

# TENDER FILE / TERMS OF REFERENCE

## (Competitive bidding procedure / Framework Contract)

### Purchase of consultancy services in the area of research and capacity building/training on women's access to justice

#### Contract N° DGII/4730/2021/1



The Council of Europe is currently implementing the project "Women's Access to Justice: delivering on the Istanbul Convention and other European gender equality standards" in the framework of the EU/Council of Europe Partnership for Good Governance II. The project covers six Eastern Partnership Countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine)". The project aims to strengthen access to justice for women, especially women victims of violence in line with the Council of Europe Istanbul Convention and contributing towards the Eastern Partnership countries ratification of the Istanbul Convention. The project is contributing to the development of a gender sensitive justice chain and addressing gender inequalities in society, particularly visible in cases of women victims of violence by targeting legal professionals who are at different steps of the justice chain and who are interacting with women in search of redress. In that context, it is looking for up to 21 Providers to provide consultancy services in the area of research and capacity building on 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 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 consortium of natural and/or 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: Tender - Women's Access to Justice 2021** 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 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 2021.**

<b>Type of contract</b> ▶	Framework contract
<b>Duration</b> ▶	Until 31 December 2021
<b>Deadline for submission of tenders/offers</b> ▶	<b>19 April 2021</b>
<b>Email for submission of tenders/offers</b> ▶	<b>alla.krytynskaia@coe.int</b>
<b>Email for questions</b> ▶	<b>alla.krytynskaia@coe.int</b>
<b>Expected starting date of execution</b> ▶	<b>28 April 2021</b>

<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 Council of Europe is currently implementing the project "Women's Access to Justice: delivering on the Istanbul Convention and other European gender equality standards" in the framework of the EU/Council of Europe Partnership for Good Governance II. The project covers six Eastern Partnership Countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine)". The project aims to strengthen access to justice for women, especially women victims of violence in line with the Council of Europe Istanbul Convention and contributing towards the Eastern Partnership countries ratification of the Istanbul Convention. The project is contributing to the development of a gender sensitive justice chain and addressing gender inequalities in society, particularly visible in cases of women victims of violence by targeting legal professionals who are at different steps of the justice chain and who are interacting with women in search of redress.

The Council of Europe is looking for 21 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on research and capacity building/training on women's access to justice.

This Contract is currently estimated to cover up to fifteen activities, to be held by 31 December 2021. 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 1 048 000 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: <i>Research on women's access to justice</i>	7
Lot 2: <i>Capacity building/Training on women's access to justice</i>	7
Lot 3: <i>Council of Europe's Gender Equality HELP courses tutors</i>	7

Lot 1 concerns undertaking research on specific human rights challenges, legislative frameworks and policies relating to women's access to justice and violence against women and domestic violence and gender equality with a particular focus on the impact of Covid-19 on women's rights in the Eastern Partnership region; compiling good practices and challenges and barriers in the above mentioned areas; conducting needs assessments and designing national action plans/strategies and policies regarding women's access to justice and violence against women and domestic violence; designing materials targeted at public authorities and legal professionals; taking part in on-site/online missions; participating where applicable, in high-level policy meetings with relevant authorities; facilitating communication and co-operation between government and civil society stakeholders; participating in and, where applicable, facilitating and coordinating conferences, seminars, workshops and other events.

Lot 2 concerns developing course materials in English including methodology, overview and main for a participatory training course in line with Council of Europe quality standards primarily on access to justice and violence against women and domestic violence, covering international and European legal frameworks and case law; conducting capacity building activities, including training of trainers for legal professionals in line with the Methodological Guide in offline, hybrid or online formats; developing and drafting training course evaluations and evaluation reports, pre course and a follow up questionnaire/focus groups, etc on assessing and measuring competences acquisition, both qualitatively and quantitatively; ensuring collection of pertinent

visibility materials, including quotes from participants, etc. and presenting in and, where applicable, facilitating and coordinating conferences, seminars, workshops or other events.

