**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of intellectual services (local consultancy) to support the Project Enhancing Social Human Rights in Armenia -*Contract N°* BH9198-2024-01**

The Council of Europe is currently implementing a Project VC 3684 on enhancing social human rights in Armenia, with particular focus on the protection of social rights of the refugees from the Karabakh region and other vulnerable persons and groups in Armenia. The project is implemented from 1 January 2024 to 31 December 2025. In that context, the Council of Europe is looking for the provision of local consultancy services in the area of social human rights, with special emphasis on the housing, employment, vocational education and training, as well as labour rights, to be requested by the Council on an as needed basis.

1. 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[[1]](#footnote-2), the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 180 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 address indicated in the table below, with the following reference in subject: Tender – BH9198-2024-01.** 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 - Tender – BH9198-2024-01.**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 December 2025 |
| **Deadline for submission of tenders/offers ►** | **11 July 2024** 23h59 CET (UTC+4) |
| **Email for submission of tenders/offers ►** | [**tender.armenia-BH9198@coe.int**](mailto:tender.armenia-BH9198@coe.int) |
| **Email for questions ►** | emma.mkrtchyan@coe.int |
| **Expected starting date of execution ►** | **03 August 2024** |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe is currently implementing a Project on enhancing social human rights in Armenia, with particular focus on the protection of social rights of the refugees from the Karabakh region and other vulnerable persons and groups in Armenia. In that context, it is looking for a maximum of 10 Provider(s) for the Lot 1, and 5 Providers per lot for the Lots 2 and 3 respectively, for provision of local consultancy services in the area of the social human rights, with special emphasis on the housing, employment, vocational education and training, labour rights as provided by the provisions of the European Social Charter vis-à-vis the national legislation of Armenia, reporting to the European Committee of Social Rights (ECSR) on the implementation of the ESC requirements, and other tasks, to be requested by the Council on an as needed basis, in compliance with the ordering procedure defined in the Framework Contract.

In order to support Armenia in enhancing the protection of the social human rights of the refugees from the Karabakh region, other vulnerable persons and groups, as well as public at large, the activities are proposed under three main project components, as follows:

* To Support the strengthening of Armenia’s legal and policy framework in the sphere of social rights in line with the Council of Europe standards, particularly in the area of housing, employment, including vocational education and training, and labour rights.
* To strengthen the capacities of national authorities, the Armenia’s Human Rights Defender’s Office and the CSOs in order to enhance the protection of social rights of the refugees of the Karabakh region, other vulnerable persons and groups and public at large, and to implement and monitor the observance of social rights in accordance with the European Social Charter and the case-law of the European Committee of the Social Rights; to sensitize the decision-makers of the procedure for accepting new provisions of the European Social Charter, as well as of the Collective Complaint procedure.
* To reinforce the awareness of refugees from the Karabakh region on their rights and entitlements in the area of social rights, as well as of the provision of social services at national and local levels.

This Contract is currently estimated to cover up to 20 (twenty) activities, to be held by 31 December 2025. 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 600,000 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:** Consultancy services in the area of social rights as provided by the European Social Charter, with a specific focus on the treaty system of the ESC and its monitoring and follow-up mechanisms, social protection and social cohesion, labour rights, employment, vocational education and training, rights of persons with disabilities, right to housing and others. | 10 |
| **Lot 2:** Consultancy services in the area of social human rights with a particular expertise in legal writing, editing and proofreading of legal texts. | 5 |
| **Lot 3:** Consultancy services in the area of social human rights with a specific focus on communication and visibility. | 5 |

**Lot 1 concerns** Consultancy services in the area of social rights as provided by the European Social Charter, with a specific focus on the treaty system of the ESC and its monitoring and follow-up mechanisms, social cohesion, including legal analysis, needs assessments, desk and field research, developing gap analysis, recommendations, training modules and Round Table discussions to further strengthen the Armenia’s legislative and policy framework, particularly in the area of housing, employment (including vocational training), and labour rights.

**Lot 2 concerns** Consultancy services in the area of social human rights, with a particular expertise in legal writing, editing and proofreading of legal texts to adapt them to and for the Armenian context to further enhance relevant authorities and NGO’s capacity to submit reports to the European Committee of Social Rights, as well as to implement and monitor the observance of social rights.

**Lot 3 concerns** Consultancy services in the area of social rights with a specific focus on communication and visibility for raising awareness on social rights, with a focus on the representatives of vulnerable communities, national and local authorities on provision of social services at national and local levels.

