**CALL FOR TENDERS**

**CALL FOR TENDERS**

**for the provision of LOCAL consultancy services in the field of justice IN THE REPUBLIC OF MOLDOVA**

EXPERTISE SOUGHT IN THE LEGISLATIVE AND POLICY FRAMEWORK IN THE FIELD OF JUSTICE; INSTITUTIONAL ASPECTS OF FUNCTIONING OF THE JUDICIAL AND PROSECUTORIAL SELF-GOVERNING BODIES; JUDICIAL TRAINING; HUMAN RIGHTS AND CONSTITUTIONAL JUSTICE; EU LAW; STRATEGIC COMMUNICATION AND AWARENESS RAISING ON JUSTICE-RELATED MATTERS; LEGAL PROOFREADING

**2023/AO/85**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | Consultancy services in the field of **legislative and policy framework in the field of justice; institutional aspects of functioning of the judicial and prosecutorial self-governing bodies;judicial training, human rights and constitutional justice; EU law; strategic communication and awareness raising on justice-related matters; legal proofreading** |
| **Project ►** | Support to the justice reform in the Republic of Moldova |
| **Organisation and buying entity ►** | Council of Europe  Department of the Implementation of Human Rights, Justice and Legal Co-operation Standards  Co-operation Programmes Division  Council of Europe Office in the Republic of Moldova (CCM) |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 26 November 2026 |
| **Expected starting date ►** | 31 January 2024 |
| **Tender Notice Issuance date ►** | 22 November 2023 |
| **Deadline for tendering ►** | 15 December 2023 |

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

* [**The TENDER RULES** 14](#_Toc445392376)

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** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

**for the provision of LOCAL consultancy services in the field of justice IN THE REPUBLIC OF MOLDOVA**

**EXPERTISE SOUGHT IN THE LEGISLATIVE AND POLICY FRAMEWORK IN THE FIELD OF JUSTICE;**

**INSTITUTIONAL ASPECTS OF FUNCTIONING OF THE JUDICIAL AND PROSECUTORIAL SELF-GOVERNING BODIES; JUDICIAL TRAINING; HUMAN RIGHTS AND CONSTITUTIONAL JUSTICE; EU LAW; STRATEGIC COMMUNICATION AND AWARENESS RAISING ON JUSTICE-RELATED MATTERS; LEGAL PROOFREADING**

**2023/AO/85**

1. **Background**

The European Union and the Council of Europe Joint Project on “Support to the justice reform in the Republic of Moldova” (the Project) is a national project for the Republic of Moldova. The Project is implemented from 27 May 2023 to 26 November 2026.

The project objective is to ensure that the justice reform is implemented in line with European standards resulting in a fair delivery of justice to the public.

The expected results of the Project are:

1. The Justice Sector Reform Strategy is further implemented, and the legal framework is more in line with European standards and commitments.
2. The judicial and prosecutorial self-governing bodies exercise their competences to select, appoint, promote, transfer, suspend and remove judges and prosecutors in an effective, objective and transparent manner in line with European standards.
3. The National Institute of Justice provides enhanced judicial training for judges and prosecutors through improved curricula and internal processes allowing for a more transparent and impartial selection of new judges and prosecutors and for better training capacities, in line with the 2022 TAIEX recommendations.
4. Constitutional justice is enhanced through increased legal capacities of members and staff of the Constitutional court and increased accessibility of Constitutional Court rulings via a new database.

The Project beneficiaries are the Ministry of Justice, the Superior Council of Magistracy, the Superior Council of Prosecutors, the National Institute of Justice and the Constitutional Court.

The Council of Europe is looking for a maximum of 105 Providers for all Lots as indicated in section B below (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the field of **legislative and policy framework in the field of justice; institutional aspects of the effective functioning of the judicial and prosecutorial self-governing bodies; strategic communication and awareness raising on justice-related matters; professional capacity building in the field of justice, including constitutional justice; legal proofreading**.

This Contract is currently estimated to cover up to *100 activities*, to be held by 26 November 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.

For information purposes only, the total budget of the Project amounts to 2 700 000 Euros and the total amount of the object of present tender should in principle not exceed 100 000 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.

