

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of local consultancy (intellectual) services for implementation of the project "Combatting violence against women in Ukraine" Contract N° 8755-2021-FC2



The Council of Europe is currently implementing the Project "Combatting violence against women in Ukraine (COVAW)". The duration of the Project is until 31 December 2022. In that context, the Project is looking for Provider(s) for the provision of local consultancy (intellectual) services in the area of combatting violence against women and domestic violence 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 €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, a legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email addresses indicated in the table below, with the following reference in subject: COVAW_Local consultancy services**. 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_COVAW_Local consultancy services**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2022
Deadline for submission of tenders/offers ▶	04 June 2021
Email for submission of tenders/offers ▶	COVAW.Ukraine@coe.int
Email for questions ▶	COVAW.Ukraine@coe.int
Expected starting date of execution ▶	15 June 2021

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 Project "Combatting Violence Against Women in Ukraine (COVAW)" (the Project) began in January 2021 and will run through December 2022. Firmly rooted in the Istanbul Convention, the project provides technical cooperation support for reforms regarding violence against women and domestic violence in Ukraine. COVAW advances the fight against violence against women and domestic violence and ratification of the Istanbul Convention, supports national legislation and policy reforms related to counteracting domestic violence, and raises the awareness of authorities and the Ukrainian public to support women's human rights.

The COVAW project focuses on two key aspects to propel Ukraine forward in its efforts to combat violence against women and domestic violence and pave the way towards its ratification of the Istanbul Convention; awareness raising and legislative frameworks.

COVAW puts considerable focus on raising awareness regarding the Istanbul Convention in the Verkhovna Rada and at multiple levels of government. Awareness raising activities additionally focus on the general public in diverse regions of Ukraine, bringing to light both the problem of violence against women and domestic violence in Ukraine, the need to combat it, and the role and benefits of the Istanbul Convention and other international standards in this area. This includes raising awareness of society on combating stereotypes and gender inequality as well as regarding risks of domestic violence.

In addition, through COVAW the Council of Europe continues to support the enhancement of legislative and institutional frameworks drawing Ukraine closer to full implementation of the Istanbul Convention. Considering steps taken by Ukraine to align its national legal and policy framework with the requirements of the convention, the COVAW project provides technical assistance to the government of Ukraine to identify areas for prioritisation to deepen needed measures.

The Project beneficiary institutions are the Ministry of Social Policy (Kyiv and in selected amalgamated communities) and Verkhovna Rada/Parliament of Ukraine. Other partners include the Government Commissioner for Gender Equality, Ukrainian Bar Association, selected Ukrainian civil society organisations including media outlets, and other key Ukrainian authorities responsible for the implementation of the Istanbul Convention.

This Contract is currently estimated to cover up to 20 activities, to be held by 31 December 2022. 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.

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.

The Council of Europe is looking for maximum up to 14 Local Providers/ Consultants (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 awareness raising and legislation, in accordance with the Lots below:

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: Raising awareness of MPs, civil servants, local self-governance bodies, NGOs, media and the Ukrainian public concerning both the Istanbul Convention and violence against women	7
Lot 2: Conducting gap analysis in current legislation and policy regarding violence against women and domestic violence and providing recommendations for revisions of policy and legislation provided to bring Ukraine in line with implementation requirements of the Istanbul Convention are issued	7

Lot 1 concerns the provision of intellectual services in the area of **raising awareness of MPs, civil servants, local self-governance bodies, NGOs, media and the Ukrainian public concerning both the Istanbul Convention and violence against women**

Lot 2 concerns the provision of intellectual services in the area of **harmonisation of national policy, legal framework and practices with the Council of Europe and other international standards related to combatting violence against women and domestic violence** in one or more of the following areas: prevention of VAW and DV, victims' protection, criminal prosecution, interagency coordination in the area of combatting violence against women and domestic violence.

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:

Under Lot 1:

- To develop an "Entry package" for the Ministry of Social Policy as the Coordinating body in the area of combatting VAW and DV to promote zero tolerance policy towards violence, and provide recommendations with promising practices on its implementation;
- To prepare and to deliver on-line or face-to-face trainings on raising awareness for the representatives of MoSP, local authorities and general public on regional level in the project selected regions;
- To contribute to design and development of visibility and informational materials for advocacy campaigns on ratification of the Istanbul Convention in Ukraine (slogans/messages, videos, posters, leaflets, etc.).
- To develop awareness raising materials about the Istanbul Convention for MPs, civil servants, self-governance bodies, NGOs, media and the Ukrainian public;
- To participate and to contribute to the conferences, round tables, workshops and other project events focused on promotion of implementation and ratification of the Istanbul Convention, combating violence against women and domestic violence, including through moderating/facilitating discussions and preparing and delivering presentation(s).

The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project. Outputs must be developed in English and Ukrainian.

Under Lot 2:

- To contribute to the review of policy documents/legal framework/secondary legislation (draft documents and/or documents in force) and/or practice and provision of advice (in the form of an oral and/or written advice), preparation of legal opinions, comments, recommendations, reports etc.;
- To contribute to the development of internal guidelines/protocols/materials on specific aspects related to the theme of the lot;
- To participate and contribute to conferences, round-tables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations.

The local consultant may be asked to undertake missions to provide the expected deliverables. Costs of the missions will be covered by the Project. Outputs must be developed in English.

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 number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

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 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);
- 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.

² 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.

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 or are likely to be in a situation of conflict of interests.

Eligibility criteria

- A bachelor's degree in law, political sciences, social sciences, international relations, public or business administration or related fields (in case of legal entities it relates to all experts to be engaged in the ordered activities and should be therefore mentioned in their CVs);
- At least 3 years of professional experience in areas related to the fields of expertise as described for each lot under the scope of the contract above (in case of legal entities it relates to all experts to be engaged in the ordered activities and should be therefore mentioned in their CVs);
- Experience in developing training curricula, delivering trainings, courses, materials, methodologies as well as conducting researches in the thematic area related to the scope of the project (in case of legal entities it relates to all experts to be engaged in the ordered activities and should be therefore mentioned in their CVs).

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G)

Award criteria

- Quality of the offer (**80%**), including:
 - Thematic knowledge and related expertise in the sphere of violence against women and domestic violence prevention primarily the in-depth knowledge of policy, legal framework and standards in the areas of expertise (30%);
 - Relevance of the experience and competences of the tenderer in the areas covered by this call, including previous similar assignments at the local level and with international organizations and international projects (30%);
 - Excellent knowledge of the Ukrainian language and very good written and good oral command of English for communication and cooperation with International experts (at least level B2 of the Common European Framework of Reference for Languages) -20%;
- Financial offer (**20%**)

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

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;
- Registration documents, for legal persons only;
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility and award criteria (4 pages maximum). For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
- A Motivation letter describing how the tenderer meets the requirements related to the fields of expertise as described under the scope of the contract above (1 page maximum). For legal entities, this letter should also include a list of all natural persons who shall be allocated to the execution of the contract;
- At least two examples of the previous work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims, of which at least one should be in English. For legal persons, at least two examples of the previous work/deliverables reference/links to publications, legal reviews/analyses, reports, studies, etc. relevant to the experience the tenderer claims and produced by the natural persons allocated to the execution of the contract, of which at least one is in English.
- Contact information of 2 referees (full name, company/organisation, position, e-mail address and phone).

The Council reserves the right to require additional supporting documents if necessary.

All documents shall be submitted in English (except registration documents for legal persons / private entrepreneurs, which may be submitted in Ukrainian), 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.