**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of consultancy services to be provided by national consultants on the component of capacity building within the framework of the EU/COE Joint Project on Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards.**

The Council of Europe is currently implementing a Project on Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standars. The Project will continue until March 2021. In that context, it is looking for Provider(s) for the provision of consultancy services on capacity building component to be requested by the Council on an as needed basis.

1. 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 Europe[[1]](#footnote-2), 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, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: National Consultants on monitoring and evaluation of cascade trainings to be held within SCOBAL Project.** 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: Question – National Consultans on monitoring and evaluation of cascade trainings to be held within SCOBAL Project.**

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| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until 31 March 2021 Possible maximum renewal until 30 November 2021 |
| **Deadline for submission of tenders/offers ►** | **10 April 2020** |
| **Email for submission of tenders/offers ►** | **ankara.office@coe.int** |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 24 April 2020 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Project is aimed at supporting the bar associations in seven pilot provinces to strengthen the institutional capacities of their human rights centres (HRC) and to improve the coordination between them and the Union of Turkish Bar Associations (UTBA). It will also aim at enhancing the capacities of lawyers to apply European human rights standards in their daily work and fostering the cooperation between the UTBA and HRCs of local bar associations and other national and international stakeholders working for the protection of fundamental rights and improving the situation of fundamental rights in Turkey.

After the completion of the Action, it is expected that:

1. The capacity of the human rights centres (HRCs) of the bar associations is strengthened through the establishment of model human rights centres in seven pilot provinces;
2. The knowledge and skills of the lawyers to apply European human rights standards in their daily work are enhanced in cooperation with the European Programme for Human Rights Education for Legal Professionals (HELP);
3. The communication and coordination between the human rights centres, the bar associations and the Union of Turkish Bar Associations (UTBA) through regular meetings and a web-based common communication network are fostered.

The end beneficiary of the Project is the UTBA.

Under expected result 2, it is envisaged to deliver cascade trainings sessions. Approx. 200 **training sessions** for 5.000 lawyers (approx. 25 participants for each training session) will be organised at different levels, in cooperation with the UTBA and local bar associations. Two trainer-lawyers (for Level 1 trainings) one trainer-lawyer (for Level 2 trainings), previously trained in the training-of-trainers sessions, will organise the content and conduct the training activity in cooperation with the project team.

The trainers will use the training manuals, produced under the Action, in order to sustain consistency in all training activities.

The cascaded training sessions will be organised as below, with an aim to maximise the number of trainees who will participate at both levels:

**Level 1** training sessions will be 2-days and focus on human rights mechanisms in Turkey and Europe, which can be used by Turkish lawyers; admissibility criteria; procedures which will enhance their capacities; an overview of the Convention rights including the main case law of the ECtHR and TCC.

**Level 2** training sessions will be 1-day and focus on the specific rights and freedoms protected by the ECtHR such as right to fair trial, right to liberty and security and prohibition of torture and ill-treatment.

Level 1 trainings will be delivered by 2 trainers whereas Level 2 trainings will be delivered by 1 trainer.

**Expected Type of Deliverables**

The Council of Europe is looking for approximately 10 (ten) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on observing, assessment, measuring and reporting all the elements of cascade trainings from a training expert point of view. The Provider is expected to deliver the below tasks during/after each training session which may be organised during any day(s) of the week including weekend;

1. Participating Level 1 and/or Level 2 training sessions as assigned by the Project Team;
2. Sustaining the consistency in training activities; in terms of content and methodology
3. Measuring and evaluating the immediate effects of the training on the participants
4. Evaluation of trainers after each training
5. Preparing a brief measuring/evaluation report for each training participated

This Contract is currently estimated to cover up to 200 (two hundred) activity, to be held by 31 March 2021. 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.

**Scope of the Framework Contract**

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed above in the Section B- Expected Type of Deliverables heading.

This 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).]

1. 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. Tenderers 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.]

1. 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 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 quote[[2]](#footnote-3) (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.

1. 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]](#footnote-4)**

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;
* 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;
* 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

* A University degree and working experience in Social Sciences, Humanities, Education, Law Political Science or International Relations;
* Minimum 5 years of proven work experience in one or more of the following areas; measuring, assessment, monitoring, evaluation and implementation of adult training, preferably capacity building activities of EU projects on human rights and justice sector;
* Good command of written and spoken English;
* Mother tongue-level knowledge of Turkish;
* Good understanding of human rights issues.

*Award criteria*

* Quality of the offer (80%), including:
* Relevance of the experience in assessment/evaluation of adult training (60%);
* Capacity to adapt to the context (20%).
* Financial offer (20%).

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

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED
* A completed and signed copy of the **Act of Engagement[[4]](#footnote-5)** (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** **motivation letter** **in English** (1 page max.) demonstrating Potential Provider’s interest in the Project and experience in the fields mentioned in the eligibility criteria;
* A sample evaluation form for the participants of the trainings to evaluate the impact of the trainings.

**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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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
2. It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part. [↑](#footnote-ref-3)
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 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). [↑](#footnote-ref-4)
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. [↑](#footnote-ref-5)