



# CALL FOR TENDERS

## FOR THE PROVISION OF CALL FOR TENDERS

### FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES ON THE LEGAL AND JUDICIAL REFORM IN ARMENIA

2019/AO/73

<b>Object of the procurement procedure ►</b>	Consultancy services for the Council of Europe projects supporting the legal and judicial reform in Armenia
<b>Project ►</b>	Cooperation activities implemented within the Justice and Co-operation Department of the Council of Europe
<b>Organisation and buying entity ►</b>	Council of Europe Directorate General of Human Rights and Rule of Law
<b>Type of contract ►</b>	<b>Framework Contract</b>
<b>Duration ►</b>	Until 31 December 2021
<b>Expected starting date ►</b>	1 November 2019
<b>Tender Notice Issuance date ►</b>	13 September 2019
<b>Deadline for tendering ►</b>	10 October 2019

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## This Tender File contains:

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.

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The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

**The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

### HOW DOES A FRAMEWORK CONTRACT WORK?

#### STAGE 1:

**SELECTION** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

#### STAGE 2:

**ORDER(S)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**EXECUTION** as from the date of signature of each Order, unless the Order concerned provides otherwise.

### HOW TO SUBMIT A TENDER?

**STEP 1:** Read the **TENDER FILE**.

**STEP 2:** Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

**STEP 3:** Send your **TENDER** in accordance with the Tender Rules.

# PART I –TERMS OF REFERENCE

## CALL FOR TENDERS

### FOR THE PROVISION OF INTERNATIONAL CONSULTACY SERVICES ON THE LEGAL AND JUDICIAL REFORM IN ARMENIA 2019/AO/73

#### A. BACKGROUND

The overall objective of the Project “Support to the judicial reform – enhancing the independence and professionalism of the judiciary in Armenia” is to further promote judicial independence, the effectiveness of legal proceedings and access to justice in Armenia by providing legal drafting support to the post constitution justice reform processes in the fields of justice, judiciary and disciplinary frameworks, as well as by enhancing the application of mediation and arbitration in accordance with Council of Europe standards and recommendations.

The Council of Europe is looking for an overall maximum of thirty-five (35) international service providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the cooperation activities with a particular expertise in the field of rule of law and specifically experience in the following fields:

- **Independence and impartiality of the judiciary:** Implementation of the Council of Europe standards on the independence and impartiality as well as efficiency and quality of the judiciary through drafting and revising national legal and administrative frameworks in the field of civil justice, administrative justice, mediation, arbitration, appointment and dismissal of judges, disciplinary frameworks of judges and advocates, evaluation of judicial servants, judicial career with a particular focus on gender perspective;
- **National mechanisms for the execution of judgments (on civil and administrative cases) of the European Court of Human Rights:** cooperation with the judiciary and the Governmental Agent before the European Court of Human Rights and individual lawyers, the role of the judiciary and the advocates/lawyers in the execution process, reopening of judicial proceedings following judgements of the European Court of Human Rights;
- **E-justice solutions of the judiciary:** Implementation of the Council of Europe standards and best practices of Council of Europe member states on ICT tools for court/case management and judicial services, random case distribution system, workload of judges, case prioritisation, judicial evaluation, e-bankruptcy courts and other relevant IT solutions required for ensuring e-court unified electronic system;
- **Court users’ satisfaction survey:** Implementation of the Survey based on the methodology of the European Commission for the Efficiency of Justice (CEPEJ) in all courts of all instances of Armenia. The Survey shall cover all or selected questions related to the accessibility and interior facilities of the courts; the functioning of the courts; judges, hearings, courts’ judicial acts and clarity of judicial acts; the prosecutors; advocates and public defenders; access to information; professionalism, impartiality and independence of judges; attitude and politeness, availability and accessibility of judges; organisational dimension of the court service provision; clarity, comprehensiveness of judicial acts and clarity of decision reasoning and conclusions;
- **Monitoring mechanisms over the enforcement of national legal acts:** Implementation of the Council of Europe standards on the enforcement of legal acts through drafting relevant legal and administrative frameworks on the monitoring of the enforcement of legal acts.

