoken in the Eastern Partnership countries.
- Financial offer (30%).

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;
- A list of all owners and executive officers, for legal persons only;
- **A motivation letter of maximum 2 pages, highlighting the tenderer's competences as required in the award criteria**
- **Two 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.