



CALL FOR TENDERS

FOR THE PROVISION OF LONG-TERM CONSULTANCY SERVICES ON THE COURT OF CASSATION IN TURKEY

INTERNATIONAL COORDINATOR CONSULTANT

2019/AO/65

Object of the procurement procedure ►	Long-term consultative services to oversee the substantive implementation and guide the implementation process of the activities of a technical cooperation project on the Court of Cassation in Turkey – <u>International coordinator consultant</u>
Project ►	Strengthening the institutional capacity of the Court of Cassation in Turkey
Organisation and buying entity ►	Council of Europe Click here to enter text
Type of contract ►	Framework Contract
Duration ►	Until 28 February 2022
Expected starting date ►	07 October 2019
Tender Notice Issuance date ►	03 September 2019
Deadline for tendering ►	01 October 2019

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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 F 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 LONG-TERM CONSULTANCY SERVICES ON THE COURT OF CASSATION IN TURKEY

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A. BACKGROUND

The main aim of the project *Strengthening the Institutional Capacity of Court of Cassation* is further strengthening and making more concrete and visible the independence, the impartiality, the efficiency and the administration of the judiciary in Turkey.

Specific objectives of the project are:

1. Strengthening the institutional capacity of the Court of Cassation;
2. Enhancing the role of the Court of Cassation in preserving the uniform application of the law throughout the country.

The project is co-funded by the European Union and the Council of Europe under the Instrument for Pre-Accession Assistance (IPA) 2015 and has a total budget of 3.000.000 Euros.

It will last 3 years (February 2019 - February 2022) and its expected results are affecting both efficiency and quality aspects of the Court of Cassation:

- *Expected result 1:* The legal framework governing the appeal process and the structure and functioning of the Court of Cassation will be assessed and revised;
- *Expected result 2:* Working procedures and tools of the Court of Cassation will be revised, and new ones introduced to ensure a uniform practice by taking into account the best European practices;
- *Expected result 3:* The quality of the training policy and programme of the Court of Cassation will be improved by taking into account best European practices.

Target groups of the project are members, rapporteur judges, prosecutors, and auxiliary judicial staff of the Court of Cassation, for a total of approximately 3500 individuals.

Main stakeholders are first instance courts, appellate courts, the Constitutional Court and the Council of State as the supreme courts of Turkey, the Council of Judges and Prosecutors, the Ministry of Justice and the Ministry of Justice department of Training, the Union of Turkish Bar Associations.

Final beneficiaries are the court users and lawyers involved in the justice system on civil and criminal matters.

The Council of Europe is looking for a maximum of 3 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on building institutional capacity and efficiency of high courts processes.

The **International Coordinator Consultant** will:

- provide overall strategic guidance in the implementation of the project;
- coordinate short term consultants (international and national) to ensure overall coherence and links between different project components;
- provide technical and substantive expertise to the beneficiary in the areas covered by the project;
- mobilise the relevant stakeholders and support the project team in building strategic partnerships with them;
- generate new ideas and approaches, propose more effective ways of addressing specific issues and challenges, as well as document and analyse these innovative approaches;
- support the project team in monitoring and assessing of the project implementation progress and the impact achieved.

The *International Coordinator Consultant* has no obligation to be permanently based in Ankara, but frequent travels will be required during the whole implementation period.

This Contract is currently estimated to cover up to 25 activities, to be held by 28 February 2022. 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 3.000.000 Euros and the total amount of the object of present tender should in principle not exceed 144.000 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.

B. SCOPE OF THE FRAMEWORK CONTRACT

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to oversee, guide and coordinate with short-term international and national consultants, beneficiaries, stakeholders and the project team to ensure that the following activities are implemented timely and according to the highest quality standards:

1. Research, analysis, and legal review which involves:

- Comparative review and reference book including European standards, framework, tools, case studies and best practices with regard to effective functioning of the high courts;
- Base-line and end-line studies gathering data on the legislative and regulatory framework, competence of the Court of Cassation and assessment of the satisfaction of court users; these studies will include comprehensive desk reviews, on-line surveys, focus groups interviews, and reporting;
- In-depth assessments of all the three components of the project - legal framework, structure and functioning of the Court of Cassation; working procedures and tools; quality of the training policy and programme - to provide methodological guidance;
- Review of court performance standards and indicators, applicable framework and guidelines;
- Expert assessment and recommendations on legislations, working procedures, standards, policy papers.

2. Institutional capacity building, including:

- Working groups meetings, roundtables and workshops where finding of reviews, assessments, desk research, base-line and end-line studies are presented and discussed with beneficiaries and stakeholders;
- Study visits of beneficiaries to Council of Europe member states to exchange views, knowledge and expertise;
- National case-law fora to discuss case-law inconsistencies, present progress and practices of European courts in the harmonisation process and review judgments of the ECtHR on Turkey;
- Elaboration of new assessment tools and standards and pilot testing of working procedures within sample courts;
- Elaboration of case-study to assess and document the results of the pilot testing;
- Implementation of Training Needs Assessment (TNA) and related working groups, development of a training strategy for the Court of Cassation and related action plan, monitoring the delivery of pilot training courses;
- Development of informational and awareness raising materials on the role and functions of the Court of Cassation and of the Appellate Courts in light of the latest developments;
- Moderating or participating as speaker in conferences, seminars and other outreach events.

