

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of international consultancy services in the field of internal displacement in Ukraine



### Contract N° 8748/2021/FC/1

In the framework of the Council of Europe Action Plan for Ukraine 2018-2022, the Council of Europe is currently implementing the Project "[Internal Displacement in Ukraine: Building Solutions – Phase II](#)" (hereinafter – the Project).

In that context, it is looking for Provider(s) for the provision of intellectual services on the human rights protection and integration of internally displaced persons and the conflict-affected population in Ukraine, to be requested by the Council of Europe 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: IDP II-International 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 Council of Europe 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\_IDP II-International Consultancy Services.**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2022
Deadline for submission of tenders/offers ►	<b>10 May 2021</b>
Email for submission of tenders/offers ►	<a href="mailto:Internally.Displaced.Persons@coe.int">Internally.Displaced.Persons@coe.int</a>
Email for questions ►	<a href="mailto:Internally.Displaced.Persons@coe.int">Internally.Displaced.Persons@coe.int</a>
Expected starting date of execution ►	<a href="#">01 June 2021</a>

<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

In the framework of the Council of Europe Action Plan for Ukraine 2018-2022, the Council of Europe is currently implementing the Project "Internal Displacement in Ukraine: Building Solutions – Phase II" (hereinafter – the Project) which aims at facilitating the successful integration of internally displaced persons (hereinafter – IDPs) at local level and advancing the human rights protection of the conflict-affected population based on gender-sensitive and participatory approaches.

**The Project is being implemented from 1 January 2021 to 31 December 2022 and focuses on three major components:**

- I. Advancing the scope and implementation of the legal and regulatory framework on the protection and restoration of the human rights of IDPs and other conflict-affected population.
- II. Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population.
- III. Facilitating the integration of IDPs by promoting and implementing digital solutions.

The Council of Europe is looking for a maximum of forty (40) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise in the areas defined under the Lots below.

This Contract is currently estimated to cover up to thirty (30) activities to be implemented 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.

For information purposes only, the total budget of the project amounts to 1,000,000 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: Advancing the scope and implementation of the legal and regulatory framework on the protection and restoration of human rights of IDPs and other conflict-affected population.	20
Lot 2: Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population.	10
Lot 3: Facilitating the integration of IDPs by promoting and implementing digital solutions.	10

The Council of Europe will select the abovementioned number of Providers per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lots they are tendering for (see Section A of the Act of Engagement). **Tenderers may tender for one or several lot(s).**

### Scope of the Framework Contract

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

**Under Lot 1: Advancing the scope and implementation of the legal and regulatory framework on the protection and restoration of human rights of IDPs and other conflict-affected population:**

- Review of international and European standards, including the case law of the European Court of Human Rights on access to justice, housing and property rights for IDPs and conflict-affected population;

- Analyse Ukrainian legislative and regulatory framework and/or court practice in light of the international and Council of Europe standards on the protection and restoration of human rights of IDPs and other conflict-affected population;
- Advice on the elaboration of judicial and non-judicial mechanisms to ensure the human rights protection of IDPs and other conflict-affected population in a transitional period;
- Provide an overview of the experience of post-conflict countries (including court practices) in:
  - (a) Regulating issues such as access to justice, housing and property rights for IDPs and other conflict-affected population.
  - (b) Setting up rule-of-law entities and human rights protection mechanisms in post-conflict settings to ensure access to justice, housing and property rights for IDPs and other conflict-affected population.
  - (c) Developing the recognition of civil statuses and civil law transactions in post-conflict transitions.
- Provide recommendations on effective tools for compensation/restitution for destroyed/damaged housing and property accessible to IDPs and other conflict-affected population;
- Conduct research on the role of the judiciary, bar associations as well as National Human Rights Institutions (NHRIs) in post-conflict transitions;
- Develop a methodology and/or carry out comparative studies on human rights aspects of transitional justice and the reintegration process;
- Contribute to conferences, round-tables and similar events online and face-to-face, including through moderating discussions and delivering presentations on the topics above;
- Develop and/or proofread informational products (publications, manuals, leaflets etc.) on the topics above.

**Under Lot 2: Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population:**

- Provide an overview of the experience of post-conflict countries in the assessment of needs of IDPs and conflict-affected population at the local level;
- Carry out analysis of IDP-focused initiatives run by socially responsible businesses in post-conflict countries;
- Design and deliver capacity building activities on the provision of psycho-social support to IDPs and the conflict-affected population as well as on strengthening community resilience at the local level (including the practice of treatment of post-traumatic stress disorder (PTSD));
- Advise on the development of gender-sensitive public policies aimed at fostering the integration of IDPs and enhancing the human rights protection of the conflict-affected population at the local level;
- Provide recommendations on fostering the participation of IDPs and conflict-affected population in local decision-making;
- Conduct research and compile good practices and guidance on the provision of social and legal services to IDPs and conflict-affected population at the local level;
- Contribute to conferences, round-tables and similar events online and face-to-face, including through moderating discussions and delivering presentations on the topics above;
- Develop and/or proofread informational products (publications, manuals, leaflets etc.) on the topics above.

