



## CALL FOR TENDERS

### FOR THE PROVISION OF CONSULTANCY SERVICES AS LAWYERS/SOLICITORS FOR THE JUSTROM PROGRAMME IN IRELAND

**2017/AO/01**

<b>Services</b>	Consultancy services as lawyers/solicitors for the JUSTROM Programme in Ireland
<b>Project</b>	EU/CoE Joint Programme "JUSTROM – Access to Justice for Roma and Traveller Women"
<b>Organisation and buying entity</b>	Council of Europe Directorate General of Democracy - DGII Support Team to the Special Representative of the Secretary General for Roma Issues
<b>Type of contract</b>	<b>Framework contract with a maximum of 6 (six) Service Providers divided into 2 (two) lots (a maximum of 3 (three) Service Providers per lot)</b>
<b>Duration</b>	Until 15 December 2017 (10 months)
<b>Estimated starting date</b>	15 February 2017
<b>Tender Notice Issuance date</b>	12 January 2017
<b>Deadline for tendering:</b>	31 January 2017

# TABLE OF CONTENTS

This Tender File contains:

- **The TERMS OF REFERENCE** ..... 3  
The TERMS OF REFERENCE describe what will be expected from the selected Service 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 provisions of the General and Special Conditions. It contains also:
  - The GENERAL CONDITIONS and SPECIAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Service Providers.
  - The TABLE OF FEES indicates the applicable fees, throughout the duration of the contract.

## HOW DOES A FRAMEWORK CONTRACT WORK?

### STAGE 1:

SELECTION of qualified Service Providers through a call for tenders and signature of a framework contract with all the pre-selected Service Providers. A ranking list is established.

### STAGE(S) 2:

ORDER(S) are addressed to the first Service Provider on the ranking list, on an as needed basis, throughout the duration of the framework contract. The Service Provider ranked second will be called on only if the contract with the Service Provider ranked first is terminated or in cases otherwise provided for in the Special Conditions, and so on down the list.

## 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 ARTICLE 6 OF THE ACT OF ENGAGEMENT

### STEP 3: SEND YOUR TENDER, IN ACCORDANCE WITH ARTICLE 9 OF THE TENDER RULES

# PART I –TERMS OF REFERENCE

## CALL FOR TENDERS FOR THE PROVISION OF CONSULTANCY SERVICES AS LAWYERS/SOLICITORS FOR THE JUSTROM PROGRAMME IN IRELAND

2017/AO/01

### I. BACKGROUND

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 Traveller women in the five countries. As such, the programme aims to empower Roma and 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)/solicitor(s) and one or more paralegal(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 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 Ireland, two legal clinics will be established, located at the Irish Traveller Movement premises in Temple Bar Dublin and Tallaght Roma Integration Project premises in Tallaght respectively.

### II. OBJECT AND SCOPE OF THE TENDERING PROCEDURE

This tendering procedure is an international call for tender. It aims at concluding a Framework Contract (hereafter referred to as the "Contract") with a maximum of 6 (six) Service Providers, divided into 2 (two) lots, for the provision of consultancy services as lawyers/solicitors in Ireland.

The tendering procedure is divided into 2 (two) lots, both governed by the Tender Rules, and listed below in Section III. 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 have the possibility of tendering for one or both of the lots (See Article 7 of the Act of Engagement). Details of how tenders will be assessed are found in Section VI below.

The contract shall be concluded until **15 December 2017**.

The Contract is currently estimated to represent for each Service Provider up to 8 hours a week x 4 weeks a month x 10 months (approximately 320 hours in total between 15 February 2017 and 15 December 2017). Should the legal clinic start later than 15 February 2017, the ending date will be postponed accordingly to respect the 10 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. For information purposes only, the total budget of the Project amounts to 850,532.74 Euros and the total amount of the consultancy, object of the present tender, should in principle not exceed 64,000 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.

### III. EXPECTED SERVICES

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

LOTS ▼
<b>LOT 1:</b> Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Irish Traveller Movement in Dublin
<b>LOT 2:</b> Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Tallaght Integration Project in South Dublin

Throughout the duration of the framework contract, the selected Service Provider/s for both lots may be requested to provide deliverables falling under the scope of the following services. The key difference is that for Lot 1, the services will be targeted at **Traveller women**, whereas for Lot 2, the services will be targeted at **Roma women**.