Lot 3 concerns reviewing the translation of training materials ensuring the quality is in line with the Council of Europe's standards, supplementing the Gender equality themed HELP courses to the domestic legal context and in line with the HELP Training Methodology by: uploading examples of legislation, domestic case-law and any other materials relevant to the topic of the model course, on the relevant course page; drafting assignments and practical exercises; collecting and uploading other existing training materials which are relevant to participants; and moderating and evaluating the courses in the HELP e-learning platform by: enrolling participants in the course; providing participants in the course with all relevant news and information via the platform; making modules available according to the course's schedule; posting topics, questions and messages on the forum specifically dedicated to the participants in the course in order to stimulate and revive the discussion and network among them (at least one new discussion per module should be posted); ensuring that the questions addressed through the forum are answered in a timely manner; keeping track of the most frequently asked questions; distributing the HELP Evaluation Questionnaire among participants in the course (when the last module is published); evaluating participants' questionnaires, attitude, level of participation and assumed knowledge; submitting to the project team the report for the course implementation, on a template provided by Council of Europe HELP Secretariat.

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). Tenderers can apply for all lots, by duly indicating it in the Act of Engagement (tick both boxes) and provided they fulfil all requirements.

### Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

- Provide expertise to support legal and policy frameworks.
- Draft research & analytical papers (assessments, gap analysis), guidelines, protocols, handbooks, training manuals, methodologies, educational and mentoring programmes.
- Prepare background and other documents such as reports for events (conferences, round tables, seminars, trainings, etc.) and serve as speaker, panellist, facilitator and/or moderator.
- Provide human rights based capacity building including training of trainers for legal professionals;
- Draft human rights education methodologies, evaluations, etc
- Conduct fact-finding missions, either offline, hybrid or online;
- Tutor Council of Europe HELP courses in line with pre-developed methodology

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).

#### 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<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*

(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:

<sup>2</sup> 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.

<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 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).

- 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 or are likely to be in a situation of conflict of interests;
- 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*

- Minimum 5 years of experience in any of the following areas: access to justice, human rights education, gender equality, violence against women and domestic violence, anti-discrimination
- University degree in a topic relevant to the areas of the Project as defined in the lots
- Previous experience in the relevant type of activity and/or conducting work in international context/ with international organisations.

#### *Award criteria*

##### **For lot 1:**

- Quality of the offer (80%), including:
  - Proof of thematic experience in access to justice, gender equality, violence against women, anti-discrimination gained from experience in drafting knowledge products such as books, articles, research and policy papers, baseline and comparative studies, desk reviews, legal advice/opinions, recommendations, handbooks, etc.
  - Quality of writing sample in English, with a focus on analytical and drafting skills
- Financial offer (20%).

##### **For Lot 2:**

- Quality of the offer (80%), including:
  - Proof of thematic expertise in developing capacity building resources and delivering training courses (related to human rights, gender equality, access to justice, anti-discrimination and/or violence against women and domestic violence) gained from experience in developing and/or applying methodologies, protocols, guidelines, toolkits, courses, evaluations, teaching/learning materials and/or from carrying out trainings, etc.;
  - Quality of written sample in English, with a focus on training course outline, including the description of the methodology.
  - Proof of experience with online learning tools/e-learning platforms using human rights education methodologies
  - Good knowledge of at least one of the Eastern Partnership countries languages (Armenian, Azerbaijani, Georgian, Romanian, Russian and/or Ukrainian), spoken and written
- Financial offer (20%).

##### **For lot 3:**

- Quality of the offer (80%), including:
  - Proof of thematic expertise in the field of international and/or national law and human rights
  - Quality of written sample in English highlighting previous knowledge and capacity to develop (methodology and content) and conduct online trainings.
  - Proof of experience with the HELP e-learning platform and/or methodology or any other online e-learning platforms
  - Good knowledge of at least one of the Eastern Partnership countries languages (Armenian, Azerbaijani, Georgian, Romanian, Russian and/or Ukrainian), spoken and written

- Financial offer (20%).

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

#### 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

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (See attached);
- A list of all owners and executive officers, for legal persons only;
- An updated CV, demonstrating clearly that the tenderer fulfils the eligibility and award criteria
- A relevant writing sample of at least one analytical report, research, evaluation report, course or study including methodology development in English
- Motivation letter highlighting the most relevant expertise regarding the lot(s) tendered for. (maximum 1 page)
- 2 (two) referees' contact details (contacts including phone number and e-mail address)
  
- **For lot 1 only:** Portfolio of thematic knowledge products (with links where relevant)
- **For lot 2 and 3 only:** Portfolio of offline/online/hybrid capacity building activities using human rights education methodologies (with links where relevant)

**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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<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.