



CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES TO STRENGTHEN ACCOUNTABILITY AND PROFESSIONALISM IN THE JUDICIAL SYSTEM IN MONTENEGRO

2019/AO/88

Object of the procurement procedure ►	Short-term consultancy services on strengthening accountability and professionalism in the judicial system in Montenegro – International consultants
Project ►	Accountability and professionalism of the judicial system in Montenegro
Organisation and buying entity ►	Council of Europe Justice and Legal Co-operation Department DG I - Directorate General of Human Rights and Rule of Law
Type of contract ►	Framework Contract
Duration ►	Until 22 May 2022, renewable until 22 May 2023
Expected starting date ►	02 December 2019
Tender Notice Issuance date ►	23 October 2019
Deadline for tendering ►	21 November 2019

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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 INTERNATIONAL CONSULTANCY SERVICES TO STRENGTHEN ACCOUNTABILITY AND PROFESSIONALISM IN THE JUDICIAL SYSTEM IN MONTENEGRO 2019/AO/88

A. BACKGROUND

The Council of Europe is currently implementing the Action "Accountability and Professionalism of the Judicial System of Montenegro" as a part of the European Union and the Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Turkey II".

Beneficiaries of the Action are the Judicial Council, the Prosecutorial Council, the Supreme Court of Montenegro, the Supreme State Prosecutor`s Office, the Center for Training in Judiciary and State Prosecution, the Ministry of Justice of Montenegro, the Chamber of Public Bailiffs, the Chamber of Notaries, the Bar Association, the Association of Court Experts, the Association of Court Interpreters and the Center for Mediation.

The objective of the Action is to further enhance professionalism, accountability and the overall quality of service of the judicial system of Montenegro.

The Action will be implemented until 22 May 2022 and the overall budget is 800.000 Euros.

The Council of Europe is looking for a maximum of 35 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with international experience on the rule of law expertise and specifically in the following issues:

- Selection, appointment, evaluation and promotion of judges and prosecutors
- Ethics, liability, integrity and disciplinary rules and procedures for judges, prosecutors, advocates, notaries, public bailiffs, court experts and court interpreters
- Financial, administrative and human resource management, strategic planning and coordination, communication and external relations, as well as roles and responsibilities of press judges and prosecutors, and on-line media presence of the judiciary and state prosecution service
- Organisation, administration and management, external relations and communication, initial and in-service programme design and their continuous assessment and evaluation, training of trainers and mentors, e-learning programs for judges, prosecutors and other court staff of the training institutions for judges and prosecutors
- Roles and responsibilities of court presidents and heads of prosecution services
- Alternative dispute resolution and mediation, its system and legal framework, capacity and skills of mediators, quality standards for mediation, accountability and ethics in mediation, awareness raising and promotion
- Organisation, administration and management (including aspects of human resources and financial management), efficient functioning and coordination, strategic development and planning, communication and external relations of the Center for Mediation
- Other field of experience related reform of the justice system, independence, accountability and liability of the judiciary and prosecutors, and other legal professions, ADR and mediation services.

This Contract is currently estimated to cover up to 60 activities, to be held by 22 May 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 800 000 Euros and the total amount of the object of present tender should in principle not exceed 84 800 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

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into three lots.

Lot 1 concerns Research, analysis, legal review which involves:

- Analyse and review specific laws, practices and regulations in Montenegro related to selection, appointment, evaluation and promotion of judges and prosecutors; ethical and disciplinary liability of judges and prosecutors
- Analyse, review and develop ethical and disciplinary framework, rules and regulations, practices and codes of conduct for other legal professions such as advocates, notaries, public bailiffs, court experts and court interpreters
- Analyse and review legal framework, practices, rules and regulations on alternative dispute resolution mechanisms, and ethics in mediation, as well as develop professional rules of conduct for mediators,
- Develop quality standards for mediation and methodology for evaluation of mediators` work,
- Review and development of policy documents (e.g. strategies, action plans, guidelines, in the areas mentioned above);
- Act as key speaker in seminars, workshops, conferences, roundtables and public debates on the topics and issues listed above, contributing with an expertise on European standards and best practices.

Lot 2 concerns Institutional capacity building, which involves:

- Conduct functional analysis and review of Judicial and Prosecutorial Councils and relevant judicial bodies, and the Center for Mediation with a view of providing recommendations for improvement and their compliance with European standards and practices
- Support the Judicial and Prosecutorial Councils and the Center for Mediation, in the implementation of measures and strategic policies developed in the framework of this Action and addressing the issues and topics covered by the Action and mentioned above
- Contribute to the improvement of the structure, functioning and fulfilling the responsibilities of judicial and prosecutorial self-governing and bodies responsible for court/prosecutorial services management in view of European standards and best practices
- Act as key speaker in seminars, workshops, conferences, roundtables and public debates on the topics and issues listed above, contributing with an expertise on European standards and best practices.

