

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure/ One-off contract)

Purchase of consultancy services and expert assistance for conducting the analysis

Contract N° 8683-8751/2021/1

The Council of Europe is currently implementing two projects that assist the Ukrainian authorities with ensuring the implementation of the key Council of Europe (CoE) standards for the Ukrainian judiciary. In particular, the project "Support for judicial institutions and processes to strengthen access to justice in Ukraine" supports the development of legislation and strategic documents on the judiciary and access to justice in the light of the CoE standards. The other project "Further support for the execution by Ukraine of judgments in respect of Article 6 of the European Convention on Human Rights" provides assistance in providing accessible, full, and effective justice through the execution of judgments of the European Court of Human Rights in which violations of Article 6 of the European Convention on Human Rights are established.

In that context, two projects are looking for the Provider to provide consultancy services and expert assistance on conducting a comprehensive analysis of the state funding of the Ukrainian judiciary throughout 2018-2021 with a view of ensuring the right to a fair trial as guaranteed by Article 6 of the European Convention on Human Rights.

A. TENDER PROCEDURE 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 **one-off 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 a legal person or consortia of legal and/or natural persons.

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 –Contract no. 8683-8751/2021/1.** 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 (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 - Contract no. 8683-8751/2021/1.**

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	02 April 2021
Email for submission of tenders/offers ▶	DGI.Justice.Reform.Unit1@coe.int
Email for questions ▶	mailto:DGI.Justice.Reform.Unit1@coe.int
Expected starting date of execution ▶	15 April 2021

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

The expected deliverables are described in **Section A of the Act of Engagement** (see attached).

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services to be provided;
- 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.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,² you declare on your honour not being in any of the below situations)

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 or are likely to be in a situation of conflict of interests.

Eligibility criteria

- Tenderer should be registered as a legal entity under the Ukrainian legislation and should be authorised company to provide the services of the financial analysis and consulting in the sphere of financial management.
- At least 3 (three) years of professional experience in areas related to the fields of the financial analysis and consulting in the sphere of financial management.
- A financial offer not exceeding the exclusion level set out in the Act of Engagement.

Award criteria

- Quality of the offer (70%), including:
 - draft methodology of the analysis proposed (30%).
 - demonstrated expertise of the Tenderer in conducting complex financial analysis, for instance, of state financial and budgetary procedures (20%).
 - professional experience of the proposed team (20 %).
- Financial offer (30%).

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

Multiple tendering is not authorised.

E. NEGOTIATIONS

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

² The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (see attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- Registration documents for legal persons;
- A detailed description of the Tenderer and its experience in provision of services related to the services requested;
- CV of the specialists who will be involved in providing requested services;
- Draft of the methodology of the analysis of the state of affairs with respect to the financing of the judiciary in Ukraine;
- Detailed financial offer.

All documents shall be submitted in English except for the registration documents than can be provided in Ukrainian, 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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³ The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.