TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

Legal assistants for the JUSTROM programme in Bulgaria

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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.

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 Europe, the Organisation is in principle required to 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 tender procedure aims at concluding a framework contract for the provision of services described below. Unless national legislation prescribes otherwise, deliverables executed on-site will be considered as performed in the country where the event takes place, and deliverables executed in writing will be considered as performed at the place where the Service Provider/Consultant is established. 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 general information and contact details for this procedure are indicated below. You are invited to use the CoE Contact details listed below for any question you may have.

A. GENERAL INFORMATION

Object of the procurement procedure ►	Consultancy Services as legal assistants for the JUSTROM Programme in Bulgaria
Project ►	EC/CoE Joint Programme on Access to Justice for Roma and Traveller Women - JUSTROM
Type of contract ►	Framework contract
Duration ►	Until 31 January 2018
Deadline for submission of tenders/offers ►	**19 January 2017**
Email for submission of tenders/offers ►	**Sandra.veloy-mateu@coe.int**
Expected starting date of execution ►	01 February 2017

B. CoE CONTACT DETAILS (FOR THIS TENDERING PROCEDURE)

Person / Function / Department ►	Sandra Veloy-Mateu, JUSTROM Project Assistant, Support Team to the SRSG for Roma Issues, Council of Europe
Address ►	Council of Europe, Office A4.53C, 1 Quai Jacoutot 67075 Strasbourg, France
Phone n° ►	+33 390 21 63 53
Email ►	Sandra.veloy-mateu@coe.int
Fax n° ►	+33 390 21 40 53

C. EXPECTED DELIVERABLES/SERVICES

Background of the Project

The JUSTROM programme is a joint programme of the European Commission and the Council of Europe on Roma and Traveller women's access to justice in Bulgaria, Greece, Ireland, Italy and Romania.

The JUSTROM programme aims to improve the access to justice of Roma and/or Traveller women in the five countries. As such, the programme aims to empower Roma and/or Traveller women to adequately address discrimination and other human rights violations committed against them, including early/forced marriage, trafficking, domestic violence, housing evictions, police abuse and hate crime by raising their awareness about discrimination, complaint mechanisms, the justice system and human rights institutions.

In each country, the programme will provide legal information, advice, aid and/or representation through setting up legal clinics/centres, each of which will be supported by a national coordinator, a mediator/facilitator, one or more lawyer(s) and one or more legal assistant(s). The programme will thus further facilitate access to court and court proceedings at national and international level. In addition, it will aim to enhance the capacity of the judiciary and law enforcement in the application of anti-

discrimination standards with a focus on multiple discrimination, gender equality and Roma and/or Traveller women. The programme will further increase the synergy and coherence between the institutional frameworks of the EU and Council of Europe, national Roma integration strategies and civil society initiatives. **In Bulgaria, two legal clinics will be established, located in Plovdiv and Veliko Tărnovo respectively.**

Object of the consultation

The Council of Europe is organising **an invitation to tender** with a view to awarding a Framework Contract (hereafter referred to as the "Contract") for consultancy services in the context of the JUSTROM programme in **Bulgaria**. This call relates specifically to consultancy services to be provided by Service Providers who will act as **legal assistants.**

The present tendering procedure aims at selecting Service Providers for 2 (two) lots:

- **Lot 1:** consultancy services as legal assistant to be provided at the legal clinic in **Plovdiv**;
- **Lot 2:** consultancy services as legal assistant to be provided at the legal clinic in **Veliko Tărnovo**.

The Council will select through this procedure a maximum of 3 (three) Service Providers for Lot 1, and a maximum of 3 (three) Service Providers for Lot 2, provided enough offers fulfil the criteria indicated below.

Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement), however, the Council reserves the right to assign a Service Provider to a Lot other than the one he/she tendered for.

The contract is concluded until 31 January 2018.

The Contract is currently estimated to represent for each Service Provider **up to 12 hours a week x 4 weeks a month x 12 months (up to 576 hours in total between 1st February 2017 and 31st January 2018).** Should the legal clinic start later than 1st February 2017, the ending date will be postponed accordingly to respect the 12 month duration.

