

TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

Consultancy services as National Coordinator for the JUSTROM Programme in Romania

Ref. JUSTROM(2017)/NC/RO/01

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing until 31 March 2018 the JUSTROM programme, 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. In that context, it is looking for Provider(s) for the provision of consultancy services as National Coordinator in Romania, to be requested by the Council on an as needed 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). 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 Provider 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 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: Tender – JUSTROM National Coordinator, Romania.** 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 2 (two) 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: Q&A – JUSTROM National Coordinator, Romania.**

Object of the procurement procedure ►	Consultancy services as National Coordinator for the JUSTROM Programme in Romania
Project ►	EC/CoE Joint Programme on Access to Justice for Roma and Traveller Women - JUSTROM
Type of contract ►	Framework contract
Duration ►	Until 31 March 2018
Deadline for submission of tenders/offers ►	20 September 2016
Email for submission of tenders/offers ►	justrom@coe.int
Email for questions ►	justrom@coe.int
Expected starting date of execution ►	01 October 2017

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 JUSTROM programme aims to improve the access to justice of Roma and Traveller women in five countries (Bulgaria, Greece, Ireland, Italy and Romania). 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 Romania, two legal clinics have been established, located in Ialomița and Călărași counties respectively. Each legal clinic is composed of one facilitator, one legal assistant and one lawyer, coordinated by a national coordinator and supervised by the project manager.

This call relates to consultancy services to be provided by Consultant(s) ("Provider(s)") who will act as national coordinator in Romania.

Expected types of deliverables

The Council of Europe is looking for a maximum of 3 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on project management methodology and human rights. Tenderers may be asked to:

- Coordinate the implementation of the JUSTROM programme in Romania between October 2017 and March 2018;
- Facilitate the effective and timely implementation of all project activities at national level, as requested by the project manager;
- Monitor the work of the national team consisting of 2 lawyers, 2 legal assistants and 2 mediators as requested;
- Develop a monthly work plan for all team members, including a projection of monthly indicators and mitigation solutions related to project beneficiaries and legal cases dealt by the legal clinics, as indicated by the project manager;
- Submit a weekly briefing and monthly narrative report to the project manager;
- Ensure the achievement of monthly and overall indicators of the JUSTROM programme set at national level by the project manager;
- Facilitating the organisation of a training of trainers for police officers in Romania; as well as the visit of the expert(s) conducting the independent project evaluation (January-March 2018);
- Organising awareness raising events with beneficiaries and relevant stakeholders;
- Work with lawyers and legal assistants to ensure maintenance and management of cases registered by the legal clinics;
- Ensure a smooth communication with and between national team members and implementation of individual tasks thereof;
- Inform the project manager of any problems encountered by the national team members (2 lawyers, 2 legal assistants and 2 mediators) contracted under the JUSTROM programme in Romania and in achieving the programme objectives;
- Represent the Council of Europe before national associate partners and stakeholders, as instructed;
- Ensure continuous information and updating of national stakeholders and beneficiaries about the JUSTROM programme;
- Promote Council of Europe values.

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 them.

The Contract is estimated to represent at least 80 hours per month for 6 months between 1 October 2017 and 31 March 2018.

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 will the total (cumulative) cost of the contract exceed 55,000 EUR (tax exclusive).**

The Council will order (see Section D below on ordering procedure) specific deliverables similar to the ones listed above, provided they correspond to the project implementation needs and are within the range of the competencies of the selected Provider.

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 agreed with 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).

In terms of **quality requirements**, the selected Provider(s) must ensure, *inter alia*, that:

- The deliverables are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

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).

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. Orders will be addressed in priority to the first Provider on the ranking list of the tender. If this Provider is unable to take the Order or if no reply is given on his behalf within that deadline, the Council may call on the second Provider on the ranking list of the tender, and so on down the list.

The Provider ranked second will therefore only be called upon if the Provider ranked first does not accept an order within the required timeframe, or if the contract with the Provider ranked first is terminated (see section C, Legal Conditions, of the Act of Engagement).

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 Provider's name and address;
- its VAT number;
- the full list of deliverables;
- the fee per type of deliverable (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverable (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 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)

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;

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.

- 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.

Eligibility criteria

- Bachelor degree (BA) in law or at least three years of work experience in the legal field;
- At least three years of work experience with Roma issues;
- At least three years of professional experience relating to project management;
- Fluency in written and spoken English and Romanian;

Only bids submitted in English shall be deemed eligible.

Award criteria

- Quality of the offer (90%), including:
 - Understanding the Council of Europe's needs;
 - Legal background;
 - Expertise in project management;
 - Experience in working on Roma women's issues;
 - Ability to supervise teams;
 - Capacity to liaise with national stakeholders;
 - Capacity to adapt and respect deadlines and complying with reporting requirements.
- Financial offer (10%).

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**³ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Motivation letter;
- A detailed work plan for the first month (including the supervision of 6 staff members, outreach in Roma communities by team members);
- 2 (two) referees' contact details;
- [For tenderers subject to VAT only] A quote (i.e. a Pro Forma invoice), on the letterhead of the tenderer, in line with the applicable legislation and listing:
 - the Service Provider/Consultant's name and address;
 - the VAT number of the Service Provider/Consultant (if any);
 - the full list of deliverables;
 - the fee per deliverable (in Euros, tax exclusive);
 - the total amount (in Euros, tax exclusive) and;
 - specific payment modalities (if any, e.g. modalities of advance payment).

All documents shall be submitted in English. Incomplete tenders will not be considered.

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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.