

# TENDER FILE / TERMS OF REFERENCE

## (Competitive bidding procedure / Framework Contract)

### Purchase of *international short term consultancy services*



The Council of Europe is currently implementing and until 16/09/2025 will implement a Project on **Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the Field of Fundamental Rights**. In that context, it is looking for Provider(s) for the provision of international short term consultancy services on capacity building and awareness raising for legal professionals and conducting research, assessments and drafting analytical studies and reports 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 Europe<sup>1</sup>, 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 – International Consultants\_SIAC-2"**. 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 - International Consultants\_SIAC-2"**.

Type of contract ►	Framework contract
Duration ►	Until 16 September 2025
Deadline for submission of tenders/offers ►	<b>07 February 2022</b>
Email for submission of tenders/offers ►	<a href="mailto:dgi-coordination@coe.int">dgi-coordination@coe.int</a>
Email for questions ►	<a href="mailto:dgi-coordination@coe.int">dgi-coordination@coe.int</a>
Expected starting date of execution ►	15 February 2022

<sup>1</sup> 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 Project "Supporting the Effective Implementation of Turkish Constitutional Court Judgments in the Field of Fundamental Rights" aims at contributing to the effective implementation of European standards in the field of human rights including gender equality, through ensuring effective implementation of the Turkish Constitutional Court (TCC) judgments in the field of human rights within the scope of individual application mechanism and better awareness of relevant stakeholders on the TCC case-law and individual application mechanism.

While the final beneficiary of the Project is the Constitutional Court of Turkey; the Human Rights and Equality Institution of Turkey; the Ombudsman Institution of Turkey; the CSOs; the Grand National Assembly of Turkey, all courts of the Turkish justice system, the Union of Turkish Bar Associations, Bar Associations, the Justice Academy, the Council of Judges and Prosecutors, Ministries, Law Enforcement bodies are among the stakeholders.

The expected results from the Project are:

- Monitoring mechanism for execution of judgments of the TCC is strengthened in line with the EU best practices, and the stakeholder platform has improved monitoring;
- Judges, prosecutors, the relevant public officers and lawyers are aware of the case-law of the ECtHR and the TCC and able to implement those judgments in similar cases;
- Inadequate implementation of the TCC judgments and serious human rights lacunas detected via the TCC's case-law are effectively addressed;
- The transfer of the EU expertise and cooperation between Turkish courts and relevant stakeholders with the European and Member States institutions/courts, and the European Court of Human Rights are enhanced;
- Awareness of the general public and public institutions on the role of the TCC in the protection of fundamental rights through its judgments is increased.

The main activities of the project are:

- Preparation of a roadmap to ensure that the first instance courts and public authorities render decisions in line with the TCC caselaw regarding the protection of fundamental rights based on the comparative assessment of other countries.
- Development of a monitoring mechanism model including strengthening of a specific monitoring unit in the TCC, as well as the establishment of an IT platform in coordination with the Court of Cassation (CoC) and the Council of State (CoSt), the Courts of Appeals and other relevant stakeholders (including the CSOs) to improve the monitoring of execution of the TCC judgments, including the data collection mechanism regarding references made to the TCC judgments by ordinary Courts.
- Development of stock-taking methods on results of the established monitoring system to assess the developments in the individual application system and conducting a qualitative impact assessment of the TCC case-law on prevention of human rights violations.
- Development of a training of trainers' programme.
- Training for judges, prosecutors, lawyers, courts, bar associations and other stakeholders on execution of the TCC case-law and different human rights categories, including gender equality, with a focus on the human rights issues identified in the case-law of the ECtHR and the TCC.
- Preparation of publications, studies, recommendations on good practices of applying individual application system in constitutional justice and mechanisms for execution and implementation of judgments of constitutional courts by other public bodies.
- Development of alternative communication and visibility channels for lawyers to inform them about recent judgments of the TCC.
- Regular meetings with lawyers of the ECtHR Registry.
- Round table meetings with high courts and Regional Courts of Appeals on specific topics of individual applications judgments.
- Placements and study visits to European institutions and peer courts in the EU Member States to improve the TCC's capacity to apply the ECHR and for its effective functioning.

The Council of Europe is looking for a maximum of *90* 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 and awareness raising in the field of human rights related to constitutional law*. The expected deliverables are as follows:

1. Participation at working/expert meetings with stakeholders on drafting/adaptation of training materials for training of trainers;
2. Development/update of respective trainings curricula and materials;
3. Delivery of trainings-of-trainers through facilitation of trainings, including online trainings;
4. Participation to different capacity-building and awareness raising activities;
5. Evaluation of the cascade trainings, development of relevant tools and producing an evaluation report;
6. Proofreading, adaptation and tutoring HELP Courses, attending related launch and closure events, drafting training evaluation reports;
7. Conducting research and drafting of reports, comparative analytical studies, publications and recommendations.