1. **LOTS**

The European Union and the Council of Europe Joint Project is a national project for the Republic of Moldova with a duration of 42 months and aims to support the implementation of the justice reform in line with European standards resulting in a fair delivery of justice to the public.

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

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| **Lot 1: Legislative and policy framework in the field of justice** | 20 |
| **Lot 2: Institutional aspects of functioning of the judicial and prosecutorial self-governing bodies** | 15 |
| **Lot 3: Initial and continuous training for judges, prosecutors and other legal professionals** | 15 |
| **Lot 4: Human rights and fundamental freedoms and constitutional justice** | 15 |
| **Lot 5: European Union Law** | 15 |
| **Lot 6: Strategic communication and awareness raising on justice-related matters** | 15 |
| **Lot 7: Legal proofreading** | 10 |

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section F below), is equivalent to or higher than 3.0 will be selected under each Lot.

1. **SCOPE OF THE FRAMEWORK CONTRACT**

|  |  |
| --- | --- |
| Lot 1: **Legislative and policy framework in the field of justice**  20 providers | Lot 1 concerns compliance of the legislative and policy framework in the field of justice and their implementation in practice with the applicable Council of Europe standards and best practices, particular focus being made on the implementation of the matters covered by the Justice Sector Reform Strategy in the Republic of Moldova.  The indicative list of expected deliverables under Lot 1 is as follows (non-exhaustive):   * Analysis/assessment of the legislation (laws, draft laws, bylaws, other normative acts), policies (e.g., strategies, action plans, policy documents, etc.) as well as their implementation in practice (including impact assessments, analysis of court practice, etc.) with a view of their compliance with the Council of Europe standards and best practices; * Delivery of the respective thematic expertise in the form of legal opinions, assessments, analytical notes, research, reports and other similar formats; * Contribution to the development of regulatory and strategic documents of the Project beneficiaries; * Contribution to the development of information and guiding materials/manuals/instructions in the respective thematic area; * Participation in and expert contribution to working group meetings, roundtables, trainings, seminars, workshops, expert consultations, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals; developing and delivering thematic presentations. |
| Lot 2: **Institutional aspects of functioning of the judicial and prosecutorial self-governing bodies**  15 providers | Lot 2 concerns institutional aspects related to functioning of the judicial and prosecutorial self-governing bodies – the Superior Council of Magistracy and the Superior Council of Prosecutors and their bodies – in line with European standards with primary focus on issues of institutional and functional independence of these self-governing bodies as well as judges and prosecutors; objectivity, transparency, and efficiency of the process of selection, appointment, promotion, transfer, suspension and removal of judges and prosecutors; disciplinary procedures/practices applicable to judges and prosecutors; ethical and integrity standards and ethical codes, performance evaluation; etc.  The indicative list of expected deliverables under Lot 2 is as follows (non-exhaustive):   * Analysis/assessment of the legislation (laws, draft laws, bylaws, other normative acts), policies (e.g., strategies, action plans, policy documents, etc.) as well as their implementation in practice (including impact assessments, analysis of court practice, analysis of the practice of the judicial and prosecutorial self-governing bodies, etc.) with a view of their compliance with the Council of Europe standards and best practices; * Delivery of the respective thematic expertise in the form of legal opinions, assessments, analytical notes, research, reports and other similar formats; * Contribution to the development of regulatory and strategic documents of the Project beneficiaries; * Contribution to the development of information and guiding materials/manuals/instructions in the respective thematic area; * Participation in and expert contribution to working group meetings, roundtables, trainings, seminars, workshops, expert consultations, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals; developing and delivering thematic presentations. |
| Lot 3: **Initial and continuous training for judges, prosecutors and other legal professionals**  15 providers | Lot 3 concerns enhancing knowledge management, capacity building and training for justice professionals, primarily with focus on the institutional strengthening of the National Institute of Justice and enhancing initial and continuous training of judges and prosecutors, which may include but not limited to conducting training needs assessment, development of training methodology/courses, conducting training of trainers, undertaking training impact assessment; providing expertise in management of training institutions and delivery of initial and continuous judicial training.  The indicative list of expected deliverables under Lot 3 is as follows (non-exhaustive):   * Proposing/developing methodology to assess needs/impact/effectiveness of trainings for judges, prosecutors and other legal professionals (both initial and continuous), conducting assessments and drafting reports/recommendations; * Conducting analysis and providing recommendations on training methodologies, curricula, courses, and training materials; * Assessing internal rules, regulations and corresponding frameworks related to initial and continuous training; * Designing/adapting training courses and materials for the above target audience; * Providing advice on knowledge management system on the education of judges and prosecutors, adult learning methodology, etc. * Preparing and delivering training (including training of trainers) on soft skills for staff/trainers of the National Institute of Justice; * Preparing and making presentations during workshops, seminars, study visits and roundtables dedicated to training of judges, prosecutors, and other legal professionals. |