The tenderer must be either a natural person, or a legal person except consortia. Legal persons will be required to assign individual employees to perform tasks under the contract and may not subcontract or replace any employees without the explicit written acceptance of the Council of Europe. Should the requested deliverables be performed by a person other than the pre-approved employees or consultants, the Council of Europe reserves the right to terminate the contract.

The present tendering procedure aims to select Providers to support project implementation and is divided into the following 6 lots:

Lots	Maximum number of Providers to be selected
<b>Lot 1: Legal drafting support to possible revisions of the Judicial Code and other legal acts deriving from the Constitution and the Judicial Code</b>	10
<b>Lot 2: Legal drafting support to developing legal mechanisms and procedures for evaluation of the judges of Armenia</b>	5
<b>Lot 3: National mechanisms for the execution of judgments (on civil and administrative cases) of the European Court of Human Rights</b>	5
<b>Lot 4: E-justice solutions of the judiciary</b>	5
<b>Lot 5: Court Users Satisfaction Survey</b>	5
<b>Lot 6: Monitoring mechanisms over the enforcement of the legal acts</b>	5

This Contract is currently estimated to cover up to 100 activities, to be completed by 31 December 2021. This estimate of the total number of activities 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. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

For information purposes only, the total budget of the project amounts to 905,000 Euros and the total amount of the object of present tender should in principle not exceed 95,900 Euros 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.

## B. SCOPE OF THE FRAMEWORK CONTRACT

The tender is divided into the following six lots. Consultants may submit a tender for one, several or all lots subject to the fulfilment of the criteria listed in the Tender Rules for the lot(s) concerned.

Throughout the duration of the Framework Contract, being instructed, supervised and coordinated by the designated staff members from the Council of Europe Office in Yerevan and from the Council of Europe Headquarters, the pre-selected Providers may be asked to provide the Armenian authorities with advice and expertise in the fields described below.

### ***Lot 1: Legal drafting support to possible revisions of the Judicial Code and other legal acts deriving from the Constitution and the Judicial Code***

The pre-selected provider may be asked to advise, where appropriate, in cooperation with national experts or independently on the topics listed below, in the form of oral and/or written advice, including but not limited to draft documents, internal rules, procedures, recommendations and evaluation documents.

The list of expected deliverables (not exhaustive):

- Assessing the draft legal acts and the legal acts that are in force as well as administrative frameworks to ensure that the principle of external and internal independence of the judiciary are respected and complied with;
- Assessing national legal and administrative frameworks in the field of civil justice, administrative justice, mediation, arbitration, appointment and dismissal of judges, disciplinary frameworks of judges and advocates, judicial career with a particular focus on gender perspective and the compliance of the mentioned legal and administrative frameworks to the Council of Europe standards and recommendations;

- Preparing recommendations, with reference to Council of Europe standards and best practices of Council of Europe member states in the areas of independence and impartiality as well as efficiency and quality of the judiciary in order to improve the legislative and institutional frameworks in Armenia;
- Providing legal and policy advice, undertaking specific research, carrying out analysis of legal texts and data, providing recommendations on the topics including, but not limited to independence and impartiality as well as efficiency and quality of the judiciary through assessing national legal and administrative frameworks in the field of civil justice, administrative justice, mediation, arbitration, appointment and dismissal of judges, disciplinary frameworks of judges and advocates, judicial career with a particular focus on gender perspective;
- Other deliverables, as requested by the Council of Europe.

The consultants may be asked to undertake at one or more missions to provide the expected deliverables.

***Lot 2 -- legal drafting support to developing legal mechanisms and procedures for evaluation of the judges of Armenia***

The pre-selected provider may be asked to advise, where appropriate, in cooperation with national experts or independently on the topics listed below, in the form of oral and/or written advice, including but not limited to draft documents, internal rules, procedures, recommendations and evaluation documents.

The list of expected deliverables (not exhaustive):

- Providing expert support in the process of drafting and/or revising national legal acts and administrative frameworks in the field of evaluation of judges;
- Assessing the draft legal acts and administrative mechanisms as well as providing recommendations on all aspects of the draft legal and administrative mechanisms on evaluation of judges, including but not limited to the technological solutions enabling to choose, design, build, implement, and manage the entire process of evaluation of judges;
- Preparing legal and policy papers, with reference to Council of Europe standards and best practices of Council of Europe member states in the areas of evaluation of judges;
- Providing legal and policy advice, undertaking specific research, carrying out analysis of legal texts and data, providing recommendations on the topics including, but not limited to evaluation of judges, as well as efficiency and quality of the judiciary for revising national legal and administrative frameworks in the field of evaluation of judges;
- Participating in expert working groups, workshops, seminars, round tables and conferences, delivering presentations, providing written inputs to peer reviews.

