**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of intellectual services in Latvia**

The Council of Europe is implementing, until May 2023, a Project on Strengthening access to justice in Latvia through fostering mediation and legal aid services. In that context, it is looking for Providers for the provision of intellectual services in the form of expertise on legal aid and/or mediation 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 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: Tender – National Expertise Latvia.** 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 3 (THREE) 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 – National Expertise Latvia**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until the end of the project’s implementation period |
| **Deadline for submission of tenders/offers ►** | **03 August 2022** |
| **Email for submission of tenders/offers ►** | **Moritz.Taylor@coe.int** |
| **Email for questions ►** | Moritz.Taylor@coe.int |
| **Expected starting date of execution ►** | 01 September 2022 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The project “Strengthening access to justice in Latvia through fostering mediation and legal aid services” builds upon another project successfully implemented by CEPEJ and the European Commission’s Directorate-General for Structural Reform Support (DG REFORM) between 2019-2021. Following the experts’ assessment report and recommendations that were formulated during this previous phase, this project aims to support the development of an effective preliminary legal aid mechanism in Latvia while encouraging recourse to mediation.

The project’s first objective is widening the scope, availability, and quality of state ensured legal aid in Latvia. In addition, it aims to increase the awareness of and recourse to mediation in Latvia as a means of conflict resolution by developing awareness campaigns targeted at specific target groups.

The preliminary legal aid system, which would refer persons with legal questions to correct contact who could help resolve their problems, will work using a new model specifically adapted to its national context using a combination of European good practices, and experience from the previous project. A module to train frontline advisers that will provide preliminary legal aid and have the capacity to refer cases to mediation when appropriate, will exist. A quality assurance mechanism will be developed that enables efficient monitoring of the quality of the provided legal aid services. Lastly, specific groups will be identified for targeted campaigns to raise awareness on the advantages of mediation.

The Council of Europe is looking for a maximum of 10 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on legal aid, mediation, and awareness raising campaigns.

This Contract is currently estimated to cover up to fifteen assignements to be held by May 2023, sometimes in parallel. 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 3338,838 Euros of which 63,750 Euros have been allocated for consultancy services, though 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: Legal Aid | 10 |
| Lot 2: Mediation and Awareness Campaigns | 10 |

Lot 1 concerns the following activities focusing on legal aid, to be carried out in cooperation with other CEPEJ Experts, Latvian authorities and stakeholders:

- Report and recommendations on the establishment of quality standards and a quality assurance mechanism for state ensured legal aid, also considering an increased recourse to mediation, including development of practical tools adapted to the Latvian context

- Offering capacity building activities for those involved in providing legal aid by developing and testing a training programme for them which introduces, or updates, their skills in various focus areas including mediation

- Design, implementation, and analysis of a pilot project offering primary legal aid to people in Latvia, using a tailored preliminary legal aid mechanism that considers the possible recourse to mediation. The quality assurance mechanism and training module above will also be tested.

Lot 2 concerns the following activities focusing on raising awareness of mediation among target groups, to be carried out in cooperation with other CEPEJ Experts, Latvian authorities and stakeholders:

- Report and recommendations on how mediation can be promoted strategically according to the needs of specific target groups

- Development of a tailored communications and public awareness strategy as well as subsequent action plans to promote mediation

- Elaboration of public awareness materials promoting the recourse to mediation in Latvia

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 expert knowledge being sought is specific to the situation in Latvia. In particular, the Providers will be tasked with bringing about a deeper understanding of the context within which the activties take place. Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

Under Lot 1:

- Carry out studies, analyse and present results;

- Analyse the current system and propose improvements;

- Draft reports, including recommendations and comparitive studies of European best practices;

- Participate in the planning, design, and monitoring of pilot projects in legal aid;

- Present legal aid know-how to beneficiaries, carry out Q&A sessiosn;

- design training modules and if relevant, participate in these trainings as trainer;

- Assist in the identification, refining, and setting of project goals.

Under Lot 2:

- Carry out studies, analyse and present results;

- Analyse which segments of the population do not use mediation, but could benefit from it;

- Draft reports, including recommendations and comparative studies of European best practices in mediation;

- present know-how in mediation to beneficiaries, carry out Q&A sessions;

- Design communication campaigns adapted to specific target groups;

- Assist in the idenfitification, refining, and setting of project goals.

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, 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;
* 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

* University degree or other comparable professional qualification in law;
* Experience regarding legal aid (lot 1) and mediation (lot 2) in Latvia
* At least professional fluency in English, Latvian, and Russian

*Award criteria for lot 1*

* Quality of the offer (70%), including:
  + Demonstrable experience in the provision of legal aid in Latvia
  + In-depth understanding of the current legal aid system of Latvia, its place within the law, and which stakeholders are involved
* Financial offer (30%).

*Award criteria for lot 2*

* Quality of the offer (70%), including:
  + Demonstrable knowledge of the situation as regards mediation in Latvia
  + Experience running awareness raising or other communication campaigns
* Financial offer (30%).

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, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* A list of all owners and executive officers, for legal persons only;

**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.**

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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 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). [↑](#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)