**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of consultancy services for the provision of** **expertise in the area of gender mainstreaming and communication and visibility in the implementation of the Project “Promoting Alternative Dispute Resolution (ADR) in Turkey”**

The Council of Europe is currently implementing and until 15/12/2023 a Project on “Promoting Alternative Dispute Resolution (ADR) in Turkey” [hereinafter “ADR Project”]. In that context, it is looking for Provider(s) for the provision of short-term consultancy services in the area of gender mainstreaming and communication and visibility in the implementation of the Project to be requested by the Council on an as needed basis.

1. 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 Europe[[1]](#footnote-1), 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 legal person or consortium of natural and/or legal person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: ADR Consultancy- Gender & Communication.** 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 working days before the deadline for submission of the tenders (by 25th July 2021) and shall be exclusively addressed to the email address indicated below with the following reference in subject: Question ADR Consultancy- Gender & Communication.**

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| --- | --- |
| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until 15 December 2023 |
| **Deadline for submission of tenders/offers ►** | **30 July 2021** |
| **Email for submission of tenders/offers ►** | **ankara.office@coe.int** |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 21 August 2021 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The overall objective of the ADR Project is to improve the effectiveness of the justice system and access to justice in Turkey by providing a faster dispute resolution for the citizens, businesses, legal persons and other organisations and institutions at large. The Project will last 36 months between 17 December 2020 and 16 December 2023.

The ADR Project has three specific objectives:

1. The scope and application of the conciliation is enhanced/increased and implemented effectively, ensuring that the rights of minors, victims and offenders are protected. Skills and professionalisms of the staff of the Directorate General for Criminal Affairs within the Ministry of Justice, as well as conciliators, legal professionals and conciliation prosecutors are strengthened.
2. The scope of mediation and arbitration is enlarged as well as the use and scope of mediation and arbitration are increased in civil law. The capacity and qualifications of the staff of the Directorate General for Legal Affairs within the Ministry of Justice as well as mediators, legal professionals and judiciary are enhanced to ensure consistent and efficient mediation and commercial dispute resolution.
3. The capacity of the Ministry of Justice and the staff of the relevant Departments is enhanced in strategic and policy development of ADR mechanisms, including the issues pertinent to the design, management and financing of its services.

Target groups of the Project are the staff of the Ministry of Justice, judges, prosecutors, court staff lawyers, conciliators, mediators, arbitrators, academics, public/court users, business community, with a total of approximately 2,000 individuals.

End beneficiary institutions of the Project are the Directorate General for Criminal Affairs and Directorate General for Legal Affairs within the Ministry of Justice.

The Council of Europe is looking for a **maximum of 15 Providers** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise in the area of gender-mainstreaming (7 providers) and communication (6 providers) in the implementation of the Project.

This Contract is currently estimated to cover up to 60 activities, to be held by 15 December 2023. 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 4.000.000 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 |
| Lot 1: Gender Mainstreaming | 7 |
| Lot 2: Communication | 6 |

Lot 1 concerns consultancy on the gender mainstreaming in the Project Activities related to enhancement of conciliation in criminal matters and its effective implementation by ensuring the protection of the rights of minors, victims and offenders; increasing the use and scope of mediation and arbitration in civil law; and strategic and policy development of alternative dispute resolution (ADR) mechanisms, including design, management and financing of its services.

Lot 2 concerns consultancy on communication and visibility in the Project Activities related to enhancement of conciliation in criminal matters and its effective implementation by ensuring the protection of the rights of minors, victims and offenders; increasing the use and scope of mediation and arbitration in civil law; and strategic and policy development of alternative dispute resolution (ADR) mechanisms, including design, management and financing of its services.

The Council will select the abovementioned number of Providers 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 Lot 1: Gender Mainstreaming

* Review national laws, secondary legislation on conciliation, mediation and arbitration in terms of their different implications of men and women.
* Assess -with a gender lens- the needs of the current system of conciliation, mediation and arbitration in Turkey on the basis of their gender implications.
* Provide recommendations to develop a methodology on collecting sex disaggregated data.
* Evaluate with a gender lens the existing legal framework and practices in the field of family law.
* Develop gender sensitive training modules for conciliators, mediators and arbitrators, involving an emphasis on women’s human rights, gender implications of the conciliation, mediation and arbitration processes.
* Contribute to the development of manuals, guidebooks or handbooks by involving gender considerations.
* Involve gender-sensitive elements into the awareness raising seminars, roundtable discussions and workshops on conciliation, mediation and arbitration.
* Incorporate gender-related issues in development of an awareness raising strategy on the existing ADR mechanisms and its implementation.
* Contribute to ADR Development Strategy and Action Plan to ensure it includes gender sensitivity measures.