**Scope of the Framework Contract**

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

**Under Lot 1:**

* To conduct a gap analysis and formulate recommendations to further strengthen the legislative and policy framework, particularly in the area of housing, employment (including vocational education and training), and labour rights in Armenia in the light of the European best practices and Council of Europe social human rights standards, specifically the European Social Charter (ESC) and the case law of the ECSR.
* To conduct needs analysis to understand the current and most pressing needs in the area of social rights of displaced people from the Karabakh region, and developing the comprehensive, gender-sensitive policy and legislative frameworks on the protection and promotion of these rights in line with the European standards and best practices, as well as of the provision of social services at national and local levels.
* To provide expert support on the reporting obligations of Armenia to the European Committee of Social Rights (ECSR) with regard to ESC requirements, including on providing the alternative reports (Human Rights Defender’s Office of Armenia, CSOs).
* To participate in expert working groups, workshops, seminars, round tables, and conferences, delivering presentations, providing written inputs, among others;
* To develop training modules on the provisions of the ESC, the national legislation in the area of social rights, and on acceptance of additional provisions of the ESC, as well as the collective complaints procedure as set out in the [Additional Protocol to the ESC](https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=158) for the representatives of the line Ministries, the Parliament of Armenia, the HRD Office and relevant CSOs.
* To develop a clear roadmap for national authorities to facilitate the acceptance and further implementation of additional provisions of the Charter.
* To develop training modules and conduct trainings on labour rights under the new Labour Code of Armenia and the ILO requirements for the national authorities and HRD Office.
* To participate in expert working groups, workshops, seminars, round tables, and conferences, delivering presentations, providing written inputs, among others.
* Other deliverables within this lot as requested by the Council of Europe.

**Under Lot 2:**

* To do legal writing, editing and proofreading of legal texts and/or documents translated from English into Armenian, and from Armenian into English, that includes specific legal (social human rights) terminology;
* Other deliverables within this lot as requested by the Council of Europe.

**Under Lot 3:**

* To carry out awareness raising activities, including, but not limited to, awareness raising sessions for the refugees from the Karabakh region on their rights and entitlements in the area of social rights.
* To develop communication strategies/action plans for the project and/or its beneficiaries on promoting social rights and contribute to their implemntation.
* To develop visibility materials, leaflets, audio-visual materials with an emphasis on social rights in sphere of housing, employment, VET education and training, labour rights, etc.
* To prepare press releases, media advisories, news items, social media posts on different activities implemented by the project.
* To participate in expert working groups, workshops, seminars, round tables, and conferences, delivering presentations, providing written inputs, among others.
* Other deliverables within this lot as requested by the Council of Europe.

The Council will select the abovementioned number of Providers per lot, provided enough tenderers 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).

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.

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 requested by 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).

1. 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.

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.

1. 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 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 3 (three) 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[[2]](#footnote-3) (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.

1. 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]](#footnote-4)

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 an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
* have been involved in mismanagement of the Council of Europe funds or public funds;
* are or appear to be in a situation of conflict of interest;
* are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
* are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
* have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.

*Eligibility criteria*

For Lot 1:

* University degree in law, human rights, international relations, political science or other relevant field;
* Having at least 3 years of professional experience in the areas related to the fields of expertise as described within the Lot 1 under the scope of this contract;
* Excellent verbal and written Armenian (native);
* Knowledge of the English language (minimum B2 level [CEFR](https://www.coe.int/en/web/common-european-framework-reference-languages/table-2-cefr-3.3-common-reference-levels-self-assessment-grid)).

For Lot 2:

* University degree in in language studies, linguistics, law, international relations, political sciences, human rights, or related fields;
* Having at least 3 years of professional experience in the areas related to the fields of expertise as described within the Lot 2 under the scope of this contract;
* Excellent verbal and written Armenian (native);
* Knowledge of the English language (minimum C1 level [CEFR](https://www.coe.int/en/web/common-european-framework-reference-languages/table-2-cefr-3.3-common-reference-levels-self-assessment-grid)).

For Lot 3:

* University degree in communications, journalism, public relations or other relevant field;
* Having at least 3 years of professional experience in the areas related to the fields of expertise as described within the Lot 3 under the scope of this contract;
* Excellent verbal and written Armenian (native);
* Knowledge of the English language (minimum C1 level [CEFR](https://www.coe.int/en/web/common-european-framework-reference-languages/table-2-cefr-3.3-common-reference-levels-self-assessment-grid)).

*Award criteria for Lots 1, 2, 3*

* Quality of the offer (80 points), including:
  + Criterion 1: Knowledge of the national context in the areas covered by this call (30 points)
  + Criterion 2: Thematic expertise in the relevant area covered by the respective Lot (40 points)
  + Criterion 3: Previous similar assignments with international organisations and/or public institutions (10 points).
* Financial offer (20 points).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED

* **A completed and signed copy of the** **Act of Engagement[[4]](#footnote-5)** (See attached);
* For natural persons: A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;

For legal persons: a detailed CVs, preferably in Europass Format, of at least one employee that would be assigned to the tasks under this framework contract, clearly demonstrating that they satisfy the eligibility criteria;

For consortia: a detailed CVs, preferably in Europass Format, of all consortium members clearly demonstrating that they satisfy the eligibility criteria;

* Registration documents, for legal persons only;
* A concise motivation letter highlighting and specifying the relevant experience for each lot that the tenderer is applying for;
* At least two (2) examples of previous relevant work in English and/or Armenian for each lot that the tenderer is applying for (provide the annexed electronic document, or relevant links to the documents);
* Minimum three references (only names, positions, phone numbers, and emails).

**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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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
3. 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 and sixth 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. [↑](#footnote-ref-4)
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. [↑](#footnote-ref-5)