**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of** **national consultancy services in the areas of women’s access to justice, women’s human rights and gender equality**

The Council of Europe is currently implementing (until 30 June 2026) the action on “[Fostering women’s access to justice in Türkiye](https://www.coe.int/en/web/ankara/fostering-women-s-access-to-justice-in-turkey1)” under the joint European Union and Council of Europe programme “[Horizontal Facility for the Western Balkans and Türkiye 2023-2026](https://pjp-eu.coe.int/en/web/horizontal-facility)”. In that context, it is looking for Provider(s) for the provision of national consultancy services (for training activities and conducting research), in the areas of access to justice for women, including women victims of gender-based violence, women’s human rights and gender equality in Türkiye to be requested by the Council on an as needed basis.

1. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe[[1]](#footnote-1), the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **framework contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person or a legal person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: “HF:33 Call for Provision of National Consultancy Services in the Area of Women’s Access to Justice in Türkiye – (Training and Research)”.** Tenders addressed to another email address **will be rejected.**

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 3 (three) (until 28 February 2023) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions – “HF:33 Call for Provision of National Consultancy Services in the Area of Women’s Access to Justice in Türkiye – (Training and Research)”**

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| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until 30 June 2026 |
| **Deadline for submission of tenders/offers ►** | **03 March 2023** |
| **Email for submission of tenders/offers ►** | **ankara.office@coe.int** |
| **Email for questions ►** | ankara.office@coe.int; until 28.02.2023  |
| **Expected starting date of execution ►** | 13 March 2023 |

1. EXPECTED DELIVERABLES

**Background of the Action**

The action “*Fostering women’s access to justice in Türkiye*” is implemented under the [Horizontal Facility for the Western Balkans and Turkey (2023-2026)](https://www.coe.int/en/web/programmes/horizontal-facility), a joint programme between the European Union (EU) and the Council of Europe (CoE). The action aims to strengthen women's access to justice in Türkiye in line with international and European standards. The action will contribute to following specific objectives:

**Supply side:**

* Enhancing accessibility and gender responsiveness of legal aid services
* Increasing awareness and knowledge among key stakeholders to support women's access to justice
* Improving local mechanisms to provide legal support and services for women

**Demand side:**

* Increasing legal awareness among women, especially those in disadvantaged and vulnerable situation.

**Expected Results:**

* Awareness and knowledge among key legal professionals on gender-sensitive and victim-centred support to women's access to justice
* Fostered co-operation among key stakeholders and local support networks
* Tools, programmes and materials developed to support and promote women’s access to justice, especially by civil society organisations.

**Action Activities**

To achieve the expected results the action foresees to conduct the following activities:

* Targeted capacity development activities, including training for legal aid lawyers in pilot provinces and law students at Universities;
* Training seminars on strategic litigation for lawyers and CSOs to promote and defend women’s human rights through domestic and international law mechanisms and remedies
* Provision of professional tools and guidelines for legal professionals: handbooks and checklist on women’s access to justice and strategic litigation developed under HF II as well as other translated CoE resources will be promoted among legal aid lawyers, bar associations and law students.
* Funding (sub-granting) legal aid to women, particularly to those from disadvantaged groups, by trained legal aid lawyers in selected provinces.
* Multi-stakeholder workshops and seminars at local level to foster multi-agency co-operation in the provision of legal aid and assistance in 6 pilot provinces.
* Targeted outreach and awareness-raising activities including through grant schemes in partnership with CSOs to inform and support women as they proceed through the justice system and to promote women’s rights.

The Council of Europe is looking for a maximum of 15 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the action with a particular expertise on research, capacity building, including training and awareness raising on women’s access to justice in Türkiye (details related to expected expertise are given under Lots below).

This Contract is currently estimated to cover up to 22 assignments, to be held by the end of June 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 action amounts to1.000.000 Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros tax exclusive** 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.