Under Lot 2: Communication

* Ensure timely and successful implementation of communication and visibility activities, tools and outputs including but not limited to public events, conferences, media events/press conferences, publications, visual instruments, information and visibility material, website;
* Advise on innovative communication approaches on development of practical handbooks to increase the awareness of and inform the conciliation users (victims and offenders, police, judiciary, prosecutors and lawyers) on all aspects of conciliation, procedures, advantages and risks; general information leaflets for court users and citizens and posters for the courthouses. The communication consultant will work with the consultants with expertise in conciliation. The main responsibility of the communication consultant is to ensure the proper visibility by using proper communication tools in the practical handbooks, information leaflets, and posters;
* Advise on innovative communication approaches on the development of practical handbooks, guidebooks, information leaflets posters and video clips on mediation and arbitration to increase the awareness of and inform the target audience on all aspects of mediation and arbitration. The communication consultant will work with the consultants with expertise in mediation and arbitration. The main responsibility of the communication consultant is to ensure the proper visibility by using proper communication tools in the practical handbooks, guidebooks, information leaflets, posters and video clips;
* Supervise the design and production of high-quality visibility and communication material in a timely manner in coordination with the Project team and the beneficiaries;
* Engage in the preparation of international panel, forum, and events on ADR in order to increase the visibility of the ADR mechanism;
* Engage in the preparation of the international high level conference to provide the proper visibility and attention to the event. The conferences will serve the purpose of raising awareness of the target groups and general public on ADR mechanisms;
* Assist in the preparation of the multi-annual, ADR awareness raising strategy and l facilitate the working meetings with the participation of the relevant institutions to prepare an integrated and overarching communication strategy.
* Provide strategic recommendations on the establishment of a dedicated web-page;
* Advise on and/or support the implementation of all communication and visibility activities included in the Project Communication and Visibility Plan in close coordination with the Project team, the other Project consultants and the relevant service providers;
* Liaise with the communication and information departments of the beneficiary institutions, and the EU Delegation in Turkey for joint approaches and activities;
* Ensure that all necessary measures are taken to ensure the visibility of the European Union and the Republic of Turkey in line with the Communication and Visibility Manual of EU and Council of Europe;
* Draft reports.

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).

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 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 quote[[2]](#footnote-2) (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.

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)**[[3]](#footnote-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, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
* 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 an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
* have been involved in mismanagement of the Council of Europe funds or public funds;
* are or appear to be in a situation of conflict of interest;
* 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

Criteria for specific lots:

For Lot 1 (Gender mainstreaming):

1. University Degree or equivalent in sociology, psychology, gender/ women’s studies, social sciences, law, international development, or a related field.
2. Minimum 2 years of -either research or work- experience in the field of gender studies.
3. Fluency in Turkish and English with good verbal and written skills (at least level B2 of the CEFR).
4. Financial offer not exceeding the limit set out in the Act of Engagement.

For Lot 2 (Communication):

1. University Degree or equivalent in communication/media, journalism, public relations, psychology, sociology or related fields.
2. Minimum 2 years of practical experience in the field of communication.
3. Fluency in Turkish and in English with good verbal and written skills (at least level B2 of the CEFR).
4. Financial offer not exceeding the limit set out in the Act of Engagement.

*Award criteria*

Criteria for specific lots:

For Lot 1 (Gender mainstreaming):

* Quality of the offer (90%), including:
	+ Relevance of the experience and expertise of the tenderer in the areas covered by this call (40%);
	+ Relevant experience on gender mainstreaming gained while working with relevant stakeholders from the judiciary, governmental and non-governmental institutions, preferably international co-operation programmes in the field of gender (30%).
	+ Excellent writing and speaking skills in Turkish and in English (20%);
* Financial offer (10%).

For Lot 2 (Communication):

* Quality of the offer (90%), including:
	+ Relevance of the experience and expertise of the tenderer in the areas covered by this call (40%);
	+ Relevant experience in the field of communication gained while working with relevant stakeholders from the judiciary, governmental and non-governmental institutions, preferably international co-operation programmes in the field of communication (30%).
	+ Excellent writing and speaking skills in Turkish and in English (20%);
* Financial offer (10%).

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

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED
* **A completed and signed** copy of the **Act of Engagement[[4]](#footnote-4)** (See attached);
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* A motivation letter outlining how the tenderer meets each of the eligibility and award criteria mentioned above under item E. A text of maximum 200 words per each criterion shall describe, preferably with reference to concrete examples, the tenderer’s relevant experience and competences in relation to the given criterion;
* ONLY FOR LOT 1: Sample of a gender mainstreaming strategy, action plan, assessment or report for a national institution or an international cooperation Project prepared by the tenderer for LOT1.
* ONLY FOR LOT 2: Sample of a practical handbook, guidebook, information leaflets, conference report, communication plan prepared by the tenderer.
* A list of all owners and executive officers, for legal persons only;

**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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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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
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 and sixth 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). [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)