

# International call for tenders for the provision of national consultancy services in the sphere of criminal justice and law enforcement in Ukraine

2023/AO/14

Deadline for submission of tenders/offers – 02 April 2023

## Questions & Answers

### Question:

*With regards to tender 2023/AO/14 1680aa827e (coe.int) „FOR THE PROVISION OF NATIONAL CONSULTANCY SERVICES IN THE SPHERE OF CRIMINAL JUSTICE AND LAW ENFORCEMENT IN UKRAINE“ kindly asking for clarification regarding conditions set to team members in the following context.*

*On page 14/14, final check list conditions foresee that:*

*[..] „includes active links to at least 3 examples of their recent deliverables of similar nature as stipulated by respective Lot(s) - includes contact information of 2 referees (full name, company/organisation, position, e[1]mail address and phone)“*

*[..]*

*“Description of the proposed team (CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only)“.*

*For such a legal person, are references to recent deliverables of similar nature and referees attached to legal person, or to team members?*

*If they are attached to team members of legal-person-bidder, do all team members have to numerically satisfy the conditions?*

*For such a legal person, are all qualifying or assessed team members expected, and on what level, to be Ukrainian speakers?*

### Answer:

The references to recent deliverables of similar nature are to be provided for the legal entity as a whole demonstrating relevant experience *vis-à-vis* the specific lots for which the tenders are submitted.

The required contact information of 2 referees (full name, company/organisation, position, e-mail address and phone) is to be provided for the legal entity as a whole.

The eligibility criteria of present international call for tenders stipulate excellent knowledge of Ukrainian (mother tongue level) for all potential tenderers. With respect to the legal entities this means that the suggested team members should satisfy this requirement.

\* \* \*

**Question:**

*This is to clarify the ToR requirements for a call for tender No. 2023/AO/14.*

*In the ToR it is said that a company's concise CV should include, inter alia:*

- links to at least 3 examples of their recent deliverables of similar nature as stipulated by respective Lot(s)*
- contact information of 2 referees.*

*Due to this, our questions are as follows:*

- 1. Would be eligible for the lots 1, 6, 9, 10, 11 the Company experienced in (a) provision of the relevant services re criminal law matters to the private companies and (b) consulting within the public projects (reforms) in other areas (e.g. tax, customs, IP, labour)?*
- 2. Is it sufficient for the purposes of the lots 1, 6, 9, 10, 11 to provide contact information of 2 referees (or more) from private companies?*

**Answer:**

1. The tenderer company shall provide information demonstrating to the best of their abilities that they meet the eligibility and award criteria *vis-à-vis* specific lots for which the tenders are submitted. It is up to the tenderers to decide for which lot to apply based on their area of expertise and experience.
2. The required contact information of 2 referees (full name, company/organisation, position, e-mail address and phone) is to be provided for the whole legal entity in general, if the tenderer is a legal entity. It is up to the tenderer to decide whom to indicate as referees.

\* \* \*

**Question:**

*We are writing to enquire about the possibility of submitting a proposal from several individuals (natural persons). Based on the provisions of Article 6 of the Tender Rules, the following forms might be acceptable*

*in a kind of “consortia of legal and/or natural persons”. In this case, should we present one act and several resumes for each person or one act with one common resume?*

**Answer:**

According to Article 6 “Legal Forms of Tenderers” a tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

Proposals can be submitted by natural persons separately. In this case, each separate natural person shall sign Act of Engagement and send his/her CV.

Proposals can be submitted by consortia of legal and/or natural persons. In this case, one Act of Engagement signed by designated consortium representative shall be submitted along with CVs of all consortium members (in case of natural persons) and Memorandum on Cooperation. Each CV will be evaluated separately and the decision on consortium eligibility will depend on the decision on eligibility of every consortium member.

Additional information on consortium can be found in the Act of Engagement, Article 10 - Consortium

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**Question:**

*I have a question. The thing is that since February 24, 2022, I have been a military serviceman. Since I have been assigned to staff work by the command, I have an opportunity to work with documents, and I would be interested in working on the proposed project as well, because I believe it is important for post-conflict reconciliation, which is my primary research area. In this regard, I have two questions:*

- 1. Will my military serviceman status be an obstacle for the Council of Europe?*
- 2. Will it be possible to formulate the contract in such a way that it meets the requirements of Article 25 of the Law of Ukraine “On Prevention of Corruption”, which allows a civil servant to be engaged in paid activities such as teaching, research and creativity? If we get to the stage of concluding a contract, it is extremely important to apply these wordings in it to avoid misunderstandings. For my part, I consulted with lawyers at the military unit. One of them has got a special expertise in the field of fighting corruption. They confirmed that such activities are not considered as acts of corruption for a military serviceman.*

**Answer:**

- 1.** The exclusion, eligibility and award criteria for this tender call are stipulated in the respective Tender File. All submitted tenders will be evaluated against those criteria.

2. Possible changes to the terms and conditions of the contract may be negotiated in accordance with Art. 20 of Rule no. 1395 on the procurement procedures of the Council of Europe. Tenderers wishing to negotiate terms and conditions with the Council of Europe must clearly indicate so in their tender and specify the possible changes they wish to negotiate.

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