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### Joint EU - Council of Europe project

#### **“Support for a better evaluation of the result of the judicial reform efforts in the Eastern Partnership Project” (“Justice Dashboard EaP”/” Project”)**

**Calls for Tenders:** Purchase of consultancy services to assist in the collection and processing of data on the functioning of the judicial system in Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine

**Published** on 28 October 2021 [Call for tender for providers for assistance in the assistance in collecting and processing judicial data in Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine - Council of Europe European Commission for the efficiency of justice \(CEPEJ\) \(coe.int\)](#)

**Deadline for submission of applications:** 14 November 2021.

**Deadline for submission of questions:** five working days before the deadline for the submission of tenders.

#### **Questions and Answers:**

##### **Purchase of consultancy services to assist in the collection and processing of data on the functioning of the judicial system in *Georgia***

**Question:** I would like to clarify one issue regarding this competition.

Do you have any legal restrictions for people currently working at the court or at a public institution, to take part in this tender?

**Answer:** *Please refer to the eligibility criteria for this call, which are listed in the Tender File. The obligations of the Provider are listed in the Act of Engagement, in view of explaining the expectations during the contractual phase.*

##### **Purchase of consultancy services to assist in the collection and processing of data on the functioning of the judicial system in *Ukraine***

**Question:** I request you to provide us the following details before we buy the document:

- List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.
- Soft Copy of the Tender Document through email.
- Names of countries that will be eligible to participate in this tender.
- Information about the Tendering Procedure and Guidelines
- Estimated Budget for this Purchase
- Any Extension of Bidding Deadline?
- Any Addendum or Prebid meeting Minutes?

**Answer:** *For further information please consult:*

[Call for tender for providers for assistance in the assistance in collecting and processing judicial data in Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine - Council of Europe European Commission for the efficiency of justice \(CEPEJ\) \(coe.int\)](#)

**Question:** I am writing to ask for your advice. I have seventeen years professional experience in the field of criminal law. I taught the criminal law, the criminal procedural law, the problems of criminal legal qualification and special course for the students which has been devoted the problems of criminal justice concerning the

norms of European Convention on Human Rights. Specifically, I have eleven years professional experience as an advocate. Could you be so kind to tell me if this is a professional experience in areas of work related to the functioning of the justice system in Ukraine to your mind?

**Answer:** *According to the Tender File, each tenderer is invited to explain in the motivation letter how his/her experience and knowledge will contribute to the implementation of the Project.*

**Question:** May I apply for this tender position, when simultaneously being holding the positions mentioned in the context of the conflict of interest rules of the Council of Europe? In case of allowance to apply, what actions should I take or refrain from in respect to the positions I hold and duties I perform in order to ensure further full accordance with the Council of Europe rules (provided I applied for and won the Tender)?

**Answer:** *Please refer to the exclusion and eligibility criteria for this call, which are listed in the Tender File. Each applicant shall assess their own circumstances in view of the requirements of the tender. The obligations of the Provider are listed in the Act of Engagement, in view of explaining the expectations during the contractual phase. Article 11 of the Act of Engagement: "The Provider shall inform also inform the Council without delay: .... g) if they are or are likely to be in a situation of conflict of interests;"*

**Question:** Am I understanding correctly that at the stage of Tender application the Tenderer just has to indicate Unit fees (without tax) in the Section A and the VAT questions will be settled at the later stages (at the stage of invoicing for the deliverables)?

**Answer:** *Please indicate your VAT status in the Act of Engagement. Please refer to section C and section D in the Tender File.*

**Question:** How many Consultants will be selected for each country within the Project? Can the Consultants from one country or other EaP countries be substituted by each other by decision of the Council of Europe, if the initial Consultant for different reasons couldn't (didn't sign the Order form, for example) or just failed to execute the Order form?

**Answer:** *As explained in the Tender File, the CoE is looking for one Provider in each country. No such substitution rules apply for this tender.*

**Question:** Since the Tenderer signs the Act of Engagement where the tasks formulated in general terms and the specific tasks will become known only upon receiving concrete Order forms, will the deliverables and the deadlines in the Order form be subject to discussion with the Consultant prior to sending them for the signature? If the prior approval is not provided by the procedure, what the Consultant should do, if he/she received the Order form, but understood that physically unable to execute the order within the stated deadline? What are the legal consequences for the Consultant in such a case?

**Answer:** *Please refer to scope of the framework contract in the Tender File. 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. Each order form specifies the deliverables to be submitted by the Provider, under the respective types of units described in the Act of Engagement. A framework contract entails an availability of the consultant throughout its duration and/or timely communication on reasons for non-availability to carry out an order form, as also explained in Section B of the Act of Engagement (- Undertake to update the Council with significant information changes within a reasonable time).*

**Question:** Will the Consultant be able to terminate the contract prematurely, for example, because of changes of personal life circumstances or for health reasons? What is the procedure for terminating the contract in such a case? What legal consequences are followed for the parties to the contract in such a case, according to the Council of Europe rules? Are such circumstances covered by the Article 7 of the Section C? If it is not, may the Tenderer and the Council of Europe agree such clause in the text of the Framework Contract or at later stages?

**Answer:** *A framework contract entails an availability of the consultant throughout its duration and/or timely communication on reasons for non-availability to carry out an order form, as also explained in Section B of the Act of Engagement (- Undertake to update the Council with significant information changes within a reasonable time).*

**Question:** Will the Consultant be committed to write the final Report basing on the Justice Dashboard EaP Questioner data as part of the commitment to draft analytical reports (Section B of the Tender File)? This work may require not only general knowledge of the national context and the developments in the functioning of the justice system, but also specific knowledge of the Consultant.

**Answer:** *Each order form will specify the deliverables to be submitted by the Provider, under the respective types of units described in the Act of Engagement.*

**Question:** Can you provide for in more details how the provision below will work in practice specifically for the Consultant? "The Provider also undertakes 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." (Article 3.1.2, Section C)

**Answer:** *Under article 3.1.2 of the Act of the Engagement: "The Provider recognises that it is subject to a general obligation to provide advice, including, but not limited to, an obligation to provide any relevant information or recommendations to the Council."*

**Question:** Does the task to hold training implies the possibility of online format or it necessarily should be a face-to-face event?

**Answer:** *The format of the training will be provided for in the order forms, if there will be such a need.*

**Question:** Should the Consultant act as the trainer by him/herself, or the Consultant's role will be mostly organizational and moderator?

**Answer:** *The role of the consultant will be specified in the order forms, if there will be such a need.*

**Question:** In which language should the training be conducted?

**Answer:** *The language of the training will be specified in the order forms, if there will be such a need.*

**Question:** Could the examples of works be provided in Ukrainian?

**Answer:** Please refer to the requirements for the documents to be provided for this call, which are listed in section G of the Tender File.

**Purchase of consultancy services to assist in the collection and processing of data on the functioning of the judicial system in the *Republic of Moldova***

**Question:** Please share more information with us, and/or any TOR you have or a BRD that will help us to understand the project.

**Answer:** *Please find additional info about the project*

[Support for a better evaluation of the results of judicial reform efforts in the Eastern Partnership](#) ("[Justice Dashboard EaP](#)")