**CALL FOR TENDERS**

for the provision of INTELLECTUAL SERVICES IN THE IMPLEMENTATION

OF CEPEJ COOPERATION PROGRAMMES

**2020/AO/ONEPOOL\_CEPEJ**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | PROVISION OF INTELLECTUAL SERVICES IN THE IMPLEMENTATION OF CEPEJ COOPERATION PROGRAMMES |
| **Project ►** | All CEPEJ's ongoing and future cooperation programmes |
| **Organisation and buying entity ►** | Council of Europe  Directorate General for Human Rights and Rule of Law (DG1)  European Commission for the Efficiency of Justice (CEPEJ) |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 31 March 2022 |
| **Expected starting date ►** | 01 April 2020 |
| **Tender Notice Issuance date ►** | 07 January 2020 |
| **Deadline for tendering ►** | 31 January 2020 |

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.

* [**The TENDER RULES** 6](#_Toc445392376)

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

* **The ACT OF ENGAGEMENT** **(See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

**HOW DOES A FRAMEWORK CONTRACT WORK?**

**Stage 1:**

**Selection** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

**Stage 2:**

**Order(s)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**Execution** as from the date of signature of each Order, unless the Order concerned provides otherwise.

**HOW TO SUBMIT A TENDER?**

**Step 1:** Read the **TENDER FILE**

**Step 2:** Complete the **ACT OF ENGAGEMENT** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

CALL FOR TENDERS

for the provision of INTELLECTUAL SERVICES IN THE IMPLEMENTATION

OF CEPEJ COOPERATION PROGRAMMES

**2020/AO/ONEPOOL\_CEPEJ**

1. **Background**

The Council of Europe’s European Commission for the Efficiency of Justice (CEPEJ) was established in 2002 to improve the quality and efficiency of the European judicial systems and strengthen the court users’ confidence in such systems. The CEPEJ develops concrete measures and tools aimed at policy makers and judicial practitioners in order to analyse the functioning of judicial systems and orientate public policies of justice, and to have a better knowledge of judicial timeframes. It also works to optimise judicial time management and to promote the quality of the public service of justice, as well as the implementation of European standards in the field of justice.

Mainly with the financial support of the European Union, the CEPEJ is increasingly engaged in supporting member states and other beneficiaries in their reforms to strengthen the efficiency and quality of their justice systems. At the moment, the CEPEJ is currently implementing EU/CoE joint cooperation programmes in EU Member States (Latvia, Malta, Slovakia, Spain), in the Western Balkans (Albania, Kosovo[[1]](#footnote-1)\*), in Eastern Partnership countries (Azerbaidjan, Moldova) and with Southern Mediterranean countries (Tunisia, Morocco, Egypt). More programmes are expected to start in 2020.

The general objective of such cooperation programmes is to strenghten the efficiency and quality of the justice system of the Beneficiary on the basis of CEPEJ tools and methodology. As a consequence, the activities are mainly on judicial statistics, judicial time management, quality, court management but can also have particular focus such as for example mediation, enforcement, cyberjustice, etc.

The Council of Europe is looking for a maximum of 130 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise to support the implementation of ongoing and future cooperation projects implemented by the CEPEJ during the period of validity of the contract.

This Contract is currently estimated to cover up to 200 activities (100 per year). 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.

1. **LOTS**

The present tendering procedure is divided into the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of  Providers to be selected |
| Lot 1 : Evaluation and judicial statistics | 30 |
| Lot 2 : efficiency and judicial time management | 30 |
| Lot 3 : Quality of justice and other related issues | 30 |
| Lot 4 : Cyberjustice | 25 |
| Lot 5 : Mediation | 15 |

Lot 1 concerns: Consultancy services relating to the evaluation of the performance and the functioning of the justice system at the institutional and court levels, relevant data collection and analysis with the support from IT tools and by using key performance indicators, in view of formulation of strategies and specific actions to improve the efficiency and the quality of judicial services.

Lot 2 concerns: Consultancy services relating to the efficiency of the judiciary and courts and in particular issues related to judicial time management with a view to support the development and implementation of appropriate modalities and tools for analyzing and improving the quantitative and qualitative situation regarding time management (case-flows, backlogs and timeframes of judicial proceedings, for example as regards case weighting and through the setting up of dashboards).

