

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of local consultancy services in the field of women's access to justice in the framework of the action on "Women's Access to Justice in the Western Balkans"



Contract N° BH-5052/2023/16

The Council of Europe is currently implementing a Project on *Women's access to justice in the Western Balkans*, which is part of the "Horizontal Facility for the Western Balkans and Türkiye- phase III", a joint programme of the Council of Europe and the European Union aiming at supporting South-East Europe and Türkiye to comply with European standards. The project aims to strengthen access to justice for women, especially women victims of violence in line with the standards of the Council of Europe Istanbul Convention.

In that context, it is looking for Providers for the provision of local consultancy services in the areas of women's access to justice to be requested by the Council on an as needed basis.

A. 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 Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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, a legal person or consortium of natural and/or legal person. Legal persons include, among others, companies, NGOs, partnerships, consortia.

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.** 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 5 (five) 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- Women's Access to Justice- Pool of Local Consultants.**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2026
Deadline for submission of tenders/offers ►	31 May 2023
Email for submission of tenders/offers ►	tender.tirana@coe.int

¹ The activities of the Council of Europe are governed by its [Statute](#) 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](#).

Email for questions ►	tender.tirana@coe.int
Expected starting date of execution ►	10 July 2023

B. EXPECTED DELIVERABLES

Background of the Project

The project “*Women’s access to justice in the Western Balkans*”, which is part of the “Horizontal Facility for the Western Balkans and Türkiye- phase III”, a joint programme of the Council of Europe and the European Union aims to strengthen access to justice for women, especially women victims of violence in line with the standards of the Council of Europe Istanbul Convention. The project focuses on the combating and eliminating the systemic barriers women encounter when accessing justice, including legal and institutional challenges as well as the socio-cultural barriers in the justice systems of the Western Balkans. The project will conduct in depth studies on the barriers, remedies and good practices for women’s access to justice at domestic level in the region. The project’s data collection package will promote a multi-stakeholder dialogue (governments and domestic authorities responsible for areas covered by prevention and combatting violence against women and domestic violence, civil society and international organisations) in order to inform and propose a set of indicators to assess the degree to which justice systems are accessible to all, with particular attention to the barriers faced by women.

The Council of Europe is looking for Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on women’s access to justice.

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.

For information purposes only, the total budget of the project amounts to 1,000,000 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 project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: RESEARCH	15
Lot 2: CAPACITY BUILDING	6
Lot 3: AWARENESS RAISING	6

Lot 1 Concerns consultancy services to support the authorities to eliminate the barriers women face when accessing justice in line with European standards and CoE monitoring bodies’ recommendations

This shall include but not limited to consultancy services related to:

- Provision of research such as on identifying barriers, remedies and good practices in women's access to justice as well as recommendations towards roadmaps on collection of key data useful to inform policies and interventions by domestic authorities to ensure inclusive access to justice to all citizens, including women, in line with Council of Europe's standards ;
- Participation and delivery of presentations to working groups, conferences, roundtables, seminars, training sessions, workshops, consultation meetings and other relevant events with domestic/local stakeholders, including through moderating/facilitating discussions;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe.

Lot 2 Concerns consultancy services to increase capacities of the authorities/relevant stakeholders to ensure equal access to justice for women

This shall include but not limited to:

- Develop, deliver and evaluate trainings, workshops, seminar and other relevant events with domestic/local stakeholders, including implementing the methodological guide for the Mentoring Programme for Legal Professionals;
- Deliver presentations to working groups, conferences, roundtables, seminars, training sessions, workshops, consultation meetings peer to peer exchanges related to combating discrimination and hatred.
- Provide hands on assistance to relevant partner institutions on the applied standards and practice;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe.

Lot 3 Concerns consultancy services to raise awareness on women's access to justice, gender equality as well as identifying and promoting good practices at local level on eliminating barriers to equal access to justice for victims of violence against women and domestic violence

This shall include but not limited to:

- Prepare the content on awareness actions within the context of the project's activities;
- Facilitate activities dedicated to promoting gender equality, women's rights, and actively combating the gender backlash phenomena.

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 2.5 will be selected under each Lot.

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 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 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.

D. 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).

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

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 quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider's name and address;

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.

- 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.

E. 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

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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
- 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).

Eligibility criteria

- Advanced university degree in law, political science, social science, economics, pedagogy, psychology, public relations, journalism, or any related field;

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).

- 5 years of professional experience in areas related to human rights/anti-discrimination and rule of law, and especially on gender equality;
- Excellent oral and written English;
- Excellent proficiency in at least one of the following languages: Albanian, Bosnian, Montenegrin, Macedonian, Serbian;
- Regional experience in the Western Balkans in the area(s) covered by the Lots.

Award criteria

- Quality of the offer (90%)

Criterion 1: Proven knowledge and experience in the area(s) covered by the Lot(s) the consultant is applying for (40%).

Criterion 2: Knowledge of relevant international and/or Council of Europe standards in the area(s) the consultant is applying for. (20%)

Criterion 3: Drafting skills. (30%)

- Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.
Multiple tendering is not authorised.

F. NEGOTIATIONS

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

G. DOCUMENTS TO BE PROVIDED

- 1 completed and signed copies of the **Act of Engagement**⁴ (See attached).
- A detailed **CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria.
- A **motivation letter** describing how the tenderer meets the criteria above and demonstrating the tenderer's understanding of the international and Council of Europe standards (2 pages maximum).
- At least two examples of **previous work/deliverables in English**, with minimum one available also in one of the required languages, preferably in a form of reference/links to publications, assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims.
- 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).
- A list of all owners and executive officers, for legal persons only;

At the time a specific assignment is ordered from a tenderer (natural person) belonging to the category of local⁵ 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 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

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.

⁵ For the purpose of this document, the term « local » designates consultants from one of the Horizontal Facility Beneficiaries region

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.

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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