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 monthly hours, depending on the evolving needs of the Organisation. **Under no circumstances the total (cumulative) cost of the framework contract for legal assistants for the JUSTROM programme in Bulgaria will exceed 17,280 EUR (tax exclusive).**

Expected services

Tenderers may be asked to:

- Be a link between the facilitator/mediator and the lawyer;
- Raise awareness of the project objectives and available services;
- Help identify the core problem and direct the visitor of the legal clinic to the right services, including to further legal advice from the lawyer;
- Provide secretarial and administrative assistance to the lawyer in drafting legal documents, working papers, submissions to national institutions and international organisations (CoE, EC, UN, etc.);
- Fill in the data of the person receiving information or needing a service provided in the legal clinic, in line with data protection requirements at national level and the Council of Europe safeguards;
- Contribute to the development of an anonymous data collection system of visitors of the legal clinic, as per instruction of the national coordinator;
- Facilitate access to other services (social services), as needed, such as assisting with the drafting and submission of documents on behalf of beneficiaries/plaintiffs to social services/relevant authorities;
- Contribute to developing fact-sheets on cases of discrimination encountered by Roma women;
- Perform other additional duties of relevance for the smooth implementation of the programme, as instructed by the national coordinator and/or the Council of Europe project manager.

In terms of **quality requirements**, the 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.

D. FEES

Tenderers are invited to indicate their hourly fee, by completing and sending the table of fees, as attached in Section A to the Act of Engagement, keeping in mind the exclusion level, i.e. the maximum hourly fee that the JUSTROM programme can provide. Tenders proposing a fee above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure This hourly fee is final and not subject to review. The Council of Europe will indicate on each Order Form (see Section E. below) the global fee corresponding to each deliverable, calculated on the basis of the hourly fee, as agreed by this Contract.

E. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING)

The tenders of the Service Providers will be assessed by the Council of Europe secretariat, a scoring system will be applied, and a list of successful consultants for each lot drawn up in order of merit.

Once this consultation and the subsequent selection are completed, you will be informed accordingly.

Services will then be carried out on the basis of Order Forms submitted by the Council to the Service Providers on **an as needed basis**. Orders will be submitted the third week of each month by the Council of Europe by post or electronically. Orders will be addressed in priority to the first Service Provider on the ranking list of the tender for the relevant lot. **The first-ranked Service Provider must** submit a weekly working programme for the forthcoming month for approval to the national coordinator. **The Service Provider must also sign and return the order form to the JUSTROM project manager** (scanned document sent by email is accepted) **within 2 (two) working days** after its reception. If he/she does not respond within this deadline, the Council of Europe may then submit an order to the next-ranked consultant for that lot, and so on down the list. The Service Provider ranked second for each lot will therefore only be called upon if the Service Provider ranked second does not accept an order within the required timeframe, or if the contract with the Service Provider ranked first is terminated (see section C, Legal Conditions, of the Act of Engagement).

The Council reserves the right to order services from Services Providers on the list established for another lot in cases where no providers for the relevant lot accept a particular order within the required timeframe.

The Service Provider, **if subject to VAT**, shall also send, together with the signed Form, a quote[1] (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 service (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of service (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).

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 Service Provider, to the extent possible on the day of its signature.

F. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)
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.

Eligibility criteria

- Bachelor degree (BA/LLB) in law or at least a two year working experience in the legal field;
- At least three years of working experience with Roma women issues;
- At least a two year professional experience relating to project implementation is an advantage;
- Fluency in written and spoken Bulgarian;
- Romani language is an advantage.

Award criteria

- Quality of the offer (90%), including understanding the Council of Europe's needs (in terms of coordination with national stakeholders, reporting, timelines, mobility, etc.) and capacity to adapt to the context as demonstrated in the document describing the proposed methodology and the motivation letter.
- Financial offer (10%).

Multiple tendering is not authorised.

[1] It must strictly respect the fees indicated in the Financial Offer attached to the original Service Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Service Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**[2] (See attached);
- A detailed CV, preferably in Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A motivation letter, indicating which of the two legal clinics should be preferable;
- A document including a weekly work plan for the first month;
- 2 (two) referees' contact details.

Incomplete tenders will not be considered.

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[2] 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.