**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of local consultancy services under the project Enhancing the accountability and the efficiency of the judicial system and the professionalism of lawyers in Georgia**

**[*Contract N°* 1-11/12/2020-BH4722]**

The Council of Europe is currently implementing and until *30/11/2021* will implement a Project on *Enhancing the accountability and the efficiency of the judicial system and the professionalism of lawyers in Georgia*. In that context, it is looking for Provider(s) for the provision of local consultancy indicated in this Tender File and respective Act of Engagement, 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-1), 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 self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Judiciary Reform 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\_Judiciary Reform Project**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 December 2021 |
| **Deadline for submission of tenders/offers ►** | **7 February 2021** |
| **Email for submission of tenders/offers ►** | Judiciaryreform.georgia@coe.int |
| **Email for questions ►** | Judiciaryreform.georgia@coe.int |
| **Expected starting date of execution ►** | 15 February 2021 |

EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe’s Legal Cooperation Division of the Justice and Legal Cooperation Department, Directorate General of Human Rights and Rule of Law together with the Council of Europe Office in Georgia is currently implementing a Project on Enhancing the accountability and the efficiency of the judicial system and the professionalism of lawyers in Georgia aiming to strengthen the efficiency, effectiveness and transparency of the court system by supporting improved legislative safeguards, enhanced management practices and training capacities within the court system and at the Georgian Bar Association. In April 2014, the European Union and the Council of Europe agreed that targeted co-operation activities with Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus – the EU’s Eastern Partnership countries – would be implemented under the Partnership for Good Governance programme. The phase I of the programme (PGGI) started in 2015 and was completed in 2018; the second phase of the programme (PGGII) was launched in 2019 and will run until 2021. This project falls under the PGG phase II.

The Council of Europe is looking for maximum of 45 (forty-five) Provider(s) in total for all Lots (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the areas specified below.

This Contract is currently estimated to cover up to 30 activities, to be held by 31/12/2021. 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.

For information purposes only, the total budget of the project amounts to 1,220,000 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: Quality and efficiency of Justice | 20 |
| Lot 2: Expertise and consultancy in Communication matters | 10 |
| Lot 3: Consultancy in development of Soft skills | 15 |

**Lot 1** concerns Consultancy services relating to:

* courts’ analytical units support including categorization of cases
* court mediation
* the efficiency of the judiciary and courts and in particular issues related to judicial time management with a view to support the development and implementation of appropriate modalities and tools for analyzing and improving the quantitative and qualitative situation regarding time management (case-flows, backlogs and timeframes of judicial proceedings, for example as regards case weighting and through the setting up of dashboards)
* the evaluation of the quality of the judiciary and courts and formulation of strategies to improve the quality of judicial services with the development and implementation of various concrete tools for the policy makers and for the courts. This concerns for example guidelines and training on court management (for judges and court staff), human resources, judicial communication with media and the public, quality of judicial decisions “judgecraft”, evaluation of judges and non-judge staff, organisation and accessibility of court premises, role of experts in judicial proceedings, enforcement of court decisions, satisfaction surveys for court users; access to justice and legal aid, court security etc.

**Lot 2** concerns the Consultancy services relating to:

* the development on communication strategy and action plan
* planning campaigns in Judiciary field including awareness raising campaigns
* the development of related multi-media products

**Lot 3** concerns the Consultancy services relating to:

* capacity building activities in the management field, inter alia, organizational/time/stress management
* capacity building activities in business communication, written communication, relation with citizens/customers, service plus etc.
* the development of guidelines, handbooks or compilation of recommendations
* learning methodology inter alia ALM and other skills related to teaching/learning process etc.

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:**

- Provide advice, opinions and expertise: assessments, needs analyses, identification of challenges; mapping of good practices, legal opinions, reports and recommendations;

- Contribute to the capacity building of project beneficiaries: tailor-made assistance, advice, training, training of trainers and other forms of support; provision of tools and methodologies for the implementation of priority reforms aimed at developing new capacities and skills;

- Peer-to-peer exchanges: round tables / expert working groups, workshops, seminars, conferences (identify challenges, propose solutions and provide arguments to resolve difficulties)

- Participate in the selection, definition and analysis of qualitative and quantitative indicators on the functioning and efficiency, quality or access to justice (as appropriate) of the judicial system and specific courts. Consultations within the expert team may involve e-mail exchanges, videoconferences and/or meetings in Strasbourg, France or the beneficiary countries;

- Visits to institutions and courts, meetings and exchanges with justice sector stakeholders, including judges and judicial staff.

**Under** **Lot 2**:

* Elaboration of concept papers and specify substance of activities
* Development of strategy and a corresponding action plan
* Conducting baseline study or survey
* Organisation of working group meetings/seminars/presentations and other activities.

**Under** **Lot 3**:

* Conducting training sessions, preparing training materials, group work exercises, practical cases etc.
* Elaboration of guidelines/handbooks/recommendations

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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. 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.

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 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 quote[[2]](#footnote-2) (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-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;
* 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*

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

* Graduate university degree in law, public administration, political science, statistics, social sciences or a related field;
* At least five (5) years' professional experience in fields related to the objectives of the actions to be carried out in the implementation of the project under Lot 1 and three (3) years’ professional experience in fields under Lot 2 and 3;
* Excellent knowledge of the Georgian language and very good level of English (oral and written).

*Award criteria*

**Under** **Lot 1**:

* Quality of the offer (90%), including:

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to justice sector reform programmes at national or international level in the field of judicial efficiency and time management, including:

* Development and implementation of means and tools for improving judicial efficiency and time, at central and/or court level;
* Court management;
* Human Resources;
* Evaluation of judges;
* Quality of judicial decisions;
* Judicial communication;
* Accessibility and security of courts;
* Satisfaction surveys for justice users;
* Enforcement of court decisions;
* Role of experts in proceedings;
* Etc.

- Criterion 2 (30%): Knowledge of the CoE main tools, (including CEPEJ's main tools in the field of CEPEJ SATURN's work, in particular case weighting and dashboards; CEPEJ-GT-QUAL's work

* Financial offer (10%).

**Under** **Lot 2 and 3**:

* Quality of the offer (90%), including:
* Relevance of the experience of the tenderer in the fields identified by the Call (60%);
* Knowledge of specific issues in the fields identified by the Call as well as creativity and imagination (25%);
* Consultancy or other relevant work experience in international projects and/or in projects related to the relevant sphere (15%).
* Financial offer (10%).

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-4)** (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;
* Contact details of 3 (three) references;
* A sample, not exceeding 3 pages (i.e. an extract), of a study, report or another relevant text recently drafted, in English or Georgian, by the tenderer. For Lot 2 and 3 also, sample of video/photo/written story if any, preferably in the relevant field; campaign/strategy concept; publication in the relevant field if any; all possible samples from previous working experience showing that the Tenderer well corresponds to the criteria specified above;
* Motivation letter, not exceeding 1 page, describing how the tenderer meets the requirements of the expected services. Tenderers may supplement motivation letters with documents proving their knowledge, such as programmes of events and descriptions of projects they participated in, titles and references of research they undertook and summaries of reports they produced, certificates/diplomas/awards demonstrating qualification of Tenderer.

**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.**

**\* \* \***

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-1)
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. [↑](#footnote-ref-2)
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-3)
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-4)