**Lots**

The present tendering procedure aims to select Provider(s) to support the implementation of the action and is divided into the following lots:

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| Lots | Maximum number of Providers to be selected |
| **Lot 1:** Development and conduct **analysis** of **gap and challenges and analytical** **research** on women’s access to justice and legal aid in Türkiye; conducting qualitative and quantitative research, data collection and review and analysis of legislative framework and policy documents.  | 5 |
| **Lot 2:** * Provision of technical advice on women’s access to justice
* Capacity development and training activities for **legal and judicial support service professionals** on women’s access to justice
* Training on strategic litigation for **legal and judicial support service professionals** on women’s access to justice
* Training of trainers on women’s access to justice
* Tutoring the Turkish version of the online HELP (Human Rights Education for Legal Professionals) course on women’s access to justice
 | 10 |

The listed activities should be carried out by the selected national consultant together with an international consultant(s) and in co-operation with the Council of Europe action team:

**Under Lot 1 –** This lot includes, e.g. mapping out existing literature, reports and standards on women’s access to justice; conducting gap analysis; developing and undertaking research based on different tools and methodologies, including questionnaires, in-depth interviews, perception surveys, focus group meetings, case-file analysis and desk review on women’s access to justice and legal aid with a view to identifying existing barriers. Drawing up a report, including short-and long-term recommendations to improve women’s access to justice and legal aid and strategic litigation in Türkiye.

**Under Lot 2 –** This lot includes e.g. revising/updating, preparing training programme and materials and delivering training on women’s access and strategic litigation; developing guidelines/checklists/tools for legal aid lawyers to effectively address the needs of women seeking justice by using victim-centred and gender sensitive and responsive approaches. Tutoring online HELP course on women’s access to justice, including reviewing, based on domestic legal order in line with international and European standards. Evaluating and monitoring capacity development and training activities and their impact.

The target groups under this lot are: legal aid lawyers, academics and students of law faculties and civil society organisation representatives.

The Council will select the abovementioned number of Provider(s) 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).

**Scope of the Framework Contract**

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 for the lot concerned.

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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 action 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).

1. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

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

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

POOLING OPTION:

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers for 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[[2]](#footnote-2) (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 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 and absence of conflict of interests*

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)**[[3]](#footnote-3)**

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 F). These minimum criteria apply to each person(s) whose CV is provided:

* Minimum 5 years of professional experience in the areas of the action as relevant to the lot(s) applied for;
* University degree in Law, Public Policy, Social Sciences, Social Work, Gender Studies, Political Sciences, Psychology or in other relevant fields;
* Excellent writing and speaking skills in Turkish (preferably mother tongue level);
* Knowledge of English (at least B2 or C1 level [CEFR](https://www.coe.int/en/web/common-european-framework-reference-languages/table-2-cefr-3.3-common-reference-levels-self-assessment-grid)).

*Award criteria*

* Quality of the offer (80%), including:
	+ Thematic expertise related to women’s access to justice, violence against women and domestic violence, women’s human rights and gender equality, gained from experience in drafting knowledge products such as books, articles, research and policy papers etc. and/or thematic expertise gained from experience in applying methodologies, knowledge and skills, such as developing protocols, guidelines, toolkits, courses, brochures, training programmes, delivering training etc.
	+ Good drafting skills in English;
	+ Previous experience in the relevant type of activity and/or conducting work in international context / within international organisations.
* Financial offer (20%).

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

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED
* A completed and signed copy of the **Act of Engagement[[4]](#footnote-4)** (See attached);
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* A list of all owners and executive officers, for legal persons only;
* A motivation letter in English (1 page maximum) and in in electronic form (Word .and/or PDF) highlighting the most relevant expertise regarding the lot(s) tendered for;
* At least 1 sample of previous work relevant to the lot(s) for which they apply (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in English or Turkish;
* Three references (contacts including phone number and e-mail address).
* A list of all owners and executive officers, for legal persons only;
* Registration documents, for legal persons only.

**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.**

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) and its internal Regulations. Procurement is 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
2. It must strictly respect the fees indicated in the Financial Offer attached to the original Provider’s tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider’s tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part. [↑](#footnote-ref-2)
3. 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 and sixth above listed exclusion criteria are met;

A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion 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-3)
4. 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-4)