The consultants may be asked to undertake at one or more missions to provide the expected deliverables.

***Lot 3 – National mechanisms for the execution of judgments (on civil and administrative cases) of the European Court of Human Rights***

The pre-selected provider may be asked to advise where appropriate, in cooperation with international and/or national experts or independently on the topics listed below, in the form of oral and/or written advice, including on the draft documents, including but not limited to information documents and manuals.

The list of expected deliverables (not exhaustive):

- Assessing the status of enforcement of the judgments of the European Court of Human Rights with respect of Armenia;
- Assessing the legal frameworks and practice concerning the national mechanisms for the execution of judgement (on civil and administrative cases) of the European Court of Human Rights and making recommendations on better compliance with the relevant standards of the Council of Europe;
- Analysing the domestic mechanisms of cooperation of the institutions of legislative, executive and judicial branches of the power in cooperation with the Government Agent before the European Court of Human Rights;
- Drafting of information materials/manuals on the national legal frameworks and practice on the reopening of cases (civil and administrative) by the Court of Cassation of the Republic of Armenia following the judgments of the European Court of Human Rights, which among other things should include recommendations on the improvement of the rules and procedures and if relevant, the national legal acts so as to ensure effective execution of judgments of the European Court of Human Rights at the national level;

- Other deliverables, as requested by the Council of Europe.

The consultants will be asked to undertake one or more missions to provide the expected deliverables.

#### **Lot 4 – E-justice solutions of the judiciary**

The pre-selected provider may be asked to advise where appropriate, in cooperation with international and/or national experts or independently on the topics listed below, in the form of oral and/or written advice, including on the draft documents (e.g. internal rules, procedures, national standard setting and regulatory documents).

The list of expected deliverables (not exhaustive):

- Designing-court architecture and developing TOR for e-court model;
- Providing advice and developing relevant reports/recommendations on the introduction of the systems and administrative frameworks for the e-court unified electronic system, including but not limited to ICT tools for court/case management and judicial services, random case distribution system, workload of judges, case prioritisation, judicial evaluation;
- Providing advice and developing relevant reports/recommendations on the introduction of the systems and relevant administrative frameworks for improving the system for the exchange of information by electronic means between all the participants of the case as well as amongst the courts;
- Providing advice and developing relevant reports/recommendations on the introduction of the systems and administrative frameworks on full electronic procedures for the bankruptcy cases;
- Providing advice and developing relevant reports/recommendations on improving the e-petition website;
- Providing recommendations for the introduction of other systems and regulations related to e-justice unified electronic system.
- Other deliverables, as requested by the Council of Europe.

The consultants will be asked to undertake one or more missions to provide the expected deliverables.

#### **Lot 5 – Court Users Satisfaction Survey**

The pre-selected provider may be asked to advise where appropriate, in cooperation with national experts or independently on the topics listed below, in the form of oral and/or written advice, including but not limited to draft documents and recommendations.

The list of expected deliverables (not exhaustive):

- Identifying, analysing and interpreting the trends or patterns in the available dataset and whenever relevant comparing the baseline Survey data conducted in 2016 as well as predicting outcomes or supporting recommendations to be made in the report aimed at improving the services of the courts of Armenia to better meet the expectations of court users;
- Developing recommendations on all problematic matters or non-compliances with the Council of Europe standards and best practices of Council of Europe member states;
- Providing guidance to the national consultants on approaches, strategy, policy and required structure of the report;
- Drafting the final report on the Survey which shall include at least the following chapters: executive summary; introduction; findings of the survey conducted with court users; findings of the survey conducted with advocates; key finding of individual courts and residences based on the evaluation of court users; key findings on individual courts and residences based on the evaluation of advocates/lawyers;
- Other deliverables as requested by the Council of Europe.

The consultants will be asked to undertake one or more missions to provide the expected deliverables.

