

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

### Purchase of international intellectual consultancy services to support the reform of the juvenile justice system in Slovenia



#### FC.DGII.VC2966.2022.01

The Council of Europe is currently implementing a Project on 'improving the juvenile justice system in Slovenia' (Component I). It is co-financed by the EU Structural Reform Support Programme and implemented by the Council of Europe Children's Rights Division in close cooperation with the EU DG Reform and the Slovenian Ministry of Justice (MoJ) for the period 01 September 2021 to 31 May 2023 following the extension of the project.

In that context, the Children's Rights Division of the Council of Europe is looking for international Providers for the provision of intellectual consultancy services to provide technical assistance in the field of juvenile justice. The objective is to support the Ministry of Justice with the current ongoing reform in this area with activities related to the research and analysis of gaps, a case law analysis, a comparative research and analysis of policies and good practices, the formulation of recommendations for improvement and capacity building and trainings of all stakeholders to facilitate the coherent implementation of the reform of the juvenile justice system and integrate it into their practice. These services may 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 Europe<sup>1</sup>, 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, a legal person or consortia of legal and/or natural persons.]

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: International Consultancy Tender – Juvenile Justice Slovenia.** 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 – International Consultancy Tender – Juvenile Justice Slovenia.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 May 2023
Deadline for submission of tenders/offers ▶	<b>02 September 2022</b>
Email for submission of tenders/offers ▶	<b>children@coe.int</b>
Email for questions ▶	Stephanie.burel@coe.int
Expected starting date of execution ▶	09 September 2022

<sup>1</sup> 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](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

The European Commission and Council of Europe joint project **21SI10 - "Improving the juvenile justice system and strengthening the education and training of penitentiary staff"** aims to support the Slovenian authorities in their efforts to improve the juvenile justice and penitentiary systems in line with the latest European and international standards and good practices. Component I - reform of the juvenile justice system – aims at supporting the Slovenian authorities to pursue a comprehensive review of the national legal framework on juvenile justice, in order to harmonise it with the latest European and international standards and good practices. It is being implemented by the Council of Europe Children's Rights Division in close collaboration with DG Reform and the Ministry of Justice of the Republic of Slovenia until 31 May 2023 following the extension of the project.

In this respect, local and international experts will continue to work jointly on the preparation and/or finalisation of legal research papers, documents and tools aimed at identifying and addressing the shortcomings of the juvenile justice system in Slovenia with concrete recommendations, in order to facilitate the drafting of the new legislation in this area.

The Council of Europe is looking for up to 8 international Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on legal analysis, drafting as well as developing and delivering trainings on the new reform concerning the national legal and policy framework related to juvenile justice in Slovenia.

This Contract is currently estimated to cover up to 10 activity-sets to be held by 31.05.2023. 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 amount of the object of the 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.

### Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to continue to work with the Project Team and local experts to:

- Improve the draft Research and Gap report on the situation of juvenile justice in Slovenia with concrete recommendations;
- Finalise a case law analysis;
- Collect good practices from comparable countries focusing notably on restorative justice, the specialisation of the judiciary, the position and status of children with mental health problems, and issues related to sanctions;
- Prepare a comparative report with recommendations to address challenging areas of the current system as identified by national authorities and professionals;
- Consolidate recommendations in an action plan with guidance on means to implement them;
- Lead workshops and seminars to build capacities of all stakeholders.

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 Project Team to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Project Team 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).

#### **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.

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<sup>2</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 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*

---

<sup>2</sup> It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>3</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, 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 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*

- An advanced university degree, in law, human rights, children's rights or other relevant professional qualification with proven experience, knowledge and practical understanding of juvenile justice;
- Minimum of 3 years professional experience working in an area related to juvenile justice at national or international level;
- Ability to work in an international environment;
- Excellent communication skills; confirmed drafting skills and excellent spoken English at C1 level.

#### *Award criteria*

- Quality of the offer (80%), including:
  - Proven expertise and/or strong knowledge of Council of Europe standards and tools in the area of juvenile justice;
  - In-depth knowledge of the work of other organisations working at international, regional and national level on juvenile justice;
  - Experience in international assistance project, in particular in the field of juvenile justice.
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible 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.

---

<sup>3</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 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).

**G. DOCUMENTS TO BE PROVIDED**

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (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;
- CVs of persons allocated to the execution of the contract, for legal persons only;
- **Motivation letter** demonstrating the tenderer's understanding of the Council of Europe needs and clearly indicating relevant professional experience and expertise for fields of expertise as described under the scope of this contract;
- Additional as relevant: links and/or samples of previous work if available in English.

**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.**

\* \* \*

---

<sup>4</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.