**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / One-off contract)**

**Purchase of consultancy services under the project Enhancing the accountability and the efficiency of the judicial system and the professionalism of lawyers in Georgia**

**[*Contract N° 1-05/11/2020*]**

The Council of Europe is currently implementing and until *30/11/2021* will implement a Project on *Enhancing the accountability and the efficiency of the judicial system and the professionalism of lawyers in Georgia*. In that context, it is looking for a Provider for the provision of local consultancy service indicated in this tender file and respective Act of Engagement (See Section A of the Act of Engagement) to be requested by the Council for the fulfilment of the obligations set out in Section A of the Act of Engagement.

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 **one-off 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, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the present Tender File and Act of Engagement.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Professional Adaptation Programme Assessment.** 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: Question\_Professional Adaptation Programme Assessment.**

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| --- | --- |
| **Type of contract ►** | One-off contract |
| **Duration ►** | Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement) |
| **Deadline for submission of tenders/offers ►** | 21 December 2020 |
| **Email for submission of tenders/offers ►** | Judiciaryreform.georgia@coe.int |
| **Email for questions ►** | judiciaryreform.georgia@coe.int |
| **Expected starting date of execution ►** | **4 January 2020** |

1. EXPECTED DELIVERABLES

The expected deliverables to be completed by the tenderer are the following:

* Provide Research Methodology;
* Conduct minimum number of 10 in-depth interviews with the GBA Professional Adaptation Program graduates. The interviews shall cover (but not be limited to) those who have been admitted to the Bar and those who have not. Submit short (2-3 pages) Activity Report;
* Conduct minimum number of 2 focus group interviews with the Adaptation program graduates, Theoretical Course lecturers and legal professionals (judges, mentor advocates, other). Submit short 92-3 pages) Activity Report;
* Submit the report summing up the survey results with recommendations;
* Present the report to the GBA.

The expected deliverables are also described in **Section A of the Act of Engagement** (See attached).

1. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead 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.

1. ASSESSMENT

*Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement,**[[2]](#footnote-2)** you declare on your honour not being in any of the below situations)

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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

* University degree in social sciences, law, political sciences, international relations, public administration, communication or related fields;
* At least 5-year experience of socio-legal research using appropriate research methodology including at least 3 years research experience in the areas of education, legal education, justice;
* Excellent knowledge of the Georgian language and a very good knowledge of English language (at least level B2 of the CEFR)

*Award criteria*

* Quality of the offer (90%), including:
* Relevance of the experience of the tenderer in the fields identified by the Call (50%);
* Research, drafting and analytical skills (25%);
* Consultancy or other relevant work experience in international projects and/or in projects related to legal education/education/justice (15%).
* Financial offer (10%).

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

Tenderers are invited to submit:

* **A completed and signed copy of the Act of Engagement[[3]](#footnote-3) (See attached)**
* For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
* A list of all owners and executive officers, for legal persons only;
* A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria. Where relevant (in the case of a company), a detailed CV for each individual allocated to work under the contract should be included, together with an indication of the tasks to which they will be assigned;
* Registration documents, for legal persons only;
* Contact details of 3 (three) references;
* A sample, not exceeding 3 pages (i.e. an extract), of a study, report or another relevant text recently drafted, in English or Georgian, by the tenderer. Where relevant, a sample of the work of each individual allocated to work under the contract should be included;
* Work plan describing working method and schedule of the working process giving clear picture how the tenderer is going to implement the assignment;
* Motivation letter, not exceeding 1 page, describing how the tenderer meets the requirements of the expected services. 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, unless where there is an option that it can be submitted in Georgian as well. 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.**

**\* \* \***

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. 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 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-2)
3. 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-3)