

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of national consultancy services under the project Enhanced Access to Legal Aid Services for Marginalised Population

Contract N° 1-01/04/2022-BH8799



The Council of Europe is currently implementing until 14 December 2023 a Project on Enhanced Access to Legal Aid Services for Marginalised Population. In that context, it is looking for Provider(s) for the provision of various national consultancy services indicated in this tender file and the 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 €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 consortia of legal and/or natural persons.

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_Legal Aid_Pool of National Consultants.** 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 7 (SEVEN) 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_Legal Aid_Pool of National Consultants.**

Type of contract ►	Framework contract
Duration ►	Until 14 December 2023
Deadline for submission of tenders/offers ►	02 May 2022
Email for submission of tenders/offers ►	legal.aid@coe.int
Email for questions ►	legal.aid@coe.int
Expected starting date of execution ►	17 May 2022

B. EXPECTED DELIVERABLES

Background of the Project

The Law of Georgia on Legal Aid adopted in 2007 provides the legislative framework guaranteeing right to a legal counsel, which is provided by the Legal Aid Service of Georgia (LAS). An ongoing large-scale reform of the LAS requires more focused and comprehensive intervention from the Council of Europe to ensure the improved efficiency and quality of services.

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](#).

Following the recent amendment to the Law on Legal Aid, juveniles and people with disabilities are entitled to legal assistance in the field of civil law. The extension of the LAS's mandate requires further training to provide qualified legal assistance. LAS has 14 legal aid bureaus and 25 consultation centres throughout the country. Within the framework of the reform, it is also planned to increase the number of consultation centres to 60 which requires further awareness raising and informational meetings. LAS is planning to implement a fully specialised legal assistance system creating a need for extensive training of lawyers and the development of a comprehensive long-term education system at the entry level.

The LAS Training Centre is a new unit established in 2019 with the objective to provide entry level and continuous training opportunities for lawyers and LAS staff. The Centre still lacks necessary human and financial resources and software to fully ensure efficient implementation of its role.

To strengthen the institution, it is also necessary to adopt further amendments to the Law on Legal Aid by separating the functions of the Legal Aid Council and the Director. Amendments to the law are also related to the implementation of systematic changes in legal aid bureaus with direct impact to the improvement of service quality.

The Council of Europe is looking for a maximum of 20 Provider(s) (provided enough tenders meet the criteria indicated below) to support the implementation of the project with a particular expertise on free legal aid.

This Contract is currently estimated to cover up to 30 activities, to be held by 14 December 2023. 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 580,000 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: Free Legal Aid legislation and statutory framework	15
Lot 2: Development of training modules for the Legal Aid Service Training Centre	15
Lot 3: Evaluation of free legal aid services and education programs	15

Lot 1 concerns assessment of national legislation and normative framework regulating the work of legal aid providers; development of recommendations, participation in development of draft legal amendments, and presentation of work.

Lot 2 concerns development of training modules for the LAS Training Centre; delivery of training of trainers, observation of pilot trainings, and developing recommendations for trainers. Topics of trainings include but are not limited to: juvenile justice, jury trial and grave crimes, crimes against human rights, domestic violence, minority rights, administrative cases, management of legal aid bureaus, and communication with beneficiaries.

Lot 3 concerns assessment of services delivered by the LAS and the LAS Training Centre; development of assessment methodology for the aforementioned services and the system of evaluation of trainings; delivering trainings for staff where necessary.

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 support to international consultants in conducting analysis of national legislation and normative framework of legal aid providers; prepare analytical papers and develop recommendations; participate in working group meetings together with the international expert online or physically in Tbilisi and in other regions of Georgia.

Under Lot 2:

In coordination with the international consultant contribute to the development of training modules focused on Free Legal Aid lawyers for the Legal Aid Service Training Centre by analysing local legislation; participate in the delivery of trainings of trainers physically or online and observe pilot trainings. Topics of trainings include but are not limited to: juvenile justice, jury trial and grave crimes, crimes against human rights, domestic violence, minority rights, administrative cases, management of legal aid bureaus, communication with beneficiaries.

Under Lot 3:

Contribute to the process of assessment of services delivered by the LAS and quality of trainings delivered by the LAS Training Centre conducted by the international expert by analysing local legislation and context. Contribute to the development of the system of evaluation of LAS legal aid services, including assessment on needs of narrow specialisation of lawyers and the system of their remuneration. Contribute to the development of the system of evaluation of trainings for FLA lawyers and help deliver trainings to staff where required.

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).

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.

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.

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 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.

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;
- 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.

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.

Eligibility criteria

- University degree in law, political sciences, social sciences, international relations, public administration or related fields;
- At least 5 years of experience in the field of rule of law, human rights and/or justice;
- Experience of working for international organisations and projects in the relevant field;
- Excellent knowledge of the English language;
- Excellent knowledge of the Georgian language (mother tongue level).

Award criteria

- Quality of the offer (80%), including:
 - Relevance of the experience of the tenderer in the areas covered by the respective LOT (50%);
 - Previous experience with international organisations as a consultant (30%)
- Financial offer (20%).

For Consultancy ONLY: The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

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 Engagement**⁴ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- A list of all owners and executive officers, for legal persons only;
- A sample of an article, legal opinion, report or another relevant text drafted, in English or Georgian, by the tenderer;
- Motivation letter describing how the tenderer meets the requirements of the expected services (see Section B above as well as Section A of the Act of Engagement attached) including indication of:
 - Specific and/or preferred fields of expertise per respective lot
 - Specific experience in regard of respective lot.

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.

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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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.