EXAMPLES OF DELIVERABLES THAT MAY BE EXPECTED ▼	
<b>LOT 1: Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Irish Traveller Movement in Dublin ►</b>	<ul style="list-style-type: none"> <li>✓ Work closely with the national coordinator, the legal assistant and the mediator/facilitator;</li> <li>✓ Submit a report to the national coordinator on a monthly basis;</li> <li>✓ Signal with the national coordinator any administrative obstacles related to the work of the legal clinic;</li> <li>✓ Access the Traveller or Roma community (as applicable) targeted with the assistance of the mediator/facilitator and paralegal, as needed;</li> <li>✓ Actively participate in the awareness raising meetings in the target community, organised by the national coordinator and/or the mediator/facilitator;</li> <li>✓ Provide legal information, advice/assistance to the target community with priority to Traveller or Roma women beneficiaries (as applicable);</li> <li>✓ Facilitate access to free legal aid for the beneficiaries;</li> <li>✓ Inform and or assist beneficiaries to report crimes and/or discrimination cases with the police, the national equality body, human rights institutions or any other relevant authority;</li> <li>✓ Identify and launch strategic litigation cases with a particular focus on issues faced by Traveller or Roma women, as applicable (based on discussions with the national coordinator, stakeholders and the JUSTROM Project Manager); the lawyer/solicitor may be asked to continue representing the plaintiffs to the best of his/her abilities and subject to his/her time availability even after the end of the programme; the Council of Europe, on its part, shall make every reasonable effort to ensure the provision of support and assistance to the lawyers/solicitors after the conclusion of the programme;</li> </ul>
<b>LOT 2: Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Tallaght Integration Project in South Dublin ►</b>	<ul style="list-style-type: none"> <li>✓ Implement ADR (alternative dispute resolution) whenever possible to avoid trial;</li> <li>✓ Signal administrative or legal obstacles stemming from the substantive work of the legal clinic, which would require further lobbying and discussions with key stakeholders;</li> <li>✓ Provide directions to the legal assistant towards developing and maintaining a data system of those assisted by the clinic under the instruction of the national coordinator;</li> <li>✓ Promote the concept of legal clinics with their bar and other lawyers/solicitors and bar associations and other relevant stakeholders whenever possible;</li> <li>✓ Engage with the Council of Europe and strategic partners in broader initiatives aiming at improving access to justice of Traveller or Roma women (as applicable);</li> <li>✓ Adhere to the core values of the Council of Europe;</li> <li>✓ Perform other duties as instructed by the national coordinator and or the JUSTROM Project Manager.</li> </ul>

**Service Providers may tender for one or both of the lots** subject to the fulfilment of the criteria listed in the Tender Rules for the lot concerned, and are invited to indicate which lot/s they are tendering for in the Act of Engagement (see Article 7). The Council reserves the right to choose a Service Provider's' tender for one or both of the lots for which they have tendered.

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.

#### IV. FEES

Each tenderer is invited to indicate his/her hourly fee, which will serve as a basis for calculating, for each order, the total amount of each deliverable (See Appendix to the Act of Engagement). Tenders proposing a fee above the exclusion level indicated in the Table of fees (100 EUR per hour) will be **entirely and automatically** excluded from the tender procedure.

For each deliverable (see table above for examples), and before ordering the given deliverable, the Council of Europe shall estimate the number of hours/days required and determine the fee accordingly. However, such an estimation (of the number of hours/days required) shall have no contractual value and shall not alter the nature of this contract which shall be deemed as deliverable-based. The fee to be paid by the Council for each deliverable will be indicated on the relevant order form(s).

The Council of Europe reserves the right to consult the second Service Provider on the ranking list for the relevant lot, and so on down the list, if the selected Service Provider ranked first for the relevant lot refuses to provide the requested services for the amount indicated on the order form.

#### V. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING)

All services will be ordered on an “as needed basis”. The Council of Europe is not bound, through this framework contract, by a minimum purchase requirement. Therefore, the selection of a Service Provider will not give rise to a right for the Service Provider concerned to be awarded subsequent orders.

Purchase of deliverables shall be carried out on the basis of orders submitted by the Council to the Service Provider, by post or electronically. The ordering procedure is defined in Article 7 of the Special Conditions (See Act of Engagement).

Each time an Order Form is sent, the selected Service Provider undertakes to take all the necessary measures to return it **signed**, by the same means or by email, to the Council within 2 (two) working days after its reception. Orders will be addressed in priority to the Service Provider ranked first for the relevant lot on the tender list for the duration of the contract. The Service Provider ranked second for the relevant lot will be called on only if the contract with the Service Provider ranked first for the relevant lot is terminated, does not respond within the given deadline, or in cases otherwise provided for in the Special Conditions (See Article 7 of the Special Conditions, in 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<sup>1</sup> (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

---

<sup>1</sup> 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.

- 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.

## VI. ASSESSMENT OF THE TENDERERS/TENDERS

### A. Exclusion criteria

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.

### B. Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria:

ELIGIBILITY CRITERIA ▼	
LOT 1: Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Irish Traveller Movement in Dublin ►	<ul style="list-style-type: none"> <li>✓ Qualified lawyer/solicitor with right to practice in Ireland or an EU jurisdiction;</li> <li>✓ Minimum two years' post-qualification experience in litigation;</li> <li>✓ Knowledge of the European Convention on Human Rights and the European Court of Human Rights' case law on non-discrimination;</li> <li>✓ Fluency in written and spoken English.</li> </ul>
LOT 2: : Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Tallaght Integration Project in South Dublin ►	

Only bids submitted in English shall be deemed eligible.