Lot 3 concerns: Consultancy services relating to the evaluation of the quality of the judiciary and courts and formulation of strategies to improve the quality of judicial services with the development and implementation of various concrete tools for the policy makers and for the courts. This concerns for example guidelines and training on court management (for judges and court staff), human resources, judicial communication with media and the public, quality of judicial decisions “judgecraft”, evaluation of judges, organisation and accessibility of court premises, role of experts in judicial proceedings, enforcement of court decisions, satisfaction surveys for court users; access to justice and legal aid, court security etc.

Lot 4 concerns: Consultancy services relating to the development, deployment, and adaptation/updating of cyber-justice tools, the digitalization of case management and of judicial services overall, as well as on the use of Artificial Intelligence (AI) in courts.

Lot 5 concerns: Consultancy services relating to the development, adaptation and implementation of mediation tools to support mediation stakeholders (including judges, court staff, and lawyers) and policy makers in improving the recourse and quality of mediation. This concerns for example activities related to training and qualification in mediation, access to mediation, awareness-raising of the judiciary, users of justice and the general public, as well as piloting innovative approaches to offering mediation services, mediation law-making etc.

The Council will select the abovementioned number of Providers 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). They may apply for one or more lots.

1. **SCOPE OF THE FRAMEWORK CONTRACT**

Throughout the duration of the Framework Contract, applicable to each lot, pre-selected Providers may be asked to:

- Provide advice, opinions and expertise: assessments, needs analyses, identification of challenges; mapping of good practices, legal opinions, reports and recommendations;

- Contribute to the capacity building of project beneficiaries: tailor-made assistance, advice, training, training of trainers and other forms of support; provision of tools and methodologies for the implementation of priority reforms aimed at developing new capacities and skills;

- Peer-to-peer exchanges: round tables / expert working groups, workshops, seminars, conferences (identify challenges, propose solutions and provide arguments to resolve difficulties)

- Provide, as appropriate, presentations and explanations on the CEPEJ's tools and methodology and on the means of their implementation at different levels with a view to improving the efficiency and quality of justice;

- Participate in the selection, definition and analysis of qualitative and quantitative indicators on the functioning and efficiency, quality or access to justice (as appropriate) of the judicial system and specific courts. Consultations within the expert team may involve e-mail exchanges, videoconferences and/or meetings in Strasbourg, France or the beneficiary countries;

- Participate in missions to beneficiary countries, visits to institutions and courts, meetings and exchanges with justice sector stakeholders, including judges and judicial staff.

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.

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.

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).

1. **FEES**

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of 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 daily fees, as agreed by this Contract]

1. **HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)**

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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.

**Pooling**

For each order, the Council will select from the pool of pre-selected tenderers for the lot concerned 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.

If a Provider is unable to take an Order or if no reply is given on his behalf within the above deadline, the Council may call on another Provider selected under that lot, using the same criteria, and so on until a suitable Provider is contracted.

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 .

An Order Form is considered to be legally binding when the Order, signed by the Service 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* (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;
* 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*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- Graduate university degree in law, public administration, political science, statistics, social sciences or a related field;

- At least five (5) years' professional experience in fields related to the objectives of the actions to be carried out in the implementation of the CEPEJ's cooperation projects;

- Very good level of English and/or French (oral and written).

Only bids submitted in English or French will be considered admissible.

*Award criteria*

By lot:

1- Lot (1) Evaluation and judicial statistics:

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at international level in the field of evaluation of the performance and functioning of judicial systems, including : collection and analysis of qualitative and quantitative data;

- Criterion 2 (30%): Knowledge of the main performance indicators of judicial systems, in particular CEPEJ indicators;

- Financial criterion: 10%.

2- Lot (2) Efficiency and judicial time management:

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at international level in the field of judicial efficiency and time management, including: development and implementation of means and tools for improving judicial efficiency and time, at central and/or court level;

- Criterion 2 (30%): Knowledge of the CEPEJ's main tools in the field of CEPEJ SATURN's work, in particular case weighting and dashboards

- Financial criterion: 10%.

3- Lot (3) Quality of justice and related issues:

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at international level in the field of quality of justice, including:

- Court management ;

- Human Resources ;

- Evaluation of judges ;

- Quality of judicial decisions;

- Judicial communication;

- Accessibility and security of courts;

- Satisfaction surveys for justice users;

- Enforcement of court decisions;

- Role of experts in proceedings;

- Etc.

- Criterion 2 (30%): Knowledge of the CEPEJ's main tools in the field of the CEPEJ-GT-QUAL's work

- Financial criterion: 10%.

4- Lot (4) Cyberjustice :

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at international level in the field of cyberjustice, including the development, deployment and adaptation of cyberjustice tools, including:

- Digitisation of case management systems

- The digitisation of judicial services;

- The use of artificial intelligence in connection with judicial systems.

