

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Provision of consultancy/intellectual services on access to justice and violence against women in Eastern Partnership countries (Azerbaijan, Armenia, Belarus, Georgia, Republic of Moldova and Ukraine)

Contract N° DGII/4730/2020/1

The Council of Europe is currently implementing the project "Women's Access to Justice: delivering on the Istanbul Convention and other European gender equality standards" in the framework of the EU/Council of Europe Partnership for Good Governance II. The project covers six Eastern Partnership Countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine)". The project aims to strengthen access to justice for women, especially women victims of violence in line with the Council of Europe Istanbul Convention and contributing towards the Eastern Partnership countries ratification of the Istanbul Convention. The project is contributing to the development of a gender sensitive justice chain and addressing gender inequalities in society, particularly visible in cases of women victims of violence by targeting legal professionals who are at different steps of the justice chain and who are interacting with women in search of redress. In that context, it is looking for a Provider to provide consultancy/intellectual services on access to justice and violence against women.

A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 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). 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, a self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Consultancy services on access to justice for legal aid 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 Council of Europe 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: Consultancy services on access to justice for legal aid lawyers**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2021
Deadline for submission of tenders/offers ▶	31 May 2020
Email for submission of tenders/offers ▶	Alla.Krytynskaia@coe.int
Email for questions ▶	Alla.Krytynskaia@coe.int

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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

Expected starting date of execution	15 June 2020
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B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe is implementing the project "Women's Access to Justice: delivering on the Istanbul Convention and other European gender equality standards" in the framework of the EU/Council of Europe Partnership for Good Governance II. The project covers six Eastern Partnership Countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine)". The project aims to strengthen access to justice for women, especially women victims of violence in line with the Council of Europe Istanbul Convention and contributing towards the Eastern Partnership countries ratification of the Istanbul Convention. The project is contributing to the development of a gender sensitive justice chain and addressing gender inequalities in society, particularly visible in cases of women victims of violence by targeting legal professionals who are at different steps of the justice chain and who are interacting with women in search of redress.

The Council of Europe is looking for 12 providers, (2 providers/lot and provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on women's access to justice.

This Contract is currently estimated to cover up to 20, to be held by 31 December 2021. 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.

For information purposes only, the total budget of the project amounts to 1.048.000 Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros 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.

Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
<p>Lot 1 – ARMENIA:</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Develop course materials in Armenian and methodology, overview and main programme in English for a participatory training course for legal aid lawyers on access to justice and violence against women and domestic violence, covering both international and national legal framework and case law - Conduct national training courses for legal aid lawyers in 2020 and/or 2021 - Draft a training course evaluation report in English - Develop, implement and analyse a follow up questionnaire for legal aid lawyers on assessing and measuring the cases they cover post training, both qualitatively and quantitatively - Update and finalize the training course evaluation report with the findings of the follow up questionnaire - Present the results of the training course for legal aid lawyers in project or other events. 	2
<p>Lot 2 - AZERBAIJAN</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Develop course materials in Azerbaijani and methodology, overview and main programme in English for a participatory training course for legal aid 	2

