

HFIII action "Women's Access to Justice in the Western Balkans"/ Contract N° BH-5052/2023/16

Questions and answers:

Q1: Since I will not have access to a laptop by 02 June 2023, two days after the deadline, would it be possible for me to send an application for the local (BiH) provider at that time?

A1: No application received after the deadline of 31 May 2023 can be considered. Tenders shall be submitted by email only (with attachments) to the email address indicated in the table below, with the following reference in subject: Women's Access to Justice- Pool of Local Consultants.

Q2: How many days of engagement are envisioned approximately?

A2: We cannot provide information on this question as each assignment is different. Please read carefully the Tender File -Terms of reference:

This Contract is currently estimated to cover up to 27 activities, to be held by 31 December 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.

Q3: What is the maximum acceptable amount per diem i.e. what is the exclusion level for daily fees and also, what would this sum be in total?

A3: There is no exclusion level for daily fees. There is no sum in total.

Q4a: Are there any additional forms or relevant documents on your part, beside the Act of Engagement and the Terms of Reference?

Q4b: In addition to this, in the AoE it is said that, among other, the criteria regarding quality would pertain to "proposed methods of undertaking the work". Where do I denote these methods, is this part of this first stage of the procedure and is there a form or any kind of expectations regarding this?

A4a: Please read carefully both the Tender File and Act of Engagement and submit the following documents:

Before sending your tender, check that it includes:

- 1 completed and signed copies of the Act of Engagement;
- A detailed CV, preferably in EuroPass Format, legal persons need to supply the CVs of the employees that would be assigned to the tasks under this framework contract;

- A motivation letter demonstrating clearly that the tenderer fulfils the eligibility criteria (2 pages max);
- 2 examples of a recent deliverable in a related activity;
- A scanned copy of a valid photographic proof of identity;
- Registration documents, for legal persons only.

A4b: Please read carefully both the Tender File and Act of Engagement particularly the section below which applies to the phase following the selection of experts:

Pooling

For each order, the Council will select from the pool of pre-selected tenderers for the lot concerned 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 the above deadline, the Council may call on another Provider selected under that lot, using the same criteria, and so on until a suitable Provider is contracted.

Q5: Should I ensure a document from my employer (a public entity) in this phase of the application regarding the following listed issues?

- a) obtained authorisation of his/her public employer to carry out this secondary activity
- b) the performance of his/her obligations under this Contract goes beyond the scope of his/her regular official duties
- c) consultancy is provided only on a temporary and short-term basis and will be performed outside his/her working hours or when he/she is on leave of absence from his/her official public duties
- d) obtained the confirmation from his/her employer that national/local legislation does not prohibit civil servants or other public administration staff from undertaking secondary activities
- e) is not in a situation of conflict of interest as described above#

A5: No, this document is to be provided at the phase of contracting as described below:

At the time a specific assignment is ordered from a tenderer (natural person) belonging to the category of **local¹ civil servant or other public administration staff** under the third phase of the Horizontal Facility, the respective tenderer will be required *to submit a written confirmation* by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the

¹ For the purpose of this document, the term « local » designates consultants from one of the Horizontal Facility Beneficiaries region

tenderer to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

Alternatively, at the time a specific assignment is ordered from a tenderer (legal person) assigning the production of the expected deliverables to an individual belonging to the category of **local civil servant or other public administration staff** under the third phase of the Horizontal Facility, the respective tenderer will be required to verify and provide the Council of Europe with the necessary supporting documents confirming that this individual *submitted a written confirmation by his/her employer* that secondary activities are allowed by national/local legislation and that the employer authorises the individual to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

Please also read carefully Section C, article 3.9 Parallel Activities of the Act of Engagement.

Q6: Can a consortium consist of two natural persons?

A6: Please read carefully the Tender File-Terms of Reference :

The tenderer must be either a natural person, a legal person or consortium of natural and/or legal person. Legal persons include, among others, companies, NGOs, partnerships, consortia.