#### **Lot 6 – Monitoring mechanisms over the enforcement of the legal acts**

The pre-selected provider may be asked to advise where appropriate, in cooperation with international and/or national experts or independently on the topics listed below, in the form of oral and/or written advice, including on the draft documents, including but not limited to internal rules, procedures, national standard setting and regulatory documents. The list of expected deliverables (not exhaustive):

- Analysing of the existing legal frameworks and practice in the field of enforcement of legal acts and the mechanisms of registering the shortcomings/challenges faced during the process of enforcement by different branches of the power as well as state or private authorities/institutions and individuals;
- Supporting the national authorities in drafting the legislative proposals regarding the introduction of mechanisms of supervision/monitoring over the enforcement of legal acts;
- Other deliverables as requested by the Council of Europe.

The consultants will be asked to undertake one or more missions to provide the expected deliverables.

The above lists (under Lot 1, 2, 3, 4, 5 and 6) of expected deliverables are not considered exhaustive. The Council of Europe 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.

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.

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 projects 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 unit fees, by completing the table of fees, as attached in Section A of 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 daily 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 carried out on the basis of Order Forms submitted by the Council to the selected Service 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.

### Pooling

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.

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 Service 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<sup>1</sup> (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 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 Provider, to the extent possible on the day of its signature.

## E. ASSESSMENT

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>2</sup>

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 appear 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](http://www.sanctionsmap.eu)).

*Eligibility criteria* (for all lots)

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- A university degree in law, political sciences, IT, social sciences, international relations, public administration or related fields as relevant for the lot(s) tendered for;
- At least 7 years of professional experience in areas related to the rule of law and the judiciary, and where relevant in view of the lots tendered for, in court management, satisfaction surveys and e-justice, of which at least 5 years acquired in an international context;

<sup>1</sup> It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

<sup>2</sup> 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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.



- Excellent knowledge of the English language (at least level C1 of the Common European Framework of Reference for Languages);

Only bids submitted in English shall be deemed eligible.

#### *Award criteria*

The following criteria will be applied in the assessment of each of the Lots for which the tenderer submits a tender:

Criterion 1: Relevance of the experience of the tenderer in the areas covered by this call, including previous assignments with international organisations (20%);

Criterion 2: Knowledge of the standards and recommendations of the Council of Europe in the fields of the rule of law and justice (30%);

Criterion 3: Knowledge of the national and regional context in the field of the judiciary or/and knowledge of contexts that are relevant to the areas covered by this call (30%);

Criterion 4: The financial offer as indicated in the Table of fees (20%).

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

**Multiple tendering is not authorised.**

## **F. DOCUMENTS TO BE PROVIDED**

- **Two** completed and signed copies of the Act of Engagement.<sup>3</sup>
- A detailed CV, preferably in Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Contact details of 3 (three) references;
- A sample of an article, legal opinion, report or another relevant text recently drafted, in English, by the tenderer;
- Motivation letter in English, demonstrating experience, expertise and skills and capacities as set out under the award criteria, including indication of:
  - i) Specific and/or preferred fields of expertise: Lot 1 – Legal drafting support to possible revisions of the Judicial Code and other legal acts deriving from the Constitution and the Judicial Code, Lot 2-- Legal drafting support to developing legal mechanisms and procedures for evaluation of the judges of Armenia, Lot 3 – National mechanisms for the execution of judgments (on civil and administrative cases) of the European Court of Human Rights, Lot 4 – E-justice solutions of the judiciary, Lot 5 – Court users' satisfaction survey, Lot 6- Monitoring mechanisms over the enforcement of national legal acts.
  - ii) Specific experience in regard of Lot 1 – Legal drafting support to possible revisions of the Judicial Code and other legal acts deriving from the Constitution and the Judicial Code, Lot 2 – Legal drafting support to developing legal mechanisms and procedures for evaluation of the judges of Armenia, Lot 3 –National mechanisms for the execution of judgments (on civil and administrative cases) of the European Court of Human Rights, Lot 4 – E-justice solutions of the judiciary, Lot 5 – Court users' satisfaction survey, Lot 6- Monitoring mechanisms over the enforcement of national legal acts.
- Tenderers may supplement motivation letters with documents proving their knowledge, such as programmes of events and descriptions of projects they participated in, titles and references of research they undertook and summaries of reports they produced;
- A scanned copy of registration documents, for legal persons only (with certified English translation where relevant);
- A list of all owners and executive officers, for legal persons only;
- A scanned copy of all valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons).

