

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of consultancy services on gender-informed data collection and gender mainstreaming in the justice sector in Azerbaijan, Armenia, Georgia, Republic of Moldova and Ukraine



The Council of Europe is currently implementing the project "Women's access to justice: implementing Council of Europe's gender equality and violence against women standards" in the framework of the EU/Council of Europe Partnership for Good Governance III. The project covers five Eastern Partnership countries (Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine). The project aims to transfer gender equality and equal access to justice standards from the legislative level to the daily practice of legal professionals and at institutional level through their training institutions in the region. 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 Eastern Partnership countries. The project's data collection package will promote a multi-stakeholder dialogue (governments and national 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. This work will be based in the [Framework for measuring access to justice including specific challenges facing women](#) developed by UN Women and Council of Europe (2016).

In that context, it is looking for Provider(s) for the provision of local consultancy services on gender-informed data collection and gender mainstreaming in the justice sector in Azerbaijan, Armenia, Georgia, Republic of Moldova and Ukraine 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 €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 2023**. 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 [6] six working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address VAW.gender.cooperation@coe.int indicated also below with the following reference in subject: Questions – Women's Access to Justice 2023**

Type of contract ►	Framework contract
Duration ►	Until 28 February 2026
Deadline for submission of tenders/offers ►	11 May 2023
Email for submission of tenders/offers ►	alla.krytynskaia@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 ►	VAW.gender.cooperation@coe.int
Expected starting date of execution ►	31 May 2023

B. EXPECTED DELIVERABLES

Background of the Project

The project "Women's access to justice: Implementing Council of Europe's gender equality and violence against women standards" under the EU/Council of Europe Partnership for Good Governance III, covers five Eastern Partnership countries (Armenia, Azerbaijan, Georgia, Republic of Moldova, and Ukraine). The project aims to transfer gender equality and equal access to justice standards from the legislative level to the daily practice of legal professionals and at institutional level through their training institutions in the region. 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 Eastern Partnership countries. The project's data collection package will promote a multi-stakeholder dialogue (governments and national 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. This work will be based in the [Framework for measuring access to justice including specific challenges facing women](#) developed by UN Women and Council of Europe (2016).

The Council of Europe is looking for a maximum of 10 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the field of gender-informed data collection and gender mainstreaming in the justice sector.

This Contract is currently estimated to cover up to 10 activities to be held by 28 February 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
<p>Lot 1: ARMENIA</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Analyse and identify good practices and shortcomings on the collection of data by the Armenian justice system, with special focus on the indicators contained in the Framework for measuring access to justice including specific challenges facing women (in Armenian). - Conduct one focus group consisting of Armenian judicial and statistical stakeholders to complement the analysis. - Participate and contribute to regional meetings of national data collection experts to define to identify technical, quantitative and procedural aspects of (sex/gender disaggregated) data collection including substantive and qualitative aspects in order to develop gender informed justice policies. 	2
<p>Lot 2: AZERBAIJAN</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Analyse and identify good practices and shortcomings on the collection of data by the Azerbaijani justice system with special focus on the indicators contained in the Framework for measuring access to justice including specific challenges facing women (in Azerbaijani). 	2

<ul style="list-style-type: none"> - Conduct one focus group consisting of Azerbaijani judicial and statistical stakeholders to complement the analysis. - Participate and contribute to regional meetings of national data collection experts to define to identify technical, quantitative and procedural aspects of (sex/gender disaggregated) data collection including substantive and qualitative aspects in order to develop gender informed justice policies. 	
<p>Lot 3: GEORGIA</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Analyse and identify good practices and shortcomings on the collection of data by the Georgian justice system, with special focus on the indicators contained in the Framework for measuring access to justice including specific challenges facing women (in Georgian). - Conduct one focus group consisting of Georgian judicial and statistical stakeholders to complement the analysis. - Participate and contribute to regional meetings of national data collection experts to define to identify technical, quantitative and procedural aspects of (sex/gender disaggregated) data collection including substantive and qualitative aspects in order to develop gender informed justice policies. 	2
<p>Lot 4: REPUBLIC OF MOLDOVA</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Analyse and identify good practices and shortcomings on the collection of data by the Moldovan justice system, with special focus on the indicators contained in the Framework for measuring access to justice including specific challenges facing women (in Romanian). - Conduct one focus group consisting of Moldovan judicial and statistical stakeholders to complement the analysis. - Participate and contribute to regional meetings of national data collection experts to define to identify technical, quantitative and procedural aspects of (sex/gender disaggregated) data collection including substantive and qualitative aspects in order to develop gender informed justice policies. 	2
<p>Lot 5: UKRAINE</p> <p>The listed activities should be carried out by the selected consultant in co-operation with the project team:</p> <ul style="list-style-type: none"> - Analyse and identify good practices and shortcomings on the collection of data by the Ukrainian justice system, with special focus on the indicators contained in the Framework for measuring access to justice including specific challenges facing women (in Ukrainian). - Conduct one focus group consisting of Ukrainian judicial and statistical stakeholders to complement the analysis. - Participate and contribute to regional meetings of national data collection experts to define to identify technical, quantitative and procedural aspects of (sex/gender disaggregated) data collection including substantive and qualitative aspects in order to develop gender informed justice policies. 	2

All Lots concern analysing the justice systems of the countries concerned to identify good practices and shortcomings in the collection of data that can inform both quantitatively and qualitatively the experience of women in accessing justice. The consultancy work under this lot will be based on the Council of Europe and UN Women jointly developed Framework for measuring access to justice, including specific challenges facing women. The Framework of indicators is a comprehensive guidance document that not only maps and compiles access to justice indicators, but it analyses the gaps in existing indicators, particularly substantive -qualitative aspects of it, and provides approaches for better identifying women's barriers to access to justice and address their justice needs. The Framework of indicators lays out a basket of indicators able to capture aspects of access to justice affecting women, gender gaps and gendered barriers to access to justice.

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

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

- Provide expertise to support legal and policy frameworks
- Draft research, reports, assessments, gap analysis, guidelines, educational methodologies, etc.
- Prepare presentations and reports for events and serve as speakers, panellists, facilitators and/or moderators
- Organise national stakeholders meetings and contribute to regional stakeholders meetings.
- Conduct fact-finding missions, offline, hybrid or online.

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.

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 quote² (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)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;

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.

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).

- 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).

Eligibility criteria

For all lots:

- Minimum 5-year experience in the areas of judicial and administrative data/statistics and/or gender-informed data collection.
- University degree in law, statistics, or related field relevant to the areas of the project as defined in the lot.
- Previous experience in the relevant type of activity at the national and/or international level and physical presence in the country.

Award criteria

For all lots:

- Quality of the offer ([70]%), including:
 - Proof of thematic expertise in analysing quantitative and qualitative judicial and administrative data and on gender informed data collection;
 - Quality of writing sample in English.
- Financial offer ([30]%).

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

- **A completed and signed copy of the Act of Engagement⁴** (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 written proof of work in the relevant area of the lot 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.

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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.