<p>lawyers on access to justice and violence against women and domestic violence, covering both international and national legal framework and case law</p> <ul style="list-style-type: none"> - Conduct national training courses for legal aid lawyers in 2020 and/or 2021 - Draft a training course evaluation report in English - Develop, implement and analyse a follow up questionnaire for legal aid lawyers on assessing and measuring the cases they cover post training, both qualitatively and quantitatively - Update and finalize the training course evaluation report with the findings of the follow up questionnaire - Present the results of the training course for legal aid lawyers in project or other events. 	
<p>Lot 3 - BELARUS</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Develop course materials in Russian and methodology, overview and main programme in English for a participatory training course for legal aid lawyers on access to justice and violence against women and domestic violence, covering both international and national legal framework and case law - Conduct national training courses for legal aid lawyers in 2020 and/or 2021 - Draft a training course evaluation report in English - Develop, implement and analyse a follow up questionnaire for legal aid lawyers on assessing and measuring the cases they cover post training, both qualitatively and quantitatively - Update and finalize the training course evaluation report with the findings of the follow up questionnaire - Present the results of the training course for legal aid lawyers in project or other events. 	2
<p>Lot 4 - GEORGIA</p> <p>The listed activities should be carried out by the selected national consultant, in co-operation with the project team:</p> <ul style="list-style-type: none"> - Develop course materials in Georgian and methodology, overview and main programme in English for a participatory training course for legal aid lawyers on access to justice and violence against women and domestic violence, covering both international and national legal framework and case law - Conduct national training courses for legal aid lawyers in 2020 and/or 2021 - Draft a training course evaluation report in English - Develop, implement and analyse a follow up questionnaire for legal aid lawyers on assessing and measuring the cases they cover post training, both qualitatively and quantitatively - Update and finalize the training course evaluation report with the findings of the follow up questionnaire - Present the results of the training course for legal aid lawyers in project or other events. 	2
<p>Lot 5 – REPUBLIC OF MOLDOVA</p> <p>The listed activities should be carried out by the selected national consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Develop course materials in Romanian and methodology, overview and main programme in English for a participatory training course for legal aid lawyers on access to justice and violence against women and domestic violence, covering both international and national legal framework and case law - Conduct national training courses for legal aid lawyers in 2020 and/or 2021 - Draft a training course evaluation report in English 	2

<ul style="list-style-type: none"> - Develop, implement and analyse a follow up questionnaire for legal aid lawyers on assessing and measuring the cases they cover post training, both qualitatively and quantitatively - Update and finalize the training course evaluation report with the findings of the follow up questionnaire - Present the results of the training course for legal aid lawyers in project or other events. 	
<p>Lot 6 – UKRAINE</p> <p>The listed activities should be carried out by the selected national consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Develop course materials in Ukrainian and methodology, overview and main programme in English for a participatory training course for legal aid lawyers on access to justice and violence against women and domestic violence, covering both international and national legal framework and case law - Conduct national training courses for legal aid lawyers in 2020 and/or 2021 - Draft a training course evaluation report in English - Develop, implement and analyse a follow up questionnaire for legal aid lawyers on assessing and measuring the cases they cover post training, both qualitatively and quantitatively - Update and finalize the training course evaluation report with the findings of the follow up questionnaire - Present the results of the training course for legal aid lawyers in project or other events. 	2

Lots 1 to 6 concern support to legal aid lawyers in the field of women's access to justice in the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine).

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:
Under Lots 1 to 6:

- Preparing training modules and training materials
- Conducting trainings/workshops
- Drafting analytical reports (assessments, evaluation reports, etc)
- Participating at the events (workshops, conferences, high level meetings)

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 for the lot concerned.

In terms of **quality requirements**, the pre-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 – whenever this is the case – are followed.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement

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).

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 the selection procedure is 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).

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers for the relevant lot 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.

Providers subject to VAT

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

Signature of orders

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.

² It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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)³

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;
- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu).

Eligibility criteria

- Minimum 3 years of experience in the area of access to justice and/or violence against women and domestic violence.
- Bachelor's degree or equivalent work experience in Law, Public Policy and Administration, Social Sciences, Social Work, Gender Studies, Political science, Psychology, Good Governance, History and Humanities.
- Fluency in English and the national language for which the tenderer is applying is required.

Award criteria

- Quality of the offer (90%), including:
 - Experience in developing capacity building resources and delivering training courses on human rights, violence against women and domestic violence, gender equality, anti-discrimination and inclusion, gender equality, access to justice, ECtHR case law.
 - Thematic expertise gained from experience in drafting knowledge products such as research and policy papers, baseline and comparative studies, evaluation reports, desk reviews, handbooks, etc.
 - Analytical and drafting skills
- Financial offer (10%).

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

Multiple tendering is not authorised.

F. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);

³ 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 exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

⁴ The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred.

- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, for legal persons only;
- One sample of relevant work in English (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.)

All documents 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 Council of Europe reserves the right to reject the tender.

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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