

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of intellectual services at local level to support the implementation of the action on "Supporting to Modernisation of Court Management in Georgia" *Contract N° 1_CEPEJ_Local Pool_BH4975*

The Council of Europe is currently implementing for a period until 28/02/2026 the Project "Support to Modernisation of Court Management in Georgia". In that context, it is looking for Provider(s) for the provision of intellectual services at local level, indicated in this tender file and respective Act of Engagement (See Section A of the Act of Engagement) to be requested by the Council on an as needed basis.

A. 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 Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 legal person or consortium of natural and/or legal person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: CEPEJ Tender Pool**. Tenders addressed to another email address **will be rejected**.

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 5 (five) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions – CEPEJ Tender Pool**.

Type of contract ▶	Framework contract
Duration ▶	Until 28 February 2026
Deadline for submission of tenders/offers ▶	23 April 2023
Email for submission of tenders/offers ▶	judiciaryreform.georgia@coe.int
Email for questions ▶	judiciaryreform.georgia@coe.int
Expected starting date of execution ▶	07 May 2023

¹ The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The European Commission for the Efficiency of Justice (CEPEJ) is a Council of Europe body established in 2002 for improving the quality and efficiency of the European judicial systems and strengthening the court users' confidence in such systems. In collaboration with the Council of Europe Office in Georgia, CEPEJ is currently implementing a joint EU/CoE project titled "Support to Modernisation of Court Management in Georgia." The project is aimed at enhancing the efficiency and quality of the justice system by using CEPEJ's tools and methodology.

In April 2014, the European Union and the Council of Europe jointly decided to implement targeted co-operation activities in the EU's Eastern Partnership countries, namely Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine, and Belarus, under the Partnership for Good Governance program. The first phase of the program (PGGI) commenced in 2015 and concluded in 2018, while the second phase (PGGII) began in 2019 and ended in February 2023. The third phase was launched in March 2023 and is set to continue until March 2026. The current project falls under the PGG phase III.

The main objective of the project is to improve the quality and efficiency of the justice system in Georgia by focusing on modernising court management. The project will seek to accomplish this objective by providing support for judicial statistics, judicial time management, court management and to improving quality of judicial services. Moreover, the project may also concentrate on specific areas such as cyberjustice and mediation.

By offering assistance to Georgia, CEPEJ is committed to promoting the rule of law and supporting the development of efficient and robust justice system. The project is a significant step towards achieving this goal and will contribute to the advancement of the justice system in Georgia.

The Council of Europe is looking for a maximum of 39 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the fields indicated below under the Lots.

This Contract is currently estimated to cover up to 60 activities, to be completed by 28 February 2026. 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 **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: Evaluation and judicial statistics	7
Lot 2: Efficiency of justice and judicial time management	10
Lot 3: Quality of justice and related issues	10
Lot 4: Cyberjustice	5
Lot 5: Mediation	7

Lot 1 concerns consultancy services relating to the evaluation of the performance and the functioning of the justice system at the institutional and court levels, relevant data collection and analysis with the support of relevant IT tools and by using key performance indicators, in view of formulation of strategies and specific actions to improve the efficiency and the quality of judicial services.

Lot 2 concerns consultancy services relating to 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 analysing 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) as well as methods for calculating adequate number of staff in courts.

Lot 3 consultancy services relating to 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, optimisation of the workload of judges and court staff, evaluation of judges and court staff, organisation and accessibility of court premises, role of experts in judicial proceedings, satisfaction surveys for court users; access to justice, court security, soft skills for court staff, gender equality in the recruitment and promotion of judges, etc.

Lot 4 concerns consultancy services in cyberjustice relating to the development, deployment, and adaptation/updating of cyber-justice tools, the digitalisation of case management and of judicial services overall, as well as on the use of Artificial Intelligence (AI) in courts.

Lot 5 concerns consultancy services relating to the development, adaptation and implementation of mediation tools to support mediation stakeholders (including judges, court staff, and lawyers) and policy makers in improving the recourse and quality of mediation. This concerns for example activities related to training in mediation, access to mediation, awareness-raising of the judiciary, users of justice and the general public, as well as piloting innovative approaches to offering mediation services, 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:

- 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;
- Provide, as appropriate, presentations and explanations on the CEPEJ's tools and methodology and on the means of their implementation at different levels with a view to improving the efficiency and quality of justice;
- 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.
- Participate in missions in Georgia, visits to institutions and courts, meetings and exchanges with justice sector stakeholders, including judges and judicial staff.

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.

C. 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.

D. 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 5 (five) 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 quote² (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.

E. 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

Tenderers shall be excluded from participating in the tender procedure if they:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;

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.

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 and sixth 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).

- 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 an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
- have been involved in mismanagement of the Council of Europe funds or public funds;
- are or appear to be in a situation of conflict of interest;
- are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- 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):

- Graduate university degree in law, public administration, political science, statistics, mathematics, social sciences, psychology, information technologies or a related field;
- At least five (5) years' professional experience in fields related to the objectives of the action carried out in Georgia or abroad;
- At least two (2) years professional experience in working in cooperation projects;
- Very good level of English and/or French (oral and written).

Only bids submitted in English will be considered admissible.

Award criteria

By lot:

1- Lot (1) Evaluation and judicial statistics:

- Criterion 1 (80%): Relevant professional experience demonstrating a capacity to contribute to the Project and/or justice sector reform programmes at national level in the field of evaluation of the performance and functioning of judicial systems, including: collection and analysis of qualitative and quantitative data;;
 - Data Collection and analysis of qualitative and quantitative data;
 - Judicial Statistics
 - .
- Financial criterion: 20%.

2- Lot (2) Efficiency of Justice and judicial time management:

- Criterion 1 (80%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at national 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;
 - Case-flows
 - Judicial timeframes;
 - Judicial backlogs;
 - Use of dashboards;
 - Etc.
- Financial criterion: 20%.

3- Lot (3) Quality of justice and related issues:

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at national level in the field of quality of justice, including:

- Human Resources ;
- Evaluation of judges and court staff;
- Quality of judicial decisions;
- Judicial communication;
- Accessibility and security of courts;
- Satisfaction surveys for justice users;
- Soft skills;
- Etc.

- Financial criterion: 20%.

4- Lot (4) Cyberjustice:

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at national level in the field of cyberjustice, including the development, deployment and adaptation of cyberjustice tools, including:

- Digitisation of case management systems;
- The digitisation of judicial services;
- The use of artificial intelligence in connection with judicial systems.

- Financial criterion: 20%.

5- Lot (5) Mediation:

- Criterion 1 (80%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at national level in the field of mediation, particularly in the development, adaptation and implementation of mediation, including:

- Training ;
- Access to mediation;
- Referrals to mediation;
- Evaluation of mediation;
- Awareness-raising of judicial actors and users on mediation.

- Financial criterion: 20%.

The Council reserves the right to hold interviews with tenderers.

F. NEGOTIATIONS

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

G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement⁴** (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 letter of motivation highlighting their professional experience in carrying out similar activities and possible awareness of the tools of the Council of Europe and the CEPEJ in the field of justice. The cover letter should also specify the working languages (English).

All documents shall be submitted in English, failure to do so will result in the exclusion of the tender.

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.

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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