Lot 3 concerns Support to the Judicial Training Centre and training of judges, prosecutors, court staff, other judicial professions, as well as staff and trainers of the Judicial Training Center, which involves:

- Support the Judicial Training Center, in the implementation of measures and strategic policies developed in the framework of this Action and addressing the issues and topics covered by the Action mentioned above
- Follow up on the implementation of the specific measures and recommendations concerning functioning, management and planning, and overall effectiveness of the Judicial Training Centre with a view of providing recommendations for improvement and their compliance with European standards and practices
- Conduct a training needs assessments, develop new training programmes, their methodology and materials, as well as delivery of training of trainers (ToT)
- Support capacity building of the trainers of the Judicial training centre, conducting training of trainers and mentors of the Judicial Training Center
- Conduct training sessions on issues and topics covered by the Action, listed above, for judges and prosecutors, and their self-governing bodies staff
- Act as key speaker in seminars, workshops, conferences, roundtables and public debates on the topics and issues listed above, contributing with an expertise on European standards and best practices.

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.

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.

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.]

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:

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).

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):

Lots 1 and 2

- University degree in law, political sciences, social sciences, international relations or related fields
- At least 5 years of professional experience in areas related to the rule of law and the judiciary, legal professions, Alternative Dispute Resolution and Mediation, of which at least 2 years must have been acquired in an international context and/or in technical cooperation projects
- Excellent knowledge of English language (at least level C1 of the CEFR³).

Lot 3

- University degree in law, political sciences, social sciences, international relations or related fields
- At least 5 years of professional experience in areas related to institutional capacity development of the judicial training institutions, and or in designing, organising and implementing Training of Trainers (ToTs), training needs analysis (TNA) assessments and evaluation of training, development of training methodology and e-learning programmes of the judiciary, prosecutors, or other legal professions, of which at least 2 years must have been acquired in an international context and/or in technical cooperation projects
- Excellent knowledge of English language (at least level C1 of the CEFR⁴).

Only bids submitted in English shall be deemed eligible.

Award criteria

Lots 1 and 2

- Quality of the offer (90%), including:
 - Relevance of the experience of the tenderer in the areas covered by this call, including previous experience in technical co-operation on the issues and topics covered by the Action (30%)
 - Proven experience in the management and implementation of justice sector reform processes and/or capacity development initiatives (30%)
 - Demonstrable knowledge of the regional context in the EU accession process focusing on rule of law, judicial reforms or/and the areas covered by this call (30%).
- Financial offer (10%).

Lot 3

- Quality of the offer (90%), including:
 - Relevance of the experience of the tenderer in capacity development of judicial training institutions and training programmes, including previous experience in technical co-operation on the issues and topics covered by the Action (30%)

- 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.

³ http://www.coe.int/t/dg4/linguistic/Source/Framework_EN.pdf

⁴ http://www.coe.int/t/dg4/linguistic/Source/Framework_EN.pdf

- Proven experience in developing, facilitating/delivering interactive/participatory training sessions on issues and topics covered by the Action and mentioned above or conducting the TNAs, ToTs, training evaluations and capacity development activities for the judicial training institution (30%)
- Demonstrable knowledge of the regional context in the EU accession process focusing on judicial reforms and particularly, issues related to the training of judges and prosecutors, court staff and legal professionals (30%).
- 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 Engagement⁵
- A list of all owners and executive officers, for legal persons only
- A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons)
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria including the experience of the tenderer and the level of oral and written English language
- Sample of an English text (extract from a report, legal opinion, article, policy document, training programme, etc.) recently drafted by the tenderer, maximum length 5 pages
- Motivation letter describing how the tenderer meets the award criteria (see Section E. above) and requirements of the expected services (see Section B above) including indication of the specific and/or preferred fields of expertise (maximum 2 pages)
- Contact details of 3 (three) references.

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.

* * *

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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES TO STRENGTHEN ACCOUNTABILITY AND PROFESSIONALISM IN THE JUDICIAL SYSTEM IN MONTENEGRO 2019/AO/XX

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Justice and Legal Cooperation Department
Directorate General Human Rights and Rule of Law – DG I
F – 67075 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.⁶

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, or a legal person except consortia.

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.judsys.mtnegro@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 INTERNATIONAL CONSULTANCY
SERVICES TO STRENGTHEN ACCOUNTABILITY AND
PROFESSIONALISM IN THE JUDICIAL SYSTEM IN MONTENEGRO**
2019/AO/88
B.P. 7
F – 67075 STRASBOURG Cedex
FRANCE

- 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 21 November 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.

* * *

⁶ 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 Engagement;⁷
- A list of all owners and executive officers, for legal persons only;
- A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons);
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfills the eligibility criteria including the experience of the tenderer and the level of oral and written English language;
- Sample of an English text (extract from a report, legal opinion, article, policy document, training programme, etc.) recently drafted by the tenderer, maximum length 5 pages;
- Motivation letter describing how the tenderer meets the award criteria (see Section E. above) and requirements of the expected services (see Section B above) including indication of the specific and/or preferred fields of expertise (maximum 2 pages);
- Contact details of 3 (three) references.

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 INTERNATIONAL CONSULTANCY SERVICES TO
STRENGTHEN ACCOUNTABILITY AND PROFESSIONALISM IN THE
JUDICIAL SYSTEM IN MONTENEGRO**
2019/AO/XX
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 21 November 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

⁷ 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.