| Lot 4:  **Human rights and fundamental freedoms and constitutional justice**  15 providers | Lot 4 concerns enhancing knowledge of national stakeholders on issues related to the application of the European Convention on Human Rights and specific rights and corresponding case-law of the European Court of Human Rights. This Lot also includes provision of capacity building activities on legal reasoning, argumentation and legal drafting aiming at developing the skills in judicial reasoning and articulation of sound legal arguments, as well as judicial approaches/techniques to legal interpretation and the influence of international instruments, in particular the European Convention on Human Rights on those approaches in constitutional justice.  Expected deliverables under Lot 5 may include but not limited to (non- exhaustive):   * Analysis/assessment of the legislation (laws, draft laws, bylaws, other normative acts), policies (e.g., strategies, action plans, policy documents, etc.) as well as their implementation in practice (including impact assessments, analysis of court practice, analysis of the practice of the judicial and prosecutorial self-governing bodies, etc.) with a view of their compliance with the Council of Europe standards; * Delivery of the respective thematic expertise in the form of legal opinions, assessments, analytical notes, research, reports and other similar formats; * Contribution to the development of information and guiding materials/manuals/instructions in the respective thematic area; * Development of training courses for judges, prosecutors and other legal professionals; * Participation in and expert contribution to working group meetings, roundtables, trainings, seminars, workshops, expert consultations, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals; developing and delivering thematic presentations. |
| Lot 5: **European Union Law**  15 providers | Lot 5 concerns enhancing knowledge of national stakeholders on issues related to EU law, primarily with focus on introduction to the legal system of the EU and the most important principles governing the adoption, interpretation, application and enforcement of EU law, as well as the EU *aquis* and the national implementation and transposition of EU law.  Expected deliverables under Lot 5 may include but not limited to (non- exhaustive):   * Analysis/assessment of the legislation (laws, draft laws, bylaws, other normative acts), policies (e.g., strategies, action plans, policy documents, etc.) as well as their implementation in practice (including impact assessments, analysis of court practice, analysis of the practice of the judicial and prosecutorial self-governing bodies, etc.) with a view of their compliance with the European Union Law; * Delivery of the respective thematic expertise in the form of legal opinions, assessments, analytical notes, research, reports and other similar formats; * Contribution to the development of information and guiding materials/manuals/instructions in the respective thematic area; * Development of training courses for judges, prosecutors and other legal professionals; * Participation in and expert contribution to working group meetings, roundtables, trainings, seminars, workshops, expert consultations, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals; developing and delivering thematic presentations. |
| Lot 6: **Strategic communication and awareness raising on justice-related matters**  15 providers | Lot 6 concerns support to development of communication strategies for the Project beneficiaries for raising public awareness on justice issues, including on implementation of Justice Sector Reform Strategy in the Republic of Moldova; strengthening the capacity of the Project beneficiaries on the issues of communication; identification of the needs and preparation of the needed visualization materials, including but not limited to leaflets, brochures, informational stands, video and audio materials, etc.  The indicative list of expected deliverables under Lot 6 is as follows (non- exhaustive):   * Analysis of the existing communication strategies of the Project beneficiaries and identify possible gaps and needs in this respect, including training needs; * Contribution to the development of communication strategies of the Project beneficiaries and/or support in the implementation of the communication strategies; * Develop and conduct trainings, seminars and other educational activities on the methods of communication, interaction with mass media, preparation of articles and press releases, communication in crisis situations, conflict prevention in communication, etc. for the designated staff of the Project beneficiaries; * Develop information campaigns on justice-related matters, including the development of the dissemination materials (in print or electronic format); * Prepare visualization materials, including but not limited to leaflets, brochures, informational stands, video and audio products, etc. for the needs of the Project beneficiaries. |
| Lot 7: **Legal proofreading**  10 providers | Lot 7 concerns legal proofreading of texts in Romanian language for correct application of respective legal or related terminology, including those involving the terminology of the European Convention on Human Rights and the case-law of the European Court of Human Rights, the terminology of EU *aquis* and the case-law of the Court of Justice of the European Union, the application of the EU Charter of Fundamental Rights and specific rights, or similar.  Expected deliverables under Lot 7 may include but not limited to legal proofreading of translations of legal opinions, judgments and decisions of the European Court of Human Rights, HELP courses, information notes and factsheets, various documents and publications primarily in the area of justice. |