- Criterion 2 (30%): Knowledge of the CEPEJ's main tools in the field of the CEPEJ-GT-QUAL's work, in particular the guidelines for cyberjustice and the ethical charter on the use of artificial intelligence in judicial systems

- Financial criterion: 10%.

5- Lot (5) Mediation:

- Criterion 1 (60%): Relevant professional experience demonstrating a capacity to contribute to CEPEJ cooperation projects and/or justice sector reform programmes at international level in the field of mediation, particularly in the development, adaptation and implementation of mediation, including:

- Training and qualification;

- Access to mediation;

- Awareness-raising of judicial actors and users.

- Criterion 2 (30%): Knowledge of the CEPEJ's main tools in the field of the CEPEJ-GT-MED's work in this field, in particular the guidelines and the toolkit for the development of mediation

- Financial criterion: 10%.

The Council reserves the right to hold interviews with eligible tenderers.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**

* **Two** completed and signed copies of the Act of Engagement;[[4]](#footnote-4)
* A list of all owners and executive officers, for legal persons only;
* A detailed résumé, justifying in particular the relevant experiences;
* A letter of motivation highlighting their professional experience in carrying out similar activities and possible awareness of the tools of the Council of Europe and the CEPEJ in the field of justice. The cover letter should also specify the working languages (English and/or French).

**All documents shall be submitted in English or French, 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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**FOR THE PROVISION OF INTELLECTUAL SERVICES IN THE IMPLEMENTATION**

**OF CEPEJ COOPERATION PROGRAMMES**

**2020/AO/ONEPOOL\_CEPEJ**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

Directorate General for Human Rights and Rule of Law (DG1)

European Commission for the Efficiency of Justice (CEPEJ) Avenue de l’Europe

67075 Strasbourg, France

* 1. **Background**

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.[[5]](#footnote-5)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 120 calendar days as from the closing date for their submission.

**ARTICLE 3 – DURATION OF THE CONTRACT**

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

**ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE**

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

**ARTICLE 5 – Content of the tender file**

The tender file is composed of:

* Technical specifications/Terms of reference;
* Tender rules;
* An Act of Engagement, including the Legal Conditions of the contract.

**ARTICLE 6 – LEGAL FORM OF TENDERERS**

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 current Tender File, Act of Engagement and future Order Forms (see Section D above on ordering procedure).]

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in [English or French], and shall be exclusively sent to the following address: [clemence.bouquemont@coe.int](mailto:clemence.bouquemont@coe.int)

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy.**

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

**Paper hardcopies** shall be sent in A4 format (21x29.7 cm) by post, as specified below:

* Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE

For the attention of the Tenders Board

**CALL FOR PROVISION OF FOR THE PROVISION OF INTELLECTUAL SERVICES IN THE IMPLEMENTATION**

**OF CEPEJ COOPERATION PROGRAMMES**

**2020/AO/ONEPOOL\_CEPEJ**

B.P. 7

F – 67075 STRASBOURG Cedex

**FRANCE**

* Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
* Tenders submitted to another postal address will be excluded from the procedure.

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 31 January 2020 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

**ARTICLE 10 – ASSESSMENT OF TENDERS**

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

**ARTICLE 11 – NEGOTIATIONS**

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**

* **Two** completed and signed copies of the Act of Engagement;
* A list of all owners and executive officers, for legal persons only;
* A detailed résumé, justifying in particular the relevant experiences;
* A letter of motivation highlighting their professional experience in carrying out similar activities and possible awareness of the tools of the Council of Europe and the CEPEJ in the field of justice. The cover letter should also specify the working languages (English and/or French).

1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy.**

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int). Tenders submitted to another e-mail account will be excluded from the procedure;

**Paper hardcopies** shall be sent in A4 format (21x29.7 cm) by post, as specified below:

* Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE

For the attention of the Tenders Board

**CALL FOR PROVISION OF INTELLECTUAL SERVICES IN THE IMPLEMENTATION**

**OF CEPEJ COOPERATION PROGRAMMES**

**2020/AO/ONEPOOL\_CEPEJ**B.P. 7

F – 67075 STRASBOURG Cedex

**FRANCE**

* Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
* Do not send a copy of your tender to the buyer entity. Tenders submitted to any other postal address than the one indicated above will be excluded from the procedure.

The deadline for the submission of tenders is 31 January 2020 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

1. \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. [↑](#footnote-ref-1)
2. It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service 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 en equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three requirements listed above under “exclusion criteria” are met;
   * A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement 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)
5. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-5)