This Contract is currently estimated to cover up to *200 activities*, to be held by *16 September 2025*. 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 5,500,000 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
<b>Lot 1: Training methodology and training of trainers</b>	<b>30</b>
<b>Lot 2: Trainings, conferences, workshops and other capacity building activities</b>	<b>30</b>
<b>Lot 3: Research, analysis, and assessment</b>	<b>30</b>

Lot 1 concerns intellectual consultancy services related to training methodology, such as; Development/modification of a training methodology for continuous training of legal professionals on the execution of TCC judgments, provision of training-of-trainers (ToT) sessions on the use of the methodology for continuous training on the execution of the TCC judgments, attending on-line or face-to-face meetings.

Lot 2 concerns intellectual consultancy services related to training of legal professionals, civil society representatives and students on topics including but not limited to TCC and ECtHR judgements, admissibility of applications before TCC and ECtHR, execution of TCC judgements, or human rights issues raised in the TCC judgments and the state of their remedy through legislation and/or administrative and judicial practices, such as;

- Development of content, designing and drafting of training materials, outlines, programs
- Attending on-line or face-to-face meetings, seminars, training sessions, lectures
- Drafting monitoring, evaluation and training reports.

Lot 3 concerns consultancy services related to research, analysis and reporting.

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:

- Participation at working/expert meetings with stakeholders on drafting/adaptation of training materials for training of trainers;
- Development/modification of a training methodology for continuous training of legal professionals on the execution of TCC judgments and/or other related subjects;
- Delivery of trainings-of-trainers through facilitation of trainings, including online trainings.

### Under Lot 2:

- Development of content, designing and drafting of training materials, outlines, programs;
- Attending on-line or face-to-face meetings, seminars, training sessions, conferences, lectures and other capacity-building and awareness-raising activities;
- Drafting monitoring, evaluation and other reports.

### Under Lot 3:

- Development of a roadmap for better application of the TCC judgments by the ordinary courts;
- Preparation of comparative studies, publications, recommendations regarding the execution and implementation of TCC decisions;
- Attending relevant on-line or face-to-face meetings, seminars and other events and reporting on their findings.

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 quote<sup>2</sup> (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)<sup>3</sup>

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;

<sup>2</sup> 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.

<sup>3</sup> 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).

- 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 for LOT-1 (Training methodology and training of trainers)*

- University degree in education or master's degree or above in social sciences,
- A minimum of 3 years experience in adult education or training of trainers (ToT) (development of ToT materials, modules, conducting ToT sessions, etc.),
- A minimum of 3 years of experience in development of training materials, modules, curricula or providing training sessions to legal professionals,
- Excellent drafting and interactive presentation skills in English, to be shown in the application.

*Eligibility criteria for LOT-2 (Trainings, conferences, workshops and other capacity-building activities)*

- University degree in Law or university degree in social sciences combined with a graduate degree on constitutional or administrative law,
- A minimum of 5 years experience in human rights (ECHR) and/or constitutional law (either obtained via practising or in academic environment),
- Excellent drafting and interactive presentation skills in English, to be shown in the application.

*Eligibility criteria for LOT-3 (Research, analysis, and assessment)*

- University degree in Law or university degree in social sciences combined with a graduate degree on constitutional or administrative law,
- A minimum of 5 years experience in human rights (ECHR) and/or constitutional law (either obtained via practising or in academic environment),
- Excellent research and drafting skills in English, to be proven in the application.

*Award criteria (for all lots)*

- Quality of the offer (80%), including:
  - Experience, expertise and further academic studies and success of the tenderer in the areas covered under each LOT (40%);
  - Recent experience in providing consultancy services on justice or human rights, preferably in international co-operation programmes implemented by the Council of Europe or an international organisation (%40).
- Financial offer (20%).

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**<sup>4</sup> (See attached);
- A detailed **CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;

<sup>4</sup> 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.

- **Motivation letter**, clearly indicating how the tenderer meets the requirements of the expected services in relation to the lot(s) applied for and experience in the provision of technical expertise in international co-operation projects in this domain;
- At least 1, preferably more **samples of previous work** relevant to the lot(s) for which they apply (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in English;
- Three **references** (contacts including phone number and e-mail address);
- 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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