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.

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 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).

1. **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 E below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

1. **HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)**

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be 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 of 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[[1]](#footnote-1) (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.

1. **ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[2]](#footnote-2)

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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
* 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*

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

***Lots 1 & 2***

* Bachelor degree in law, human rights or other field relevant to the Project’s thematic area;
* Demonstrated knowledge of the Council of Europe standards in the area of rule of law and human rights;
* Professional experience of at least 3 years in providing assessment/analysis of legal documents; drafting regulations, guidelines; conducting trainings for justice sector actors and/or civil society;
* Excellent oral and written Romanian, CERF level C2.

***Lot 3***

* Bachelor degree in law, human rights, or other field relevant for the Project’s thematic area;
* Professional experience of at least 3 years in developing/assessing training methodologies, courses, and/or conducting training impact assessment/evaluation tools; delivering various training activities (including training of trainers, seminars, workshops, presentations, etc.) for legal professionals, proven by samples of work;
* Excellent oral and written Romanian, CEFR level C2.

***Lot 4***

* Bachelor degree in law, human rights or other field relevant to the Project’s thematic area;
* Knowledge of the Council of Europe standards in the area of rule of law and human rights and knowledge of constitutional justice;
* Professional experience of at least 3 years in providing assessment/analysis of legal documents; drafting regulations, guidelines; conducting trainings, including on legal reasoning and drafting, for justice sector actors;
* Excellent oral and written Romanian, CEFR level C2.

***Lot 5***

* Bachelor degree in law, human rights or other field relevant to the Project’s thematic area;
* Knowledge of the EU *aquis* and the case-law of the Court of Justice of the European Union, the application of the EU Charter of Fundamental Rights and specific rights, national implementation and transposition of EU law;
* Professional experience of at least 3 years in providing assessment/analysis of legal documents; drafting regulations, guidelines; conducting trainings, including on legal reasoning and drafting, for justice sector actors;
* Excellent oral and written Romanian, CEFR Level C2.

***Lot 6***

* Bachelor degree in journalism, communication, human rights, public administration or other field relevant to communication;
* Professional experience of at least 3 years in developing/implementing communication strategies for public institutions, and/or local NGOs, International Organisations, private enteties; developing materials, such as visibility items, posters, leaflets, videos in the field of justice, human rights, social matters important for the general public; developing and delivering trainings and coaching on communication issues; proven by samples of work;
* Excellent oral and written Romanian, CEFR level C2.

***Lot 7***

* Bachelor degree in law, human rights, or other field relevant for the Project’s thematic area; or university degree in linguistics/philology combined with experience of proofreading/editing legal documents;
* Professional experience of at least 3 year or more of proofreading legal documents, preferably including those involving the terminology of the European Convention on Human Rights and the case-law of the European Court of Human Rights, the terminology of EU *aquis* and the case-law of the Court of Justice of the European Union, the application of the EU Charter of Fundamental Rights and specific rights, or similar;
* Excellent oral and written Romanian, CEFR level C2.
* Knowledge of English (at least B2 level).

*Award criteria*

**Lots 1 through 5:**

* Criterion 1: Quality of the offer (90%), including:
  + Relevance of the thematic expertise (50%)
  + Analytical and drafting skills (40%)
* Criterion 2: Financial offer (10%).
  + .

**Lot 6:**

* Criterion 1: Quality of the offer (90%), including:
  + Thematic expertise (50%)
  + Skills for drafting communication documents and capacity building experience in the field of communication (40%)
* Criterion2: Financial offer (10%).

