

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of national consultancy services in the areas of women's access to justice, women's human rights and gender equality



The Council of Europe is currently implementing (until 31 December 2022) the action on "[Fostering women's access to justice in Turkey](#)" under the joint European Union and Council of Europe programme "[Horizontal Facility for the Western Balkans and Turkey 2019-2022](#)". In that context, it is looking for Provider(s) for the provision of national consultancy services in the areas of access to justice for women, including women victims of gender-based violence, women's human rights and gender equality in Turkey 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 €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 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: "Call for Provision of National Consultancy Services in the Area of Women's Access to Justice in Turkey"**. 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) (until 18 November 2021) 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 – "Call for Provision of National Consultancy Services in the Area of Women's Access to Justice in Turkey"**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2022
Deadline for submission of tenders/offers ▶	25 November 2021
Email for submission of tenders/offers ▶	ankara.office@coe.int
Email for questions ▶	ankara.office@coe.int ; until 18 November 2021
Expected starting date of execution ▶	06 December 2021

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](#).

EXPECTED DELIVERABLES

Background of the Project

The action "*Fostering women's access to justice in Turkey*" is implemented under the [Horizontal Facility](#) for the Western Balkans and Turkey II (2019-2022), a joint programme between the European Union (EU) and the Council of Europe (CoE). The action aims to strengthen women's access to justice in Turkey in line with international and European standards. The action will contribute to following specific objectives:

- Improving the gender responsiveness of legal aid and judicial victim support services to effectively respond to the needs of women.
- Enhancing legal aid access for women, including through working with legal aid lawyers and civil society.
- Increasing legal literacy and awareness among women, especially groups of women in vulnerable situation.

Expected Results

- Knowledge generated among key stakeholders on barriers for women's access to justice and legal aid and support services in Turkey and on how to remove them.
- Enhanced quality and gender responsiveness of legal aid and judicial support services through capacity building of legal aid and judicial support professionals.
- Provision of legal aid and assistance to women in selected communities, including those from vulnerable or disadvantaged groups, by legal aid lawyers trained on gender-sensitive and victim-centred approaches.
- Increased awareness and knowledge among women on their legal rights, how to exercise them and on available legal remedies and services, including legal aid and judicial support services.
- Increased awareness and understanding among key stakeholders, including judicial and statistical authorities, on measuring women's access to justice and legal aid.

Action Activities

To achieve the expected results the action foresees to conduct the following activities:

- A research/study on the reality of barriers of women's access to justice and legal aid in Turkey with recommendations and ways forward
- Providing legal aid to women, particularly to those from disadvantaged groups, by trained legal aid lawyers, in selected provinces
- Capacity building programmes for legal aid lawyers and judicial support officers, on women's access to justice, including training of trainers and online tutored training through [Council of Europe HELP Programme](#) (Human Rights Education for Legal Professionals).
- Guidelines/checklist for lawyers providing legal aid for women.
- Seminar and publication on measuring women's access to justice and legal aid through a seminar sharing European standards and promising practices
- Targeted outreach and awareness raising workshops, seminars, materials, publications and translations.

The action partners are the Union of Bar Associations of Turkey and the Ministry of Justice. The project also co-operates with international and non-governmental organisations working in the field of women's access to justice and gender equality.

The Council of Europe is looking for a maximum of 17 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on research, capacity building, including training and awareness raising on women's access to justice in Turkey (details related to expected expertise are given under Lots below).

This Contract is currently estimated to cover up to 25 assignments, to be held by the end of December 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 945.000 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: Development and conduct of gap and challenges analysis and analytical research on women's access to justice and legal aid in Turkey; conducting qualitative and quantitative research, data collection and review and analysis of legislative framework and policy documents. Provision of technical advice for measuring and monitoring women's access to justice.	4
Lot 2: Provision of technical advice, capacity development and training activities for legal and judicial support service professionals on women's access to justice, including training of trainers, tutoring of a developed online HELP (Human Rights Education for Legal Professionals) course on women's access to justice.	7
Lot 3: Provision of technical advice, development and conduct of content related awareness raising activities and materials on women's access to justice and gender equality.	3
Lot 4: Editing and checking legal and gender-related content and terminology of publications, training materials, guidelines and other documents developed by the Project on the topic of women's access to justice.	3

The listed activities should be carried out by the selected national consultant together with an international consultant(s) and in co-operation with the Council of Europe project team:

Under Lot 1 – This lot includes, e.g. mapping out existing literature, reports and standards on women's access to justice; conducting gap analysis; developing and undertaking research based on different tools and methodologies, including questionnaires, in-depth interviews, perception surveys, focus group meetings, case-file analysis and desk review on women's access to justice and legal aid with a view to identifying existing barriers. Drawing up a report, including short-and long-term recommendations to improve women's access to justice and legal aid in Turkey. Providing technical advice on measuring and monitoring women's access to justice; participating, facilitating and moderating meetings on these issues.

Under Lot 2 – This lot includes e.g. revising/updating, preparing training programme and materials and delivering training on women's access and strategic litigation; developing guidelines/checklists/tools for legal aid lawyers and judicial support officers to effectively address the needs of women seeking justice by using victim-centred and gender sensitive and responsive approaches. Tutoring online HELP course on women's access to justice, including proofreading of translation and undertaking its national adaptation, based on domestic legal order in line with international and European standards. Evaluating and monitoring capacity development and training activities and their impact.

The target groups under this lot are: legal aid lawyers, academics and students of law faculties and judicial support officers ("adli destek görevlileri") who work in judicial interview rooms and in the Directorates of Judicial Support and Victim Services.

Under Lot 3 – This lot includes, e.g., advising on and developing content related awareness raising activities and materials (brochures, guides, tool kits, materials to be used in online campaigns, videos etc) in the areas of women's access to justice and gender equality. Facilitating and contributing to awareness raising events and activities on women's access to justice involving different stakeholders.

Under Lot 4 – Editing and checking legal and gender related content and terminology of publications, related to documents, handbooks and training materials, developed and/or translated into Turkish by using gender-inclusive language.

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

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).

B. 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 C below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

C. 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 OPTION:**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 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.

D. 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;
- 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;

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 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 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). These minimum criteria apply to each person(s) whose CV is provided:

- Minimum 5 years of professional experience in the areas of the action as relevant to the lot(s) applied for;
- University degree in Law, Public Policy, Social Sciences, Social Work, Gender Studies, Political Sciences, Psychology or in other relevant fields;
- Excellent writing and speaking skills in Turkish (preferably mother tongue level);
- Knowledge of English (at least B1 or B2 level CEFR).

Award criteria

- Quality of the offer (80%), including:
 - Thematic expertise related to women's access to justice, violence against women and domestic violence, women's human rights and gender equality, gained from experience in drafting knowledge products such as books, articles, research and policy papers etc. and/or thematic expertise gained from experience in applying methodologies, knowledge and skills, such as developing protocols, guidelines, toolkits, courses, brochures, training programmes, delivering training etc.
 - Good drafting skills in English;
 - Previous experience in the relevant type of activity and/or conducting work in international context / within international organisations.
- Financial offer (20%).

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

Multiple tendering is not authorised.

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**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;
- A motivation letter in English (1 page maximum) highlighting the most relevant expertise regarding the lot(s) tendered for;
- At least 1 sample of previous work relevant to the lot(s) for which they apply (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in English or Turkish;
- Three references (contacts including phone number and e-mail address).
- A list of all owners and executive officers, for legal persons only;
- Registration documents, for legal persons only.

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.

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.