

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of intellectual services at local level to support the implementation of the action on 'Strengthening the efficiency and quality of justice in Albania' (SEJIV)



The Council of Europe is currently implementing a Project on '*Strengthening the efficiency and quality of justice in Albania*' (SEJIV) (1 January 2023-31 December 2026). In that context, it is looking for Provider(s) for the provision of Purchase of intellectual services at local level to support the implementation of the action on 'Strengthening the efficiency and quality of justice in Albania' (SEJIV) 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 - Purchase of intellectual services at local level to support the implementation of the action on 'Strengthening the efficiency and quality of justice in Albania' (SEJIV).** 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 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 - Purchase of intellectual services at local level to support the implementation of the action on 'Strengthening the efficiency and quality of justice in Albania' (SEJIV).**

| | |
|---|--|
| Type of contract ► | Framework contract |
| Duration ► | Until 31 December 2026 |
| Deadline for submission of tenders/offers ► | 05 March 2023 |
| Email for submission of tenders/offers ► | tender.tirana@coe.int |
| Email for questions ► | Laurela.muca@coe.int |
| Expected starting date of execution ► | 15 March 2023 |

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](#).

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) is implementing a new phase of the Action "Strengthening the Efficiency and Quality of Justice in Albania" (SEJ IV) as part of the "Horizontal Facility for the Western Balkans and Türkiye" (HFIII). The Action is a continuation of SEJ III and it is co-funded by the European Union (EU) and the Council of Europe.

SEJIV continuous previous efforts of three consecutive Actions respectively SEJ, SEJ II, SEJIII, working specifically with domestic courts and the governing bodies of the justice system (High Judicial Council (HCJ), High Prosecutorial Council (HPC), Courts, Ministry of Justice (MoJ), School of Magistrates (SoM), Bar Association in implementing key priorities of the judicial reform.

The overall objective of the Action is to support Albanian institutions in providing court users in Albania an improved functioning of the justice system, in line with CEPEJ efficiency and quality tools.

The Actions' intervention will support the justice governing institutions and domestic courts to: improve collection, processing and analysis of data on the functioning of the judicial system and judicial statistics; become more transparent and efficient through improved infrastructure and IT tools; improve court services for users based on CEPEJ tools; further expand the use of alternative dispute resolution.

The Action will also expand capacity-building activities with the High Judicial Inspection (HJI) in three areas namely, 1) professional capacity building, 2) facilitating international partnerships and membership in inspection organisations in Europe and 3) providing professional resources (manuals, handbooks, guidelines) for newly appointed inspectors.

SEJ IV will continue to support the training of justice professionals in Albania, supporting qualified and specialised trainers among the staff of the School of Magistrates and Law Faculties and developing a customised training curriculum for the main CEPEJ tools and indicators to be integrated in the initial and continuous training programs for judges, prosecutors and court administrators.

The Council of Europe is looking for thirty 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 judiciary system in Albania and on the on-going reform of the justice system.

This Contract is currently estimated to cover up to fifty 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 859 000 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: Efficiency of justice and judicial statistics | 10 |
| Lot 2: Quality of justice | 8 |
| Lot 3: Judicial inspection | 6 |

Lot 1 concerns support to national institutions on questions related to efficiency of justice and judicial statistics, in line with CEPEJ tools and methodology.

Lot 2 concerns support to national judicial institutions to further improve quality of justice in line with CEPEJ tools, including judicial communication, ADR tools and training of magistrates and court administration.

Lot 3 concerns support to the HIJ with capacity building, international partnerships and peer to peer exchange and development of professional resources (manuals, handbooks, guidelines) for newly appointed inspectors.

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:

Under Lot 1:

For issues related to efficiency of justice and judicial statistics :

- Prepare preliminary reports on the situation in Albania, the regulatory framework and practice and ensure that the analysis and recommendations made by CEPEJ are adapted to Albanian context;
- Prepare reports on the ongoing judicial reform and regulatory framework to support CEPEJ international experts;
- Attend meetings of beneficiaries and partners in related areas covered by the Action to collect and share information;
- Assist in drafts and regulatory acts prepared by the main beneficiaries and ensure compliance with CEPEJ standards and SEJ recommendations;
- Assist CEPEJ international experts in fact finding missions, reporting and delivery of trainings on CEPEJ tools;
- Assist with other activities which are relevant to the objectives of SEJ IV upon request of the CEPEJ Secretariat and the project team in the CoE office in Tirana;

Under Lot 2:

For issues related to quality of justice :

- Prepare preliminary reports on the situation in Albania and ensure that the analysis and recommendations made by CEPEJ are adapted to Albanian context;
- Attend working groups and meetings of beneficiaries and partners;
- Assist in drafting regulatory acts prepared by the main beneficiaries to ensure compliance with CEPEJ standards and experts' recommendations;
- Assist CEPEJ international experts in fact finding missions, reporting, development and delivery of trainings;
- Assist with other activities which are relevant to the objectives of SEJ IV upon request of the CEPEJ Secretariat and the project team in the CoE office in Tirana;

Under Lot 3:

For issues related to judicial inspection :

- Prepare preliminary reports on the national framework and work of the HIJ to support tailor-made analysis and recommendations for the inspection services in Albania;
- Support international experts in drafting resource material (manuals, handbooks, guidelines) for judicial inspection services;
- Participate and support trainings provided to new judicial inspectors.

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.

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 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;
- 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

Lot 1

- An advanced university degree in law, management, statistics or related field

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).

- At least 5 years professional experience at the national level in areas of work related to the efficiency of justice (including, but not limited to, issues related to judicial reform, court administration, legal drafting) and judicial statistics
- Very good level of English (both oral and written)
- Fluency in Albanian (mother tongue)

Lot 2

- An advanced university degree in law, management, communication sciences or related field
- Professional experience at the national level in areas of work related to quality of justice (including, but not limited to, issues related to judicial communication, ADR tools and training of magistrates and court administration)
- Very good level of English (both oral and written)
- Fluency in Albanian (mother tongue)

Lot 3

- An advanced university degree in law or related field
- Extended knowledge on local level related to judicial inspection and judicial reform
- Very good level of English (both oral and written)
- Fluency in Albanian (mother tongue)

Award criteria

- Criterion 1: Quality of the offer (80%), including:
 - Relevance of professional experience and expertise of the tenderer in the areas covered by this call (30 %);
 - Knowledge of the justice system and the judicial reform in Albania (20%);
 - Experience in delivering analytical reports, training, legal drafting in related areas (10%);
 - Demonstrating understanding and knowledge of CEPEJ tools and methodology (10%);
 - Experience in cooperation with national justice system actors and international experts, partners etc (10%).
- Criterion 2: Financial offer (20%)

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;
- One 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);
- One sample of work in English (where applicable, a sample of work previously done for the CEPEJ would be preferred);
- Contact details of three referees/recent employers

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,

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 and Türkiye.

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 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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