



## CALL FOR TENDERS

### FOR THE PROVISION OF CONSULTANCY SERVICES (LEGAL AND CAPACITY BUILDING) TO IMPROVE LEGAL AID IN NORTH MACEDONIA

#### INTERNATIONAL CONSULTANTS

**2019A056**

<b>Object of the procurement procedure ►</b>	Consultancy services to support improvements in the free legal aid system in North Macedonia – international consultants
<b>Project ►</b>	HF II: Supporting enhanced access to higher quality Free Legal Aid (FLA) services in North Macedonia
<b>Organisation and buying entity ►</b>	Council of Europe DG I - Justice and Legal Co-operation Department Legal Co-operation Division
<b>Type of contract ►</b>	<b>Framework Contract</b>
<b>Duration ►</b>	Until 23 May 2022
<b>Expected starting date ►</b>	30 October 2019
<b>Tender Notice Issuance date ►</b>	02 August 2019
<b>Deadline for tendering ►</b>	26 September 2019

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
- **The TENDER RULES**..... 8  
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 CONSULTANCY SERVICES (LEGAL AND CAPACITY BUILDING) TO IMPROVE LEGAL AID IN NORTH MACEDONIA

#### INTERNATIONAL CONSULTANTS

**2019A056**

#### A. BACKGROUND

The Action Supporting enhanced access to higher quality Free Legal Aid (FLA) services in North Macedonia aims at supporting the main actors in enhancing the efficiency, quality, scope, accessibility, and awareness of free legal aid provision in the country and addressing identified shortcomings. It builds upon the results achieved in the implementation of the previous Action on this issue (HF-35 "Supporting Free Legal Aid Reforms) and supports effective implementation of the new law on free legal aid, adopted in May 2019. It is built along three main lines of action:

- (1) Harmonization of provisions, policies and practices related to free legal aid;
- (2) Targeted capacity building of main providers (Ministry of Justice, Bar Association and CSOs) including by supporting more structured and continuous coordination, and
- (3) Awareness raising among the country's population to support increased access to free legal aid.

The Council of Europe is looking for a maximum of 25 Provider(s) (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 free legal aid (including provision, management, analysis and reform of free legal aid services and capacity building)

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
Legal analysis and policy advice in the area of free legal aid reform	15
Capacity-building for free legal aid providers, including staff of the Ministry of Justice, lawyers, Civil Society Organizations (CSOs), legal clinics and other stakeholders	10

This Contract is currently estimated to cover up to 35 activities to be held by 23 May 2022. 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 800,000 Euros and the total amount of the object of present tender should in principle not exceed 99,000 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.

#### B. SCOPE OF THE FRAMEWORK CONTRACT

Throughout the duration of the Framework Contract, being instructed, supervised and coordinated by designated staff members from the Council of Europe Headquarters and Programme Office in Skopje, as well as in cooperation with other international and/or national consultants, as applicable, preselected consultants may be asked to:

##### Under Lot 1 - Legal analysis and policy advice in the area of free legal aid reform

1. Conduct analysis, provide advice and elaborate proposals on issues related to the delivery, monitoring and financing of free legal aid, on the collection and management of relevant data, on ensuring coordination among stakeholders, on the conduct of regular legal needs assessment and on comparative best practices;

2. Draft recommendations, strategies, action plans and proposals for the harmonization, revision or improvement of the legal and regulatory frameworks as well as of practices and working methods;
3. Provide advice, opinions and expertise through assessments, needs analyses, identification of challenges; mapping of good practices, drafting of legal opinions, reports and recommendations on free legal aid; conduct needs assessment and evaluation missions; conduct research; draft and revise relevant documents and deliver presentations;
4. Provide advice on and contribute to the selection, definition and analysis of qualitative and quantitative indicators on the functioning, efficiency and quality of free legal aid and provide advice and recommendations for improved quality thereof;
5. Elaborate proposals, provide advice and contribute to the planning, conduct, facilitation, decision-making and follow-up of working group and/or coordination meetings and to drafting sessions for the development of specific documents (white papers, manuals, guidelines, operational procedures, etc.), tools and other materials as per the specific need;
6. Analyse and provide advice on ways to support and improve the work and performance of main free legal aid stakeholders, including, but not limited to, in the field of free legal aid in criminal proceedings, comprising the Ministry of Justice, the Bar Association, Civil Society Organizations, law and court professionals;
7. Contribute to the content of training curricula and material as well as to material to be used for communication or awareness rising purposes.

**Under Lot 2 - Capacity-building for free legal aid providers, including staff of the Ministry of Justice, lawyers, Civil Society Organizations (CSOs), legal clinics and other stakeholders**

1. Conduct training needs assessment and/or evaluation missions;
2. Develop or adapt, as needed, training curricula, training modules (including on-line modules), training materials and training manuals for various stakeholders in the free legal aid system; provide written contributions for the development of other training related documents, materials and tools on various aspects of legal aid provision, including but not limited to legal aid for children and juvenile justice;
3. Design and deliver Training-of-Trainers, training sessions and provide targeted mentoring to trained trainers;
4. Provide expertise, advice and proposals in the design and implementation of alternative and complementary methods (including e-learning, on-job training, mentoring...) to ensure continuous learning of professionals in the free legal aid system;
5. Design and implement approaches and tools for the evaluation of the training provided and to ensure sustainability of results;
6. Participate and/or deliver presentations to regional and/or national meetings, such as conferences, round tables, seminars, training sessions, workshops, consultation meetings and other relevant events, including through moderating/facilitating discussion.

