



CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CRIMINAL JUSTICE INCLUDING WITH THE FOCUS ON WAR-RELATED CRIMES AND VIOLATIONS COMMITTED DURING ARMED CONFLICT/WAR, INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL CRIMINAL LAW, LEGAL REMEDIES FOR WAR-AFFECTED PEOPLE

EXPERTISE SOUGHT IN: INTERNATIONAL AND COUNCIL OF EUROPE STANDARDS IN THE CRIMINAL JUSTICE FIELD, INCLUDING LAW ENFORCEMENT; INSTITUTIONAL ASPECTS OF EFFECTIVE FUNCTIONING OF THE PROSECUTION SERVICE AND LAW ENFORCEMENT AGENCIES; INSTITUTIONAL, ORGANISATIONAL AND STRATEGIC DEVELOPMENT OF PROSECUTION SERVICE AND LAW ENFORCEMENT AGENCIES; INVESTIGATION PROSECUTION AND ADJUDICATION OF WAR-RELATED CRIMES AND HUMAN RIGHTS VIOLATIONS COMMITTED DURING ARMED CONFLICT/WAR; HUMANISATION OF CRIMINAL JUSTICE AND USE OF ALTERNATIVES TO DETENTION AND NON-CUSTODIAL MEASURES; RESTORATIVE JUSTICE; STANDARDS OF EFFECTIVE INVESTIGATION OF ILL-TREATMENT AND OTHER CRIMES; GENERAL AND WAR-RELATED FORENSIC SCIENCE (CRIMINALISTICS) AND EVALUATION OF DAMAGE; COLLECTION AND USE OF EVIDENCE, INCLUDING ELECTRONIC EVIDENCE; DOCUMENTING, INVESTIGATING, PROSECUTING AND ADJUDICATING WAR-RELATED CRIMES; LEGAL REMEDIES FOR VICTIMS AND WAR-AFFECTED PEOPLE

2023/AO/40

Object of the procurement procedure ▶	FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CRIMINAL JUSTICE INCLUDING IN RELATION TO WAR-RELATED CRIMES AND VIOLATIONS COMMITTED DURING ARMED CONFLICT/WAR, INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL CRIMINAL LAW, LEGAL REMEDIES FOR WAR-AFFECTED PEOPLE
Project ▶	The Tender will cover the project and co-operation activities of the Co-operation Programmes Division in Member States and non-Member States of the Council of Europe within its cooperation frameworks
Organisation and buying entity ▶	Council of Europe: Co-operation Programmes Division Directorate General of Human Rights and Rule of Law
Type of contract ▶	Framework Contract
Duration ▶	Until 31 December 2027
Expected starting date ▶	01 July 2023
Tender Notice Issuance date ▶	15 May 2023
Deadline for tendering ▶	05 June 2023

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
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The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A FRAMEWORK CONTRACT WORK?

STAGE 1:

SELECTION of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

STAGE 2:

ORDER(S) are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

EXECUTION as from the date of signature of each Order, unless the Order concerned provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CRIMINAL JUSTICE INCLUDING WITH THE FOCUS ON WAR-RELATED CRIMES AND VIOLATIONS COMMITTED DURING ARMED CONFLICT/WAR, INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL CRIMINAL LAW, LEGAL REMEDIES FOR WAR-AFFECTED PEOPLE

2023/AO/40

A. BACKGROUND

The Council of Europe continues to provide support to the national authorities through projects and activities to ensure fair and efficient criminal justice systems, including through support to policy, legal and institutional reforms, support to development of relevant legislation (criminal law and criminal procedural law), regulatory frameworks of prosecution services, law enforcement agencies, etc., the development of reform strategies and strengthening capacity of criminal justice actors, such as prosecutors, investigators, lawyers and judges to apply human rights safeguards in criminal proceedings, promotion of and advancing humanisation of the criminal justice, development of restorative justice, etc.

The military aggression of the Russian Federation against Ukraine since February 2022 brought new challenges of unprecedented magnitude to Ukraine, in Europe in general and the criminal justice sector in particular. The Council of Europe is implementing a number of projects aiming at supporting the criminal justice stakeholders to effectively respond to human rights and legal consequences of the military aggression and this call has a strong focus on war-related needs of the Ukrainian stakeholders.

