

Questions and Answers

Call for Tenders for the Provision of Local consultancy Services on Human Rights and the Environment in South-East Europe (BH9215-FC-RC)

1. Give more details about the 30 activities mentioned in the Tender File:

It is mentioned in the tender file that: *“This Contract is currently estimated to cover up to 30 activities to be held by 28 February 2026. 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.”*

- Which 30 activities are mentioned above? Does this mean that the expert will act as an expert in those 30 activities and at the same time will also prepare documents for an amount of maximum €199 for both of these (participating in the event and drafting documents)?
- Do these go beyond the scope of the attached Terms of Reference?

Answer: The types of activities are indicated in the tender file under subsection B - Expected deliverables. The activities will be within the scope of the tender. However, the actual number of activities may potentially be higher or lower, depending on the evolving needs of the Organisation/Project. It is important to recognise that this is a framework contract and following the completion of the selection process, a pool of pre-approved tenderers will be established. Afterwards, depending on the project's need and dynamic, order forms can be sent to chosen providers, specifying deliverables and calculated based on the unit fees/daily rates (the maximum of the daily fee cannot exceed €200). The fee will be calculated based on the scope, content and amount of the work to be carried out. This stage can be repeated on an as needed basis.

2. Give more details about the project amount of €500,000 and the total amount of the tender as €55,000:

It is mentioned in the tender file that: *“...The total budget of the project amounts to €500,000 and the total amount of the object of present tender shall not exceed €55,000 tax exclusive for the whole duration of the Framework Contract...”*

- What does the total budget of €500,000 relate to? Are the referred 30 activities mentioned in this Tender meant to be covered by the present tender budget €55,000 or is the €500,000? What is the total budget of €500,000 intended to encompass? Would this relate to new activities going beyond the attached?
- Does the total €55,000 for the duration of the Framework Contract cover all the Lots in the Terms of Reference and all jurisdictions (i.e., Albania, Kosovo*, Bosnia and Herzegovina, North Macedonia, and Serbia)? Or is it a specific

budget for specific Lots/activities? Is the €500,000 budget exclusively applicable to the jurisdictions specified in the attachment?

Answer: This framework contract is limited in its capacity to procure intellectual services, with a cumulative amount not to exceed €55,000 tax exclusive throughout the contract duration, including all lots. The total budget for the Project, focusing on South-East Europe (Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, and Serbia), amounts to €500,000. This budget also encompasses additional activities beyond the framework contract's scope or unrelated to it.

3. Specify the expected amount of working days per lot (minimum vs maximum) during the project time-frame:

- Are the applicants expected to propose an expected amount of working days at later stage of the recruiting procedure, prior to eventual agreement conclusion?
- Is it possible to obtain an estimated total budget for each order within this tender?

Answer: The expected number of working days per lot cannot be specified due to the dynamics of the activities, which will be defined according to the project needs. Therefore, it is not possible to provide an estimated budget per order form. Only when the need arises, order forms will be sent to chosen providers, specifying deliverables and calculated based on the unit fees/daily rate.

4. Legal personalities:

- a. Question: Is this a tender for individuals or legal firms? Can a legal firm, offering a group of experts overseen by a senior lawyer, qualify as a single provider under this tender? Furthermore, is such a law firm, if it provides multiple lawyers, eligible to accept several orders?

Answer: As indicated in the tender file, *"The tenderer must be either a natural person, a legal person, or consortia of legal and/or natural persons"*. Therefore, legal firms can apply as well. The CVs of all members of the group of experts directly involved in this project within the legal firm need to be submitted together with the application. The providers selected under this tender may be requested for several orders, as needed.

- b. Question: If an application is submitted by a consortia of two natural persons, is a daily fee provided in the Act of Engagement considered to be paid for deliveries of both persons, or fee should be paid to both persons in the stipulated amount for each order? Although the tender permits participation from both natural and legal persons, it appears that the daily fee is designed primarily for individuals. Is this interpretation correct?

