

TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of local consultancy services to undertake research and draft a mapping study BH 8585/2019/13

The Council of Europe (the Council) is currently implementing a Project on protecting children from sexual exploitation and sexual abuse in the Republic of Moldova in the framework of the Council of Europe Action Plan for the Republic of Moldova (2017-2020). In that context, the project recruits Provider(s) for the provision of research and drafting services to be requested by the Council of Europe on a needs-basis.

A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 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, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: *Moldova VC 1841 - LC mapping study***. 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 three 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_ Moldova VC 1841 - LC mapping study***.

Type of contract ►	Framework contract
Duration ►	Until 31 December 2019
Deadline for submission of tenders/offers ►	30 April 2019
Email for submission of tenders/offers ►	Lucia.popescu@coe.int
Email for questions ►	Lucia.popescu@coe.int
Expected starting date of execution ►	06 May 2019

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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe project "Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova" implemented in the framework of the Council of Europe Action Plan for the Republic of Moldova (2017-2020) aims at supporting the Republic of Moldova to effectively implement the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse ("Lanzarote Convention") and strengthen the state response towards child sexual exploitation and sexual abuse. It has three key components focusing on: 1) harmonization of the legal and policy framework; 2) capacity building of professionals; and 3) awareness raising for the prevention and protection of children against sexual exploitation and sexual abuse. The project duration is 15 months with the implementation period of 15 October 2018-15 January 2020.

The first project component foresees the following outcomes and outputs:

Immediate outcome 1.2: The child protection system's capacity to design and implement measures and responses in cases of child sexual exploitation and sexual abuse is strengthened	
Output 1.2.1: In consultation with major stakeholders, baseline study on the systemic issues affecting the child protection system's response to child sexual exploitation and sexual abuse, to support the enhancement of appropriate tools and measures and any relevant policy and institutional reforms	Output 1.2.2: Proposals are available to identify risks and address gaps and deficiencies in the policy, institutional and legislative frameworks concerning prevention and fight against child sexual exploitation and sexual abuse

In this context, the project will carry out **a mapping study on systemic issues affecting the child protection's system response to child sexual exploitation and abuse and the effective implementation of the Lanzarote Convention (including inter-agency coordination aspects).**

The Council of Europe is looking for a maximum of 2 (two) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of these activities with a particular expertise on the Lanzarote Convention, national child protection frameworks as well as previous experience from research and interagency coordination and collaboration to prevent and protect children from sexual exploitation and abuse.

This Contract is currently estimated to cover up to 5 set of activities, to be completed by 31 December 2019. 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 400,000 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.

Type of deliverables ▼	Maximum number of Providers to be selected
<i>In co-ordination with other selected providers (if applicable):</i> <ul style="list-style-type: none"> Carry out research to support the international consultant(s) with identification, mapping and analysis of relevant Moldovan background information, legal, policy and procedural framework and other documents. 	2
<i>In co-ordination with other selected providers (if applicable):</i> <ul style="list-style-type: none"> Contribute with comments to the drafting of the research methodology of the mapping study. 	
<i>In co-ordination with other selected providers (if applicable):</i> <ul style="list-style-type: none"> Contribute with relevant information and statistics to the desk study part of the mapping carried out by the international consultant(s), including providing comments, additional research, etc. as requested. 	
<i>In co-ordination with other selected providers (if applicable):</i> <ul style="list-style-type: none"> Prepare for and participate in an on-site research in the Republic of Moldova to validate and further explore indicative findings of the desk study; Prepare for and participate in a half-day de-briefing workshop to be organised jointly with all key stakeholders. 	
<i>In co-ordination with other selected providers (if applicable):</i> <ul style="list-style-type: none"> Contribute with comments and inputs to the drafting of the final report for the mapping study; Contribute with comments and inputs to the presentation of conclusions and recommendations at national level to key stakeholders in the Republic of Moldova. 	

In co-ordination with other selected providers (if applicable):

- *Providing technical support for the Moldovan authorities and other stakeholders in the implementation of the recommendations put forward by the mapping study, as relevant and requested (timeline and tasks to be confirmed in collaboration with the authorities).*

Scope of the 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 of Europe– 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 of Europe to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council of Europe 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 of Europe, 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 this consultation and the subsequent selection are 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 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 Act of Engagement. In case of non-compliance with these fees, 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;
- 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.

CRITERIA FOR NATURAL PERSONS

Eligibility criteria

- University degree, or other professional qualification, in law or political science, children's rights, with proven practical experience of the international standards in the area of child protection and combating child sexual exploitation and abuse;
- Minimum of 5 years of professional experience at national level (in the Republic of Moldova) in an area related to protection of children against sexual exploitation and sexual abuse at national or international level;
- Similar assignments with international organisations/clients will be an asset;
- Experience to work in an international environment;
- Demonstrated drafting and writing skills in English.

Award criteria

- Quality of the offer (90%), including:
 - Thematic expertise in the relevant area, knowledge of the standards and recommendations of the Council of Europe in the areas covered by this call (40%);
 - Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations (40%);
 - Knowledge of the national and regional context in the areas covered by this call (10%).
- Financial offer (10%).

CRITERIA FOR LEGAL PERSONS

Eligibility criteria

- At least 3 years of experience at national level (in the Republic of Moldova) in the areas related to the fields of expertise as described under the scope of the contract above;

For all natural persons (experts) allocated to the execution of the contract⁴ within the Tender submitted by the legal person:

- University degree, or other professional qualification, in law or political science, children's rights, with proven experience, knowledge and practical understanding of the international standards in the area of child protection and combating child sexual exploitation and abuse;
- Minimum of 5 years of professional experience at national level (in the Republic of Moldova) in an area related to protection of children against sexual exploitation and sexual abuse at national or international level;
- Similar assignments with international organisations/clients will be an asset;
- Experience to work in an international environment;

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.

⁴ The legal person could allocate more than one natural persons (experts), but it must be ensured that the person(s) assigned by the legal person for this assignment shall be available to execute all the assignments included in the present contract.

- Demonstrated drafting and writing skills in English.

Award criteria

- Quality of the offer (90%), including:
 - Thematic expertise in the relevant area, primarily the in-depth knowledge of the Moldovan legislation and implementation practices as well as the basic international standards and recommendations of the Council of Europe in the areas covered by this call (40%);
 - Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations (40%);
 - Capacity to adapt to the context in the areas covered by this call (10%).
- Financial offer (10%).

If the bid of a legal person is considered eligible, the award criteria shall then be applied both to the Tenderer/legal person and individually to all natural persons proposed by the legal person and the assessment shall be carried out cumulatively.

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁵ (See attached);
- Registration documents, for legal persons only;
- A detailed CV, 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 of the expected types of deliverables related to the fields of expertise as described under the scope of the contract above (1 page maximum). For legal persons, this letter should include a list of all natural persons who shall be allocated to the execution of the contract; this list may not be altered in the event that the legal person's bid is successful;
- At least two examples of the previous work/deliverables reference/links to publications, legal assessments/analyses, reports, studies, etc. relevant to the experience the tenderer claims (in English);
- At least one example of a presentation during public events.

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 tender will not be considered.

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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⁵ The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement must be sent as a compiled document. For all scanned documents, .pdf files are preferred.