The Council of Europe is looking for a maximum of 105 Providers as indicated in section B below for each lot respectively (providing that enough tenders meet the criteria indicated below) in order to support implementation of the projects as well as Ordinary Budget activities implemented by the Co-operation Programmes Division in the Members States and non-Member States of the Council of Europe within its cooperation frameworks (e.g. of non-member states, Kosovo*,¹ Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, etc., the list is non-exhaustive) with a particular expertise in the field of criminal justice, criminal forensics, international humanitarian law and international criminal law, including with the focus on war-related crimes and human rights violations committed during armed conflict/war.

This Contract is currently estimated to cover approximately 350 activities, to be held by the end of 2024. 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 Division's activities in the areas mentioned above in the Council of Europe Member States and non-Member States for current Division projects, as well as Ordinary Budget activities, amounts about to 10,000.000 Euros and the total amount of the object of present tender should in principle not exceed 3, 000,000 Euros 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.

The tender is also covering activities that might be implemented in Ukraine. By submitting an offer in the framework of the present Call for Tenders, the Tenderer acknowledges that the persons involved in the implementation of the contract will be exposed to an increased risk of death and injury due to the ongoing war against Ukraine. The Tenderer also acknowledges that, if selected, it will carry out the implementation of the contract at its own risk.

The Tenderer confirms in addition that, if selected, it will perform systematic security assessments before implementing any activity related to the implementation of the contract. The Tenderer acknowledges that the Council of Europe does not assume any liability for the death, any injury or any damage that the Provider or persons involved in the implementation of the contract may sustain in Ukraine.

B. LOTS

The present tendering procedure aims to select Providers to support the implementation of the projects and co-operation actions of the Council of Europe Co-operation Programmes Division and is divided into the following lots:

	Lots	Maximum number of Providers to be selected
<input type="checkbox"/>	LOT 1 – Functioning of prosecution services and law enforcement agencies	20
<input type="checkbox"/>	LOT 2 – Human rights safeguards in criminal proceedings	20
<input type="checkbox"/>	LOT 3 – Humanisation of criminal justice, resocialisation and restorative justice	15
<input type="checkbox"/>	LOT 4 - International Humanitarian Law and International Criminal Law	15
<input type="checkbox"/>	LOT 5 – Forensics (criminalistics)	10
<input type="checkbox"/>	LOT 6 – Collection, preservation, and use of evidence, including electronic evidence in criminal proceedings	10
<input type="checkbox"/>	LOT 7 – Legal remedies for victims of war/war-related crimes and damages caused by war	15

The Council will select the abovementioned number of Providers 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).

C. SCOPE OF THE FRAMEWORK CONTRACT

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

LOT 1 – Functioning of Prosecution Services and Law Enforcement Agencies 20 consultants	The scope of work includes alignment/compliance of the legislative, regulatory, policy framework related to the institutional set-up and functioning of the prosecution services and law enforcement agencies with Council of Europe standards and best practices; institutional aspects of effective functioning of prosecution service and law enforcement agencies (staff charged with investigative or operative function), including independence of the prosecutions service, procedural autonomy of prosecutors, prosecutorial self-governing bodies, disciplinary framework, ethics; human resource management, access
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	<p>to career, evaluation of performance, training and professional development systems for prosecutors and investigators etc.; organisational efficiency aspects covering but not limited to strategy and policy making, management and decision making, automatisisation and digitalisation of processes, communications, organisational structure and operational processes, analytics, etc.</p> <p>The indicative list of expected deliverables under Lot 1 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> • Delivery of respective thematic expertise in the form of legal opinions, assessments, research, analytical notes, reports and other similar formats; • Participation in and expert contribution to different types of activities: working group meetings, round tables, workshops, consultation meetings, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations; • Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area; • Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area; • Contribution to the development of strategic, regulatory documents of beneficiaries; • Preparing/delivering trainings for beneficiaries' staff/trainers; • Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to practical context • Thematically focused terminological proof-reading of documents.
<p>LOT 2 – Human rights safeguards in criminal proceedings</p> <p>20 consultants</p>	<p>The scope of work relates to the compliance of criminal justice policies, legal and regulatory framework (criminal substantive and procedural aspects) and their effective implementation by key criminal justice stakeholders (investigators, prosecutors, judges, and lawyers) with the Council of Europe standards, with a primary focus on the observance of human rights safeguards in criminal proceedings in line with the European Convention on Human Rights and the case-law of the European Court of Human Rights. <u>This Lot also encompasses the application of respective safeguards in the investigation/prosecution/adjudication of war-related crimes and human rights violations committed during armed conflict/war.</u></p> <p>The indicative list of expected deliverables under Lot 2 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> • Delivery of respective thematic expertise in the form of assessments, research, analytical notes, reports and other similar formats; • Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations; • Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to practical context; • Development of tailored online educational content, video-lecturing, online knowledge monitoring tools; • Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area; • Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area ; • Contribution to the development of strategic, regulatory documents of beneficiaries; • Delivering trainings for project beneficiaries' staff/trainers; • Thematically focused terminological proof-reading of documents.