Answer: A daily fee is entitled for the deliverable. Therefore, it is independent from the number of people who have prepared the deliverable, in case of law firms and consortia.

- c. Question: Regarding the eligibility criteria of “*Being a registered legal entity or a private entrepreneur specialised in the field of human rights, environmental law (for legal persons only)*”, are environmental NGOs (as non-profits) eligible to apply?

Answer: An NGO can be considered eligible to apply as a legal entity, provided that it meets the eligibility criteria and submits the required documents outlined specifically for legal entities in the tender documents.

- d. Question: Is it also required to submit a contract specifically detailing our consortium of natural persons?

Answer: Internal arrangements within the consortium must be set out in a written ‘consortium agreement’ between the beneficiaries, as indicated in Article 10.5 of the Act of Engagement. However, it is not needed to submit this consortium agreement within the application documents.

5. Give more details about the daily fees and the exclusion level of €200:

- a. What does the exclusion level of €200 means? Clarify whether the exclusion level of "200" listed against the "daily fee" for each lot refers to €200 per day. Is the maximum daily fee established at €200?

Answer: As indicated in the tender file, a tenderer providing a daily fee above €200 will be automatically excluded. The daily fee refers to a maximum of €200 per day.

- b. If a natural person applies for one Lot, the maximum payment per day (daily fee) is €199? This means also that that person would be paid with a daily fee of €199 even though he/she has prepared a deliverable and has also been a speaker to an event simultaneously? In other words, how would the payment for the expert will be provided?

Answer: Please see the answer under Question 1 and Question 8-a.

- c. Given that the unit fee is set as a daily rate, which days are covered by this fee? Does it mean that, after an order is received, daily fee refers to the number of days of engagement in conducting activities for each particular order?
- If so, is the necessary number of days for completing a particular order, pre-defined by the Council?

Answer: Please see the answer under Question 1.

- If not so, does the following statement '*each time an order form is sent, a provider undertakes to take all the necessary measures to send it signed to the Council within 2 (two) working days after its reception*', means that each particular order is to be completed within two working days, or the mentioned statement refers only to the acceptance of an order by a provider?

Answer: Two working days refers to the signature and return of the order form to the Council of Europe by the provider.

6. Give more details about the following eligibility criteria:

- a. Question: In case of no published papers; specify if Reports and/or Case studies/Legal analysis on relevant topic (that have been finalised for project purposes, but were not yet published) qualify for this criterion under "submitted samples of previously written work"?

Answer: Yes, these types of documents can be qualified for this criterion, as it is indicated in the tender file as: "*published papers or alternatively submitted samples of previously written work, experience in giving lectures on relevant topics, etc.*". However, it should be clearly indicated that the sample provided was prepared by the by the applicant in question.

- b. Question: What documentation is eligible for proving English language knowledge? Is C1 level mandatory, or lower level (B2) would be considered as eligible? Can extended working experience in international setting be qualified as proof of knowledge? If no certification is available, are any test expected?

Answer: The level C1 is mandatory for English level knowledge and lower levels cannot be considered as eligible. If no certification is available, self-declaration is accepted. This self-declaration should be reinforced with published papers, submitted samples of previously written work or experience in giving lectures on relevant topics in English. No English test is expected.

- c. Question: Confirm that the eligibility criteria require two years of experience working in one of Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, and Serbia.

Answer: We confirm that the eligibility criteria require two years of professional experience in one of these regions: Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, and Serbia.

- d. Question: Regarding the eligibility criteria "*Knowledge of one of the languages of the beneficiary jurisdictions in South-East Europe, spoken and written (mother tongue level)*", how does one prove this criterion? Is it by providing birth certificate/passport copy or any other certificate?

Answer: The mother tongue level knowledge of one of the languages of the beneficiary jurisdictions in South-East Europe is proved by self-declaration.

