



CALL FOR TENDERS

FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE FIELD OF DEMOCRATIC GOVERNANCE

2020/AO/28

| | |
|--|--|
| Object of the procurement procedure ▶ | Local consultancy services in the field of democratic governance |
| Project ▶ | Projects and Programmes within Council of Europe Action plan for Ukraine (Chapter III, Section 3.1) implemented by Democratic Governance Division |
| Organisation and buying entity ▶ | Council of Europe Directorate General II – Democracy Directorate of Human Dignity, Equality and Governance Democratic Governance Department Good Governance Division - Centre of Expertise for Good Governance |
| Type of contract ▶ | Framework Contract |
| Duration ▶ | Until 31 December 2022 |
| Expected starting date ▶ | 13 July 2020 |
| Tender Notice Issuance date ▶ | 28 May 2020 |
| Deadline for tendering ▶ | 19 June 2020 |

TABLE OF CONTENTS

This Tender File contains:

- **The TERMS OF REFERENCE**..... 3
The TERMS OF REFERENCE describe what will be expected from the selected Providers.
- **The TENDER RULES**..... 8
The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A FRAMEWORK CONTRACT WORK?

STAGE 1:

SELECTION of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

STAGE 2:

ORDER(S) are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

EXECUTION as from the date of signature of each Order, unless the Order concerned provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE FIELD OF DEMOCRATIC GOVERNANCE 2020/AO/28

A. BACKGROUND

The Council of Europe has been providing assistance to Ukraine in the field of democratic governance for more than a decade. These projects, with the overall objective to support decentralisation and establishment of a sustainable local governance system in Ukraine, are implemented by the Council of Europe Centre of Expertise for Good Governance (Good Governance Division of Democratic Governance Department). Currently, the Centre is implementing the project on “Decentralisation and local government reform in Ukraine” to be completed on 30 September 2020 and a new co-operation project is planned to commence on 1 October 2020. The projects are implemented in co-operation with local, regional, national and international stakeholders, and are aimed both at improving the legislation and at strengthening the institutional capacity of all tiers of government through policy advice, legislative assistance, capacity-building (training, preparation of indices, feasibility studies, etc.) and inter-governmental support.

The Council of Europe is looking for a maximum of 50 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of projects with a particular expertise on democratic governance in Ukraine.

This Contract is currently estimated to cover up to 700 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.

For information purposes only, the total budget of the projects amounts to 5 000 000.00 Euros and the total amount of the object of present tender should in principle not exceed 450,000.00 Euros 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.

B. SCOPE OF THE FRAMEWORK CONTRACT

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

Under lot 1 – Legal and policy advice in the field of public administration, local government and decentralisation reform:

- provide legal and policy advice: assess and comment on legal and policy documents in line with the Council of Europe’s standards and identified good practice;
- prepare analytical reports, overviews, background papers and recommendations;
- draft manuals, guidelines and thematic brochures;
- participate in events (meetings, consultations, peer reviews, workshops, conferences, high level meetings, study visits), prepare and make presentations;
- moderate and facilitate discussions;
- support the preparation of relevant questionnaires, opinion polls, other surveys.

Under lot 2 – Capacity-building for public authorities in the area of democratic governance:

- implement and adapt the capacity-building tools of the Council of Europe Centre of Expertise for Good Governance (<https://www.coe.int/en/web/good-governance/toolkits>), provide training courses, adapt training programmes, conduct assessments, carry out needs analysis, support in the development of project proposals by the national beneficiaries;
- draft manuals, guidelines and thematic brochures;
- participate in events (meetings, consultations, peer reviews, workshops, conferences, high level meetings, study visits), prepare and make presentations;
- moderate and facilitate discussions;
- participate in selection panels.

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 and/or Ukrainian (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 unit fees, by completing the table of fees, as attached in Section A of 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 **Error! Reference source not found.** below) the number and the total price of units ordered.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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 3 (three) working days after its reception.