<p>LOT 3 – Humanisation of criminal justice, resocialisation and restorative justice</p> <p>15 consultants</p>	<p>The scope of work covers application of humane criminal sentencing, use of alternatives to imprisonment in criminal cases, resocialisation and restorative justice, etc.</p> <p>The indicative list of expected deliverables under Lot 3 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> • Delivery of respective thematic expertise in the form of assessments, research, analytical notes, reports and other similar formats; • Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations • Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to practical context; • Development of tailored online educational content, video-lecturing, online knowledge monitoring tools; • Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area; • Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area; • Contribution to the development of strategic, regulatory documents of beneficiaries; • Delivering trainings for beneficiaries’ staff/trainers; • Thematically focused terminological proof-reading of documents.
<p>LOT 4 - International Humanitarian Law and International Criminal Law.</p> <p>15 consultants</p>	<p>The scope of work relates to international humanitarian law (IHL) and international criminal law (ICL), criminal proceedings, documenting, investigating, and proving alleged violations of IHL and war related crimes. Interrelation between IHL, ICL, and international human rights law, including the European Convention on Human Rights standards applicable to the armed conflicts.</p> <p>The indicative list of expected deliverables under Lot 4 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> • Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats; • Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations; • Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to practical context; • Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area; • Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area; • Contribution to the development of strategic, regulatory documents of beneficiaries; • Delivering trainings for beneficiaries’ staff/trainers; • Thematically focused terminological proof-reading of documents.
<p>LOT 5 - Forensics (criminalistics)</p> <p>10 consultants</p>	<p>The scope of work includes technical expertise in the area of forensics in criminal proceedings, it also includes technical expertise specific to war related crimes, <u>evaluation of caused damage, veracity of facts of war crimes, mass graves, battlefields, missiles, identification of victims, etc.</u></p> <p>The indicative list of expected deliverables under Lot 5 is as follows (not exhaustive):</p>

	<ul style="list-style-type: none"> • Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats • Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations; • Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to practical context; • Development of tailored online educational content, video-lecturing, online knowledge monitoring tools; • Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area; • Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area; • Contribution to the development of strategic, regulatory documents of project beneficiaries; • Preparing/delivering trainings for project beneficiaries' staff/trainers; • Thematically focused terminological proof-reading of documents.
<p>LOT 6 - Collection, preservation and use of evidence, including electronic evidence in criminal proceedings</p> <p>10 consultants</p>	<p>The scope of work includes legal and technical expertise related to collection, preservation and use of evidence and its admissibility in court, including electronic evidence in criminal proceedings, innovative methods of evidence collection, preservation and use, open-source intelligence (OSINT), etc.</p> <p>The indicative list of expected deliverables under Lot 6 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> • Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats • Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations; • Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to practical context • Development of tailored online educational content, video-lecturing, online knowledge monitoring tools; • Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area; • Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area; • Contribution to the development of strategic, regulatory documents of project beneficiaries; • Delivering trainings for beneficiaries' staff/trainers; • Thematically focused terminological proof-reading of documents.
<p>LOT 7 – Legal remedies for victims of war/war-related crimes and damages caused by war</p> <p>15 consultants</p>	<p>Reparation of victims for the damage caused by illegal actions related to armed conflict/war, compensation and legal redress mechanisms (pecuniary/damages to property and non-pecuniary damage), including evaluation of the damage caused and estimation of pecuniary and non-pecuniary damage, relevant data collection, registers for damage, judicial and non-judicial remedies, and their compliance with the Council of Europe standards, notably the European Convention of Human Rights requirements, as well as other relevant international standards, set-up of an international compensation mechanism.</p> <p>The indicative list of expected deliverables under Lot 7 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> • Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats

	<ul style="list-style-type: none"> • Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations; • Development and provision of tailored thematic trainings, trainings of trainers, workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with due consideration to interactive learning, adult education methodology, gender equality, monitoring and evaluation and due reference to practical context • Development of tailored online educational content, video-lecturing, online knowledge monitoring tools; • Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area; • Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area; • Contribution to the development of strategic, regulatory documents of project beneficiaries; • Delivering trainings for beneficiaries' staff/trainers; • Thematically focused terminological proof-reading of documents.
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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 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).

D. FEES

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of the Act of Engagement. These fees are final and not subject to review.

E. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service 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 for the relevant lot 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 3 (three) 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 Service 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.

F. ASSESSMENT

Exclusion criteria (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;
- 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).

² It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service 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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement 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).

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

- A university degree in the thematic sphere of respective lot(s) or related fields;
- At least 5 years of professional experience in the thematic areas of respective Lot(s) (including types of work and assignments as enumerated in description of respective lot/s.)
- Excellent (C1 level) knowledge of English (in line with the [Common European Framework of Reference for Languages](#));
- For legal persons and private entrepreneurs, being authorized to carry out the respective economic activities.

Award criteria

Criterion 1: Quality of the offer (90%), including:

- level and relevance of the expertise of the tenderer within the thematic area of the tender call (40%),
- relevance of practical experience considering the scope and types of work to be requested to deliver within the thematic area of the tender call (30%),
- experience of cooperation with / previous assignments with international organisations within the thematic area of the tender call (20%).

Criterion 2: Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- **One completed and signed copy of the Act of Engagement.**⁴
- Registration documents, for legal persons and private entrepreneurs only;
- A concise CV that would:
 - demonstrate clearly that the tenderer fulfils the eligibility criteria
 - include brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) within the last 3 years (up to 3 pages maximum)
 - include active links to at least 3 examples of recent deliverables of similar nature as stipulated by respective Lot(s)
 - contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
- A list of all owners and executive officers (for legal persons only).
- 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).

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.

PART II – TENDER RULES

CALL FOR TENDERS FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CRIMINAL JUSTICE INCLUDING WITH THE FOCUS ON WAR-RELATED CRIMES AND VIOLATIONS COMMITTED DURING ARMED CONFLICT/WAR, INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL CRIMINAL LAW, LEGAL REMEDIES FOR WAR-AFFECTED PEOPLE

2023/AO/40

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General Human Rights and Rule of Law (DGI)

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁵

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;

- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English and shall be exclusively sent to the following address: dgi-coordination@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023/AO/40** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 05 June 2023 by 23:59 CET.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

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⁵ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **One completed and signed copies of the Act of Engagement.**
- Registration documents, for legal persons and private entrepreneurs only;
- A concise CV that would:
 - demonstrate clearly that the tenderer fulfils the eligibility criteria
 - include brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) within the last 3 years
 - include active links to at least 3 examples of recent deliverables of similar nature as stipulated by respective Lot(s)
 - contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
- A list of all owners and executive officers (for legal persons only);
- 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);

2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023/AO/40** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 05 June 2023 by 23:59 CET.

Other questions regarding this specific tendering procedure shall be sent at the latest by one week before the deadline for submissions of tenders, in English and shall be exclusively sent to the following address: dgi-coordination@coe.int