The International Coordinator Consultant will have an active role in the overall project implementation. She/he will guide and coordinate, liaise with the Court of Cassation, define programmes and working methods of the relevant meetings, working groups, study visits, seminars and conferences, coordinate with relevant institutions in and outside Turkey, draft key documents and substantial reports on the project work, contribute to and participate in the steering committee meetings and in the stakeholder coordination meetings of the project if needed.

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).]

C. 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.

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 **Error! Reference source not found.** below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

D. 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).

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.

Ranking

Orders will be addressed in priority to the first Provider on the ranking list of the tender. If this Provider is unable to take the Order or if no reply is given on his behalf within the deadline, the Council may call on the second Provider on the ranking list of the tender, and so on down the list.

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 Service Provider using the same criteria, and so on until a suitable Provider is contracted.

In the event that the first Provider on the ranking list is unable to take an Order on more than three consecutive occasions, the Council reserves the right to change the ranking so that the previously first ranked Provider is moved to third place, and the other two Providers move up the list accordingly.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote¹ (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.

E. ASSESSMENT

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

¹ 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.

² 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 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;

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;

Eligibility criteria

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

- University degree in law, political sciences, social sciences, international relations or related fields;
- At least 5 years of professional experience in the field of efficiency and quality of justice and court management, of which at least 3 years acquired in an international context and in technical co-operation projects;
- Excellent knowledge of English language (at least level C1 of the CEFR)

Award criteria

- Criterion 1: Quality of the offer (90%), including:
 - Relevance of the experience of the tenderer in the areas covered by this call, including knowledge of international standards in the field of efficiency and quality of justice; (40%);
 - Experience in coordinating capacity building/technical co-operation work/projects and/or between governmental, judicial institutions and bodies nationally and internationally; (25%);
 - Experience of working in the field of judiciary in Turkey or in the region (25%).
- Criterion 2: Financial offer (10%).

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- **Two** completed and signed copies of the Act of Engagement³;
- A scanned copy of a valid photographic proof of identity (e.g. passport);
- A detailed CV (maximum length 5 pages) , demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer and the level of oral and written English language
- Contact details of 3 (three) references
- Sample of an English text (extract from a report, legal opinion, article, policy document, etc.) recently drafted by the tenderer, maximum length 5 pages;
- Motivation letter, maximum length one page, describing how the tenderer meets the requirements of the expected services (see Section B above) including indication of specific areas of expertise and required experience

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.

* * *

³ 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 LONG-TERM CONSULTANCY SERVICES ON THE COURT OF CASSATION IN TURKEY

INTERNATIONAL COORDINATOR CONSULTANT

2019/AO/65

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Justice and Legal Co-operation Department, Directorate General Human Rights and Rule of Law.

Avenue de l'Europe, F67075 Strasbourg Cedex, France.

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, Moscow, 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.⁴

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 a natural person.

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 or French], and shall be exclusively sent to the following address: dg1.court cass.tr@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 **both electronically and in paper hardcopy**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

Paper hardcopies shall be sent in A4 format (21x29.7 cm) by post, as specified below:

- Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE
For the attention of the Tenders Board
**CALL FOR PROVISION OF FOR THE PROVISION OF LONG-TERM CONSULTANCY SERVICES
ON THE COURT OF CASSATION IN TURKEY –
INTERNATIONAL COORDINATOR CONSULTANT**

2019/AO/65
B.P. 7
F – 67075 STRASBOURG Cedex

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
- Tenders submitted to another postal address will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 01 October 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

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.

* * *

⁴ 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:

- **Two** completed and signed copies of the Act of Engagement⁵;
- A scanned copy of a valid photographic proof of identity (e.g. passport);
- A detailed CV (maximum length 5 pages) , demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer and the level of oral and written English language
- Contact details of 3 (three) references
- Sample of an English text (extract from a report, legal opinion, article, policy document, etc.) recently drafted by the tenderer, maximum length 5 pages;
- Motivation letter, maximum length one page, describing how the tenderer meets the requirements of the expected services (see Section B above) including indication of specific areas of expertise and required experience

2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

Paper hardcopies shall be sent in A4 format (21x29.7 cm) by post, as specified below:

- Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE
For the attention of the Tenders Board
**CALL FOR PROVISION OF LONG-TERM CONSULTANCY
SERVICES
ON THE COURT OF CASSATION IN TURKEY –
INTERNATIONAL COORDINATOR CONSULTANT
2019/AO/65
B.P. 7
F – 67075 STRASBOURG Cedex
FRANCE**

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
- Do not send a copy of your tender to the buyer entity. Tenders submitted to any other postal address than the one indicated above will be excluded from the procedure.

The deadline for the submission of tenders is 01 October 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

⁵ 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.