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.

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 Service 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 quote¹ (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);

¹ It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service 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 Service 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 (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

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

Eligibility criteria

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

Lot 1 – Legal and policy advice in the field of public administration, local government and decentralisation reform:

- Master's Degree (or equivalent) preferably in law, public administration, public policy, political science, sociology, economics, preferably with focus on local and regional government, or other relevant field;
- Minimum five years of relevant experience at the national level in undertaking specific research, providing legal advice, legal opinions, overviews and recommendations in the relevant field;
- Excellent Ukrainian language skills.

Lot 2 – Capacity-building for public authorities in the area of democratic governance:

- Master's Degree (or equivalent) preferably in law, public administration, public policy, political science, sociology, economics, preferably with focus on local and regional government, or other relevant field;
- Minimum five years of relevant experience at the national level in undertaking specific research, consolidating data, developing training modules, providing training and delivering capacity-building activities;
- Excellent Ukrainian language skills.

Award criteria

Lot 1 – Legal and policy advice in the field of public administration, local government and decentralisation reform

Criterion 1: Quality of the offer (75%), including:

Thematic knowledge and related experience (45%), including:

- in the field of public administration, local government and decentralisation reform;

² 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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.

- in the development and implementation of national policy and reform papers;
- in providing legal and policy advice to national, regional and local authorities;
- excellent knowledge on the Council of Europe standards in the fields of local government and good governance at local level;
- knowledge of one of the official languages of the Council of Europe (English, French) would be an advantage.

Level and relevance of the capacities of the tenderer (30%), including:

- research, analysis, writing and reporting skills;
- communication and team work, in an international environment.

Criterion 2: Financial offer (25%)

Lot 2 – Capacity-building for public authorities in the area of democratic governance

Criterion 1: Quality of the offer (75%), including:

Thematic knowledge and related experience (45%), including:

- knowledge and experience in capacity-building activities, training for public authorities;
- knowledge of the capacity-building toolkits developed by the Council of Europe Centre of Expertise for Good Governance;
- knowledge of one of the official languages of the Council of Europe (English, French) would be an advantage.

Level and relevance of the capacities of the tenderer (30%), including:

- research, analysis, writing and reporting skills;
- training skills;
- communication and team work, in an international environment.

Criterion 2: Financial offer (25%)

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- Completed and signed copy of the Act of Engagement.³
- A detailed **CV** in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A **motivation letter** in English, demonstrating clearly experience and expertise required;
- At least three **samples of the previous work** (preferably in English or in Ukrainian, relevant deliverables / links to publications etc.);
- **Registration documents**, for legal persons and private entrepreneurs only (a copy in the Ukrainian language with a summary translation in English);
- 3 (three) **referees' contact details**.

All the documents shall be submitted in English and/or Ukrainian languages as indicated above, 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.

³ 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.

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.

* * *

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE FIELD OF DEMOCRATIC GOVERNANCE

2020/AO/28

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General II – Democracy
Directorate of Human Dignity, Equality and Governance
Democratic Governance Department
Good Governance Division - Centre of Expertise for Good Governance

F – 67075 STRASBOURG Cedex
FRANCE

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, or a legal person except consortia.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: decentralisation.ua@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically only to cdm@coe.int**. Tenders submitted to another e-mail account will be excluded from the procedure;

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 19 June 2020.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

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

* * *

⁴ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- Completed and signed copy of the Act of Engagement;
 - A detailed CV in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
 - A motivation letter in English, demonstrating clearly experience and expertise required;
 - At least three samples of the previous work (preferably in English or in Ukrainian, relevant deliverables / links to publications etc.);
 - Registration documents, for legal persons and private entrepreneurs only (a copy in the Ukrainian language with a summary translation in English);
 - 3 (three) referees' contact details.
-

2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically** only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

The deadline for the submission of tenders is 19 June 2020.