

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of international consultancy services for implementation of the project Support to the Constitutional Court in Applying and Disseminating European Human Rights Standards

Contract N° BH8793/01



The Council of Europe is currently implementing and until *31 December 2023* will implement a Project on Support to the Constitutional Court in Applying and Disseminating European Human Rights Standards. In that context, it is looking for Providers for the provision of international consultancy services for draft of training materials, delivery of trainings, facilitation of workshops, round tables, webinars and conferences, design and conduction of outreach campaign for the beneficiary court and other relevant activities, 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 – International Consultancy – Support to the Constitutional Court.** 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 five (5) 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 Consultancy – Support to the Constitutional Court**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2023
Deadline for submission of tenders/offers ▶	21 March 2022
Email for submission of tenders/offers ▶	cpd.pristina@coe.int
Email for questions ▶	cpd.pristina@coe.int
Expected starting date of execution ▶	28 March 2022

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](#).

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe is currently implementing a Project until 31 December 2023 on "Support to the Constitutional Court in Applying and Disseminating European Human Rights Standards" which is a continuation of the project "Improving the protection of European Human Rights Standards by the Constitutional Court".

The project aims at supporting the efforts of the Constitutional Court (CC) for ensuring the protection of individual human rights and fundamental freedoms of people. The objective is to align CC's judgments with European human rights standards concerning individual complaints, to further raise awareness of legal professionals about the role and function of the CC and to increase the impact of the CC's case-law on the domestic legal order. It should be achieved by reaching the following outcomes:

- Enhanced quality of the CC's decisions; provision of support to upgrade the CC's case-management system; strengthening and promotion of the role of the newly established Jurisconsult of the CC;
- Increased impact of the CC's judgments on the legal order through the establishment of regular exchange and judicial dialogue between the CC and the ordinary courts towards coherent application of the ECHR and the ECtHR case-law;
- Strengthened capacities of legal professionals to better claim rights and freedoms before the CC by supporting the awareness-raising of lawyers, law students and other legal professionals on the rights protected by the ECHR and the work and judgments of the CC, with an emphasis on the individual complaint mechanism.

The CC is entrusted with the final instance jurisdiction for the interpretation of the Constitution and the compliance of laws with the latter.

The Council of Europe is looking for a maximum of 25 Providers (provided enough tenders meet the criteria indicated below), in order to support the implementation of the project with a particular expertise in one of the following fields: European human rights law, constitutional justice, human rights training development and delivery, legal drafting/analyses, and communication/public relations.

This Contract is currently estimated to cover up to 50 activities, to be held by 31 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 750,000 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 delivery of training materials	10
Lot 2: Development of relevant resource materials and publications, monitoring, evaluation and other reports	10
Lot 3: Outreach and events facilitation/keynote presentation	5

Lot 1 concerns intellectual consultancy services related to training of legal professionals, such as: draft of training materials, delivery of trainings, facilitation of workshops, round tables, webinars and conferences, and other relevant activities.

Lot 2 concerns intellectual consultancy services related to development of relevant resource materials and publications on human rights standards and drafting monitoring, evaluation and other reports

Lot 3 concerns intellectual consultancy services related to design and implementation of the public outreach campaign and facilitation and keynote presentations on European human rights standards in various events

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:

- Develop training module for judges and staff of the Constitutional Court on legal reasoning and ECtHR standards
- Deliver training sessions for judges and legal advisors of the Constitutional Court on the ECtHR standards and legal reasoning
- Develop training course on admissibility criteria for the constitutional complaint and other human rights issues
- Deliver of Training of Trainers of Bar Association
- Deliver of cascade trainings of lawyers on Admissibility Criteria to Constitutional Court
- Facilitate and deliver keynote presentations on European human rights standards in various events

Under Lot 2:

- Develop relevant resource materials and publications related to human rights standards
- Draft monitoring, evaluation and other reports

Under Lot 3:

- Design and implement public outreach campaign
- Facilitate and deliver keynote presentations in project events

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:

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.

- 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.

Eligibility criteria

Lot1 and Lot 2

- A master's degree in one of the following fields: constitutional law, human rights law, legal research, judicial training, human security, political science, sociology;
- Minimum 3 years of experience in the work of the European Court of Human Rights in Strasbourg (ECtHR), national constitutional courts, national human rights institutions or distinguished international human rights organizations and NGOs, in development and delivery of training in the human rights sector, communications and public relations, implementation of ECHR in national contexts, constitutional law or with national justice academies.
- Demonstrated knowledge of the specific topic of admissibility criteria for the constitutional compliant and other human rights issues
- Excellent drafting and interactive presentation skills in English

Lot 3

- A master's degree in one of the following fields: media, public relations, journalism, communications, marketing and other relevant fields
- Minimum 3 years of experience in communications, public relations, advertising, or other relevant outreach activities

Award criteria

- Quality of the offer (80%), including:
 - Expertise and knowledge in the relevant areas covered by this call/respective Lot (60%);
 - Proposed methods for undertaking work (10%).
 - Capacity to adapt to the context (10%)
- 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 (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- One or more samples of previous relevant work
- 3 (three) referees' contact details

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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