### C. Award criteria

Only the tenders of tenderers who have passed the exclusion and eligibility tests will be assessed against the following award criteria:

## AWARD CRITERIA AND WEIGHTING ▼

**LOT 1: Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Irish Traveller Movement in Dublin ►**

**LOT 2: Consultancy Services as lawyer/solicitor to be provided at the legal clinic located in the premises of the Tallaght Integration Project in South Dublin ►**

- ✓ *Quality of the offer (90%), including capacity to adapt to the context as demonstrated in the document describing the proposed methodology and the motivation letter, and understanding the Council's needs in terms of:*
  - *coordination with national stakeholders;*
  - *quality in reporting;*
  - *capacity to meet deadlines;*
  - *depth of experience in dealing with Roma or Traveller plaintiffs;*
  - *knowledge and/or expertise of non-discrimination and/or gender equality provisions at national level.*
- ✓ *Financial offer (10%)*

#### D. Documents to be provided

All tenderers shall deliver, when submitting their tender:

- **Two** completed and signed copies of the Act of Engagement.<sup>2</sup>
- A table of fees, duly completed, as attached to the Act of Engagement. Tenders proposing **at least one** fee above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.
- 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 and why;
- A document describing the methodology proposed, including a weekly work plan for the first month;
- 2 (two) referees' contact details.

**The Council of Europe reserves the right to hold an interview in person or via phone with the eligible tenderers to evaluate the required knowledge and experience.**

\* \* \*

<sup>2</sup> By signing the Act of Engagement, tenderers declare that they are not in any of the situations listed in the exclusion criteria (See Act of Engagement – Article 5). 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 above listed requirements are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.

# PART II – TENDER RULES

## CALL FOR TENDERS FOR THE PROVISION OF CONSULTANCY SERVICES AS LAWYERS/SOLICITORS FOR THE JUSTROM PROGRAMME IN IRELAND 2017/AO/01

### ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

#### 1.1 Name and address

#### COUNCIL OF EUROPE

Directorate General of Democracy - DGII

Support Team to the Special Representative of the Secretary  
General for Roma Issues

#### 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 1333 of 29 June 2011 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.<sup>3</sup>

Further details on the project are provided for in the Technical Specifications.

### ARTICLE 2 – PLACE OF PERFORMANCE AND FULFILMENT

Unless national legislations prescribe otherwise:

- Deliverables provided exclusively in writing will be considered as performed at the place where the consultant is established;
- Other deliverables will be considered as performed where the event takes place.

### ARTICLE 3 – VALIDITY OF THE TENDERS

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

### ARTICLE 4 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 3 of the Act of Engagement.

### ARTICLE 5 – 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 6 – CONTENT OF THE TENDER FILE

The tender file is composed of:

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

### ARTICLE 7 – LEGAL FORM OF TENDERERS

Only natural persons are accepted.

Applications from companies, NGOs and other legal persons, including sent by that legal person on behalf of an individual, or where an individual supplies details of a legal person which is incorporated in their own name or on their behalf for the purposes of their professional activities, shall be disregarded.

### ARTICLE 8 – 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 or French, and shall be exclusively sent to the following address: [Isabela.mihalache@coe.int](mailto:Isabela.mihalache@coe.int)

### ARTICLE 9 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe:

- Electronically, only to the following address: [cdm@coe.int](mailto:cdm@coe.int)  
Tenders submitted to another e-mail account will be excluded from the procedure;

#### **AND**

- In paper hardcopy in A4 format (21x29,7 cm) by post, as specified below.

Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE  
For the attention of the Tenders Board  
**CALL FOR TENDERS  
FOR THE PROVISION OF CONSULTANCY SERVICES AS  
LAWYERS/SOLICITORS FOR THE JUSTROM PROGRAMME  
IN IRELAND - 2016/AO/01**  
B.P. 7  
F – 67075 STRASBOURG Cedex  
**FRANCE**

Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.

### ARTICLE 10 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **31 January 2017** as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

### ARTICLE 11 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1333 of 29 June 2011 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

\*\*\*

<sup>3</sup> Available on the website of the Council of Europe Treaty Office:  
[www.conventions.coe.int](http://www.conventions.coe.int)



# FINAL CHECK LIST

---

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

- **Two** completed and signed copies of the Act of Engagement;
  - A table of fees, duly completed, as attached to the Act of Engagement;
  - 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 describing the methodology proposed, including a weekly work plan for the first month;
  - 2 (two) referees' contact details.
- 

## 2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe:

- Electronically only to the following address [cdm@coe.int](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

### **AND**

- In paper hardcopy in A4 format (21x29,7 cm) by post, as specified below.

Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

**COUNCIL OF EUROPE**  
For the attention of the Tenders Board  
**CALL FOR TENDERS**  
**FOR THE PROVISION OF CONSULTANCY SERVICES AS**  
**LAWYERS/SOLICITORS FOR THE JUSTROM PROGRAMME IN IRELAND -**  
**2017/AO/01**  
B.P. 7  
F – 67075 STRASBOURG Cedex  
**FRANCE**

Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.

The deadline for the submission of tenders is **31 January 2017** as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.