TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

Lawyers/jurists for the JUSTROM Programme in Greece

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 lawyers/jurists for the JUSTROM Programme in Xanthi, Greece
Project ►	EC/CoE Joint Programme on Access to Justice for Roma and Traveller Women - JUSTROM
Type of contract ►	Framework contract
Duration ►	Until 31 December 2017
Deadline for submission of tenders/offers ►	**26 April 2017**
Email for submission of tenders/offers ►	**Sandra.veloy-mateu@coe.int**
Expected starting date of execution ►	01 May 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
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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 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 provides legal information, advice, aid and/or representation through setting up legal clinics/centres, each of which are 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 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 Greece, two legal clinics have been established, located in Athens and Thessaloniki respectively. An additional legal clinic is now being set up in Xanthi.**

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 Xanthi, **Greece**. This call relates specifically to consultancy services to be provided by Service Providers who will act as **lawyers/jurists.**

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

The framework contract is concluded until 31 December 2017.

The Contract is currently estimated to represent for each Service Provider **up to 32 hours a month x 9 months (up to 288 hours in total between May 2017 and January 2018)**. Should the legal clinic start later than May 2017, the ending date will be postponed accordingly to respect the 9 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 lawyers/jurists for the JUSTROM Programme in Xanthi, Greece will exceed 23,040 EUR (tax exclusive).**

Expected services

Tenderers may be asked to:

- Work closely with the national coordinator, the legal assistant and the mediator;
- Submit a report to the national coordinator on a monthly basis;
- Signal with the national coordinator any administrative obstacles related to the work of the legal clinic;
- Access the Roma communities targeted with the assistance of the mediator and paralegal, as needed;
- Actively participate in the awareness raising meetings in the target community(ies), organised by the national coordinator and/or the mediator;
- Provide legal information, advice/assistance to the target community(ies) with priority to Roma women beneficiaries;
- Facilitate access to free legal aid for the beneficiaries;
- 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;
- Identify and launch strategic litigation cases with a particular focus on issues faced by Roma women (based on discussions with the national coordinator, stakeholders and the JUSTROM Project Manager); the lawyer shall be under a moral obligation 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 after the conclusion of the programme;
- Implement ADR (alternative dispute resolution) whenever possible to avoid trial;
- Signal administrative or legal obstacles stemming from the substantive work of the legal clinic, which would require further lobbying and discussions with key stakeholders;
- 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;
- Promote the concept of legal clinics with their bar and other lawyers and bar associations and other relevant stakeholders whenever possible;
- Engage with the Council of Europe and strategic partners in broader initiatives aiming at improving access to justice of Roma women;
- Adhere to the core values of the Council of Europe;
- Perform other duties as instructed by the national coordinator and or the JUSTROM 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 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 Provider(s) 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. **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, accompanied with the approved weekly working programme for the forthcoming month by the national coordinator. If he/she does not respond within this deadline, the Council of Europe may then submit an order to the next-ranked consultant, and so on down the list. The Service Provider ranked second will therefore only be called upon if the Service Provider ranked first 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 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

- Qualified lawyer with the right to practice in Greece;
- Registered with the Bar Association;
- A minimum two years of post-qualification practice in court hearings, including before the Court of Appeal;
- Knowledge of the ECHR and ECtHR case law on non-discrimination;
- Fluency in written and spoken Greek.

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.);

[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.

    - direct expertise in dealing with Roma plaintiffs and knowledge and/or expertise of non-discrimination and/or gender equality provisions at national level; and
    - capacity to adapt to the context as demonstrated in the document describing the weekly work plan and the motivation letter.
- Financial offer (10%).

Multiple tendering is not authorised.

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 highlighting the above-mentioned capacities, knowledge and expertise;
- A document including a weekly work plan for the first month;
- 2 (two) referees' contact details;
- Valid certificate for practising law at the date of the application.

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.