Preselected consultants will be required to ensure that all their work contribute to greater gender equality and that needs of vulnerable groups are taken into account.

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).

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 **Error! Reference source not found.** 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;

<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;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer.

- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are or are likely to be in a situation of conflict of interests;
- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at [www.sanctionsmap.eu](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 F):

#### **For Lot 1**

1. University degree in law, political sciences, social sciences, international relations, public administration or related fields;
2. At least 3 years of professional experience working on issues of access to justice and free legal aid reform, of which at least 2 years acquired in an international context;
3. Excellent knowledge of the English language (at least level C1 of the CEFR);
4. At least 2 (two) specific experiences in the area of free legal aid system reform, reviewing of internal regulations concerning decision-making, quality of services, monitoring and evaluation of free legal aid services;
5. Financial offer not exceeding the limit set out in the Act of Engagement.

#### **For Lot 2**

1. University degree in law, political sciences, social sciences, international relations, public administration, education, or related fields;
2. At least 3 years of professional experience in areas related to capacity building and/or adult education, preferably on issues related to access to justice and free legal aid reform, of which at least 2 years acquired in an international context;
3. Excellent knowledge of the English language (at least level C1 of the CEFR);
4. At least 3 (three) years of experience in developing training programme and materials and providing training using the adult learning methodology in the area of free legal aid and/or evaluation and monitoring.
5. Financial offer not exceeding the limit set out in the Act of Engagement

#### *Award criteria*

#### **For Lot 1**

1. The financial offer as indicated in the Table of fees (20%);
2. Relevance of the experience of the tenderer in the areas covered by this call (40%);
3. Research, drafting and analytical skills (20%);
4. Consultancy or other relevant work experience in international projects including in the region of duty (20%).

#### **For Lot 2:**

1. The financial offer as indicated in the Table of fees (20%);
2. Relevance of the experience of the tenderer in the areas covered by this call (40%);
3. Writing and presentation skills (20%);
4. Proven experience of in developing training programme and materials, providing training using the adult learning methodology, and in developing training material (20%).

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

**Multiple tendering is not authorised.**

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

1. Two completed and signed copies of the Act of Engagement.<sup>3</sup>

<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.

2. Detailed CV, preferably in Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer, including contact details of 3 (three) references.
3. Motivation letter (maximum one page) describing the tenderer's interest in and specific contribution to the present consultancy.
4. Sample (in English - max 10 pages) of a recent article, legal opinion, report, training curricula or presentation, or another relevant text providing evidence for experience in and knowledge of the issues covered by the call drafted by the tenderer.
5. A word document concisely outlining how the tenderer meets each of the eligibility and award criteria mentioned above under item E. A text of maximum 200 words per each criterion shall describe, preferably with reference to concrete examples, the tenderer's relevant experience and competences in relation to the given criterion. Text exceeding the 200 words per criterion will not be considered.
6. A list of all owners and executive officers, for legal persons only.
7. A scanned copy of a 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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## PART II – TENDER RULES

### CALL FOR TENDERS

#### FOR THE PROVISION OF CONSULTANCY SERVICES (LEGAL AND CAPACITY BUILDING) TO IMPROVE LEGAL AID IN NORTH MACEDONIA – INTERNATIONAL CONSULTANTS

2019AO56

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

##### 1.1 Name and address

##### COUNCIL OF EUROPE

Directorate General of Human Rights and Rule of Law  
Legal Co-operation Division

##### 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 duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section **Error! Reference source not found.** above on ordering procedure).

#### 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 or French], and shall be exclusively sent to the following address: XX

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 **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 CONSULTANCY SERVICES (LEGAL AND  
CAPACITY BUILDING) TO IMPROVE LEGAL AID IN NORTH  
MACEDONIA - INTERNATIONAL CONSULTANTS  
2019AO56  
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 26 September 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>
- Detailed CV, preferably in Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer, including contact details of 3 (three) references.
- Motivation letter (maximum one page) describing the tenderer's interest in and specific contribution to the present consultancy.
- Sample (in English - max 10 pages) of a recent article, legal opinion, report, training curricula or presentation, or another relevant text providing evidence for experience in and knowledge of the issues covered by the call drafted by the tenderer.
- A word document concisely outlining how the tenderer meets each of the eligibility and award criteria mentioned above under item E. A text of maximum 200 words per each criterion shall describe, preferably with reference to concrete examples, the tenderer's relevant experience and competences in relation to the given criterion. Text exceeding the 200 words per criterion will not be considered.
- A list of all owners and executive officers, for legal persons only.
- A scanned copy of a 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:

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COUNCIL OF EUROPE  
For the attention of the Tenders Board  
**CALL FOR PROVISION OF CONSULTANCY SERVICES (LEGAL AND  
CAPACITY BUILDING) TO IMPROVE LEGAL AID IN NORTH  
MACEDONIA – INTERNATIONAL CONSULTANTS  
2019AO56**  
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 26 September 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

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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.