**Under Lot 3: Facilitating the integration of IDPs by promoting and implementing digital solutions:**

- Provide recommendations, advice and guidance on strategic and practical matters in the field of digital solutions regarding internal displacement in Ukraine;
- Provide an overview of the experience of other countries in implementing online and digital tools (websites, mobile applications, online registers, databases etc.) for the provision of services to IDPs and conflict-affected population;
- Suggest innovative digital initiatives in the context of internal displacement in Ukraine.
- Contribute to conferences, round-tables and similar events online and face-to-face, including through moderating discussions and delivering presentations on the topics above;

- Develop and/or proofread informational products (publications, manuals, leaflets etc.) on the topics above.

The consultants may be asked to undertake missions to Ukraine and/or to other countries to provide the expected deliverables.

The above list is neither considered definitive nor 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 G. 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 of Europe 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) 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 or are likely to be in a situation of conflict of interests.

#### *Eligibility criteria*

### **Lot 1 – Advancing the scope and implementation of the legal and regulatory framework on protection and restoration of human rights of IDPs and other conflict-affected population:**

- A university degree in law / political sciences / international relations / public administration / or related fields; OR being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling (for legal persons);
- At least three (3) years of experience in the areas of expertise described under Lot 1 acquired in the context of internal displacement or forced migration in a lasting conflict and/or post-conflict environment;
- Working knowledge of English (B2/C1/C2 level of the Common European Framework of Reference for Languages (CEFR)).

<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 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.

**Lot 2 – Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population:**

- A university degree in law / political sciences / social sciences / public administration / gender studies or related fields; OR being a registered legal entity or a private entrepreneur specialised in the field of human rights, law, social protection, legal counselling (for legal persons);
- At least three (3) years of experience in the areas of expertise as described under the Lot 2 acquired in the context of internal displacement or forced migration in a lasting conflict and/or post-conflict environment;
- Working knowledge of English (B2/C1/C2 level of the Common European Framework of Reference for Languages (CEFR)).

**Lot 3 – Facilitating the integration of IDPs by promoting and implementing digital solutions:**

- A university degree in computer science, programming, digital solutions or related fields; certification with proven practical experience may be accepted in lieu of a university degree; OR being a registered legal entity or a private entrepreneur specialised in the field of IT, web design/development or related fields (for legal persons);
- At least three (3) years of experience in designing, programming and/or implementing digital tools in the field of human rights, social protection, public services, health, legal aid;
- Working knowledge of English (B2/C1/C2 level of the Common European Framework of Reference for Languages).

*Award criteria*

**Lot 1 – Advancing the scope and implementation of the legal and regulatory framework on protection and restoration of human rights of IDPs and other conflict-affected population:**

- Quality of the offer (80%), including:
  - Relevance of the experience of the tenderer in the areas covered by this call (30%);
  - Experience in policy analysis and/or legal/judicial practice based on international and/or Council of Europe standards in the field of human rights protection of IDPs and other conflict-affected people (35%);
  - Familiarity with the context of internal displacement in Ukraine (15%);
- Financial offer (20%).

**Lot 2 – Strengthening local authorities in responding to the needs of IDPs and the conflict-affected population:**

- Quality of the offer (80%), including:
  - Relevance of the experience of the tenderer in the areas covered by this call (30%);
  - Experience in providing services to international organisations (25%);
  - Familiarity with the context of internal displacement in Ukraine (25%);
- Financial offer (20%).

**Lot 3 – Facilitating the integration of IDPs by promoting and implementing digital solutions:**

- Quality of the offer (80%), including:
  - Relevance of the experience of the tenderer in the areas covered by this call (30%);
  - Experience in designing and implementing digital solutions in the context of internal displacement or forced migration (25%);
  - Familiarity with the context of internal displacement in Ukraine (25%);
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible 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, demonstrating that the tenderer fulfils the eligibility criteria; For legal persons, the CV of each natural person who shall be allocated to the execution of the contract should be submitted;
- Up to 1 A-4 page motivation letter describing how the tenderer fulfils the eligibility criteria and has experience that matches the areas mention in the relevant LOTs;
- Up to 5 files - examples of previously accomplished assignments which correspond to the expected deliverables and eligibility criteria of the relevant LOTs (for example, publications/assessments/analyses; reports/studies; trainings conducted; documents drafted etc.) – in English, or a summary in English if these are prepared in another language;
- Registration documents, for legal persons only.

**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.