7. Give more details about the following exclusion criterion:

Question: There is an exclusion criterion for individuals currently employed by the Council of Europe. Does this exclusion apply to framework agreements, as well?

Answer: The exclusion criterion “*are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure*” does not cover consultants/experts having framework agreement, framework contract or one-off contract with the Council of Europe. It covers staff members.

8. Give more details about travelling under this contract:

- a. Question: What is the practice regarding the travel for the purposes of the Contract, in the sense of a prior notification? What is the expected period of time at a provider's disposal, to be notified about the travel, to prepare the required materials and to organize for the travel?

Answer: When the project team requires a deliverable from a consultant, they contact the consultant to inquire about their availability. If the deliverable also involves participation in an activity (travel), the consultant is informed during these communications. If the consultant confirms availability for the activity dates, an order form is sent, specifying the deliverable details, deadlines, and any travel requirements. In case the Provider is being required to travel for the purposes of this contract, its subsistence allowance, travel and travel insurance costs will be borne by the Council of Europe under the conditions laid down in Article 4.4. of the Legal Conditions (see section C of the Act of Engagement). The timeframe for noticing the consultant may differ depending on the situation. If a Provider is unable to accept an Order, the Council may contact another Provider.

- b. Question: Does the travel for the purposes of the Contract covers the beneficiary jurisdictions in South-East Europe?

Answer: Travel is anticipated but not limited solely to beneficiary jurisdictions in South-East Europe.

9. Give more details about publications and relevant legal conditions:

Lot 1: “Drafting comparative analytical reports (e.g. baseline studies) of existing legal and policy framework, mechanisms, rules and procedures in the beneficiary jurisdictions and providing recommendations in line with the Council of Europe and international standards and comparable good practices on human rights and the environment.”

- a. Does this include for a provider (natural person, qualified academic researcher) that he is mentioned as one of authors of a potential publication by the Council, and such a publication is created on the basis of the results of deliverables made by a provider, in accordance with the Contract?

Answer: As indicated in the Act of Engagement, the Provider cedes irrevocably and exclusively to the Council of Europe throughout the entire world and for the entire period of copyright protection, all rights on the Deliverable(s) produced as a result of the execution of the contract. Notwithstanding the above, subject to the prior authorisation of the Council of Europe, the provider can be mentioned as one of the authors of a potential publication, if such a publication was developed on the basis of the deliverables made by a provider in accordance with the Contract and the deliverable was accepted by the Council of Europe.

- b. In the sense of Article 3.2 of the Contract, is a provider by any means forbidden to present and/or publish the publicly available deliverables produced as a result of the execution of the Contract, in his academic work, in reference to Article 3.5.2. of the Contract?

Answer: Subject to the prior authorisation of the Council of Europe, the provider can present and/or publish the publicly available deliverables produced as a result of the execution of the Contract.

10. Give more details about required documents:

- a. Question: Regarding the requirement for legal persons to provide the CV of each natural person involved in the execution of the contract, we assume that the CVs for each member of a consortium should be included. We ask you kindly to confirm that this is correct.

Answer: Yes, we confirm that the CVs of each member of a consortium should be sent in the application. If the consortium is formed of firms, The CVs of all members of the group of experts directly involved in this project within the legal firm need to be submitted together with the application.

- b. Question: We would like to confirm whether it is mandatory to submit two work samples per person or two work samples in total for the consortium.

Answer: A minimum number of two work samples for a consortium would be needed.

- c. Question: Please clarify if examples where we have collaborated with other individuals as co-authors are acceptable?

Answer: Yes, we confirm that work samples collaborated with other individuals as co-authors are acceptable. Given that, it should be clearly indicated which part was prepared by the applicant.

- d. Question: Regarding the contact details of referees, we understand that three referees are required. Could you please confirm whether this refers to three referees in total for the consortium or three referees per individual?

Answer: A minimum number of three referees for a consortium would be needed.