**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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<sup>3</sup> 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.

# PART II – TENDER RULES

## CALL FOR TENDERS FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF LEGAL AND JUDICIAL REFORM IN ARMENIA 2019/AO/73

### ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

#### 1.1 Name and address

#### COUNCIL OF EUROPE

B.P. 7  
F – 67075 STRASBOURG Cedex  
FRANCE

#### 1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.<sup>4</sup>

Further details on the project are provided in the Terms of Reference.

### ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

### ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

### ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

### ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

### ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, or a legal person except consortia.

### ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>.

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: [tender.armenia-BH4714@coe.int](mailto:tender.armenia-BH4714@coe.int)

### ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy**.

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

**Paper hardcopies** shall be sent in A4 format (21x29.7 cm) by post, as specified below:

- Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE  
For the attention of the Tenders Board  
**CALL FOR PROVISION OF INTERNATIONAL CONSULTANCY  
SERVICES IN THE FIELD OF LEGAL AND JUDICIAL REFORM IN  
ARMENIA 2019/AO/73**  
B.P. 7  
F – 67075 STRASBOURG Cedex  
**FRANCE**

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes;
- Tenders submitted to another postal address will be excluded from the procedure.

### ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 10 October 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

### ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

### ARTICLE 11 – NEGOTIATIONS

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

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<sup>4</sup> Available on the website of the Council of Europe Treaty Office:  
[www.conventions.coe.int](http://www.conventions.coe.int)

# FINAL CHECK LIST

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## 1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **Two** completed and signed copies of the Act of Engagement.<sup>5</sup>
- A detailed CV, preferably in Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Contact details of 3 (three) references;
- A sample of an article, legal opinion, report or another relevant text recently drafted, in English, by the tenderer;
- Motivation letter in English, demonstrating experience, expertise and skills and capacities as set out under the award criteria, including indication of:
  - iii) Specific and/or preferred fields of expertise: Lot 1 – Legal drafting support to possible revisions of the Judicial Code and other legal acts deriving from the Constitution and the Judicial Code, Lot 2-- Legal drafting support to developing legal mechanisms and procedures for evaluation of the judges of Armenia, Lot 3 – National mechanisms for the execution of judgments (on civil and administrative cases) of the European Court of Human Rights, Lot 4 – E-justice solutions of the judiciary, Lot 5 – Court users' satisfaction survey, Lot 6- Monitoring mechanisms over the enforcement of national legal acts.
  - iv) Specific experience in regard of Lot 1 – Legal drafting support to possible revisions of the Judicial Code and other legal acts deriving from the Constitution and the Judicial Code, Lot 2 – Legal drafting support to developing legal mechanisms and procedures for evaluation of the judges of Armenia, Lot 3 –National mechanisms for the execution of judgments (on civil and administrative cases) of the European Court of Human Rights, Lot 4 – E-justice solutions of the judiciary, Lot 5 – Court users' satisfaction survey, Lot 6- Monitoring mechanisms over the enforcement of national legal acts.
- Tenderers may supplement motivation letters with documents proving their knowledge, such as programmes of events and descriptions of projects they participated in, titles and references of research they undertook and summaries of reports they produced;
- A scanned copy of registration documents, for legal persons only (with certified English translation where relevant);
- A list of all owners and executive officers, for legal persons only;
- A scanned copy of all valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons).

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## 2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy**.

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

**Paper hardcopies** shall be sent in A4 format (21x29.7 cm) by post, as specified below:

- Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

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<sup>5</sup> 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.

COUNCIL OF EUROPE  
For the attention of the Tenders Board  
**CALL FOR PROVISION OF NATIONAL CONSULTANCY SERVICES IN THE  
FIELD OF LEGAL AND JUDICIAL REFORM IN ARMENIA”**  
**2019/AO/ 73**  
B.P. 7  
F – 67075 STRASBOURG Cedex  
**FRANCE**

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes;
- Do not send a copy of your tender to the buyer entity. Tenders submitted to any other postal address than the one indicated above will be excluded from the procedure.

The deadline for the submission of tenders is 10 October 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.