**TENDER FILE / TERMS OF REFERENCE**

**(Restricted consultation procedure / Framework Contract)**

**National Consultants for Needs Assessment concerning Project on Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards in Turkey**

The Council of Europe is currently implementing a Project until 31 March 2021 on Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards in Turkey. In that context, it is looking for Provider(s) for the provision of needs assessment services to be requested by the Council on an as needed basis.

1. 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 Europe[[1]](#footnote-2), 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: Needs assessment for Strengthening the Capacity of Bar Associations and Lawyers.** 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: Strengthening the Capacity of Bar Associations and Lawyers- Needs assessment**

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| **Object of the procurement procedure ►** | This procurement procedure aims at selecting pool of consultants to conduct needs assessment for institutional capacity of the local bars in Turkey, including:     1. assessment visits to the pilot bars up to 7 working days; participation in preparatory meeting; meetings with bars and human rights centres (the “**HRCs**”), and follow up meeting with the project team; 2. preparation of needs assessment report (the “**NA report**”) comprising assessment of the institutional capacities of HRCs in pilot bars and recommendation on HRCs of bar associations; 3. By-laws development, including preparation of the Action Plan (the “**AP**”) in line with the recommendations and the NA report’s findings. It will include the activities to be implemented for establishment and proper functioning of the HRCs as well as the resources, time framework and responsibilities of partners for each activity; and preparation of draft regulation on HRCs providing consolidated legal framework applicable for all local bars in relation to structure, organization, functioning, responsibilities, staffing and financial aspects of the HRCs. |
| **Project ►** | Strengthening the Capacity of Bar Associations and Lawyer on European Human Rights Standards in Turkey |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 March 2021 |
| **Deadline for submission of tenders/offers ►** | **20 July 2018** |
| **Email for submission of tenders/offers ►** | ankara.office@coe.int |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 03 September 2018 |

1. EXPECTED DELIVERABLES

*Background of the Project*

The Project is aimed at supporting the bar associations in seven pilot provinces to strengthen the institutional capacities of their human rights centres (HRCs) and to improve the coordination between them and the Union of Turkish Bar Associations (UTBA). It will also aim at enhancing the capacities of lawyers to apply European human rights standards in their daily work and fostering the cooperation between the UTBA and HRCs of local bar associations and other national and international stakeholders working for the protection of fundamental rights and improving the situation of fundamental rights in Turkey.

*Expected types of deliverables*

The Council of Europe is looking for approximately 20 Service Provider/Consultants (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise on needs assessment holding in the field of human rights. The expected deliverables are as follows:

1. Participation in visits to the pilot bars and respective meetings with HRCs and follow-up meetings;
2. Needs Assessment report comprising the assessment of the institutional capacities to operate the HRCs in pilot bars, recommendations in that context, recommendation on HRCs of bar associations including international lawyer organisations in EU member states, in which placements of Turkish advocates shall be organized;
3. Action Plan to strengthen the functioning of HRCs that shall include the activities to be implemented for establishment and proper functioning of the HRCs as well as the resources, time framework and responsibilities of partners for each activity;
4. Draft regulation on HRCs (to be developed after meetings together with participants from the bars, UTBA and CoE project team) that should provide consolidated legal framework applicable for all local bars in relation to structure, organization, functioning, responsibilities, staffing and financial aspects of the HRCs.

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. 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. **Under no circumstances will the total (cumulative) cost of the contract exceed 55,000 EUR (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**.**

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.

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. 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.

1. 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).

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 2 (two) 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.

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 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.

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)

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;
* are or are likely to be in a situation of conflict of interests.

*Eligibility criteria*

A University degree (Master or equivalent level) in law, human rights, political science;

experienced in needs assessment in the field of human rights;

experience in supporting various associations to strengthen their institutional capacities (bar associations/human rights centres – an advantage) and to improve the coordination in the field of human rights in Turkey;

knowledge of international and European standards in the field of human rights;

knowledge of Turkish (mother tongue).

Only bids submitted in English shall be deemed eligible.

*Award criteria*

* Quality of the offer (90%), including:
  + Expertise in needs assessment of the institutional capacities of various associations (bar associations/human rights centres – an advantage) and preparation of needs assessment report (30%);
  + Expertise in action plans preparation (30%);
  + Expertise in regulations preparation for various associations (human rights centers – an advantage) (30%).
* Financial offer (10%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

1. DOCUMENTS TO BE PROVIDED

* completed and signed copy of the **Act of Engagement[[3]](#footnote-4)** (See the link);
* detailed CV preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* brief outline of the need assessment report (methodology and content) concerning institutional capacities of various associations (preferably, bar associations/human rights centres) (one page maximum).

**The CV and Act of Engagement 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 tender will not be considered.**

**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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](https://wcd.coe.int/ViewDoc.jsp?p=&id=1807541&direct=true). [↑](#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 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. [↑](#footnote-ref-4)