**Lot 7:**

* Criterion 1: Quality of the offer (90%), including:
  + Thematic expertise (40%)
  + Proof-reading skills of legal documents (50%)
* Criterion 2: Financial offer (10%).

Only those Providers whose score, following the assessment of the Award Criteria, is equivalent to or higher than 3.0 will be selected under each Lot.

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**

* **One** completed and signed copy of the Act of Engagement;[[3]](#footnote-3)
* A list of all owners and executive officers, and registration documents (in Romanian and/or English) (for legal persons only);
* Description of the proposed team (including CVs of each proposed individual expected to work on the project with the lot(s) applied and information as to the status of each individuals (i.e. whether they are employees or subcontractors) (for legal persons only);
* A detailed CV in Word/PDF format, in English, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
* A Motivation letter in Word/PDF format, in English, demonstrating the tenderer’s understanding of the Council of Europe needs and describing how the tenderer meets the requirements described under the Terms of Reference above (1page maximum);
* At least two examples of previous work/deliverables, either by attaching or by including the link to publications, legal assessments, analyses, reports, studies, presentations, videos, etc. (ensure that the links are valid and that the deliverable(s) is accessible, downloadable and may be opened in its entirety) relevant to the experience the tenderer claims (in Romanian and/or English).

**Unless specified otherwise in Section G above, all documents shall be submitted in English, failure to do so may 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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**for the provision of LOCAL consultancy services in the field of justice IN THE REPUBLIC OF MOLDOVA**

**2023/AO/85**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

**DEPARTMENT OF THE IMPLEMENTATION OF HUMAN RIGHTS JUSTICE AND LEGAL CO-OPERATION STANDARDS**

* 1. **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, 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.[[4]](#footnote-4)

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, a legal person or consortia of legal and/or natural persons.

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: [Support to the Justice Reform in the Republic of Moldova - Council of Europe Office in Chisinau (coe.int)](https://www.coe.int/en/web/chisinau/support-to-the-justice-reform-in-the-republic-of-moldova?p_l_back_url=%2Fen%2Fgroup%2Fchisinau%2F%7E%2Fcontrol_panel%2Fmanage%3Fp_p_id%3Dcom_liferay_layout_admin_web_portlet_GroupPagesPortlet%26p_p_lifecycle%3D0%26p_p_state%3Dmaximized%26p_p_mode%3Dview%26_com_liferay_layout_admin_web_portlet_GroupPagesPortlet_tabs1%3Dpages%26_com_liferay_layout_admin_web_portlet_GroupPagesPortlet_privateLayout%3Dfalse%26_com_liferay_layout_admin_web_portlet_GroupPagesPortlet_displayStyle%3Dmiller-columns%26p_r_p_selPlid%3D16824595%26p_r_p_layoutSetBranchId%3D0%26p_p_auth%3DkR4wM3kj)

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: [dgi-coordination@coe.int](mailto:dgi-coordination@coe.int)

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **electronically.**

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with reference no.2023AO85 in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 15 December 2023 by 23:59 CET.

**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.

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**

* **One** completed and signed copy of the Act of Engagement;[[5]](#footnote-5)
* A list of all owners and executive officers, and registration documents (in Romanian and/or English) (for legal persons only);
* Description of the proposed team (including CVs of each proposed individual expected to work on the project with the lot(s) applied and information as to the status of each individuals (i.e. whether they are employees or subcontractors) (for legal persons only);
* A detailed CV in Word/PDF format, in English, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
* A Motivation letter in Word/PDF format, in English, demonstrating the tenderer’s understanding of the Council of Europe needs and describing how the tenderer meets the requirements described under the Terms of Reference above (1page maximum);
* At least two examples of previous work/deliverables, either by attaching or by including the link to publications, legal assessments, analyses, reports, studies, presentations, videos, etc. (ensure that the links are valid and that the deliverable(s) is accessible, downloadble and may be opened in its entirety) relevant to the experience the tenderer claims (in Romanian and/or English).

1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **electronically.**

Electronic copies shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with reference no. **2023AO85** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 15 December 2023 by 23:59 CET.

1. 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. [↑](#footnote-ref-1)
2. 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 en equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth 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;
   * 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-2)
3. 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-3)
4. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-4)
5. 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-5)