



CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES ON ADMINISTRATIVE JUSTICE IN TURKEY

INTERNATIONAL CONSULTANTS

2019/AO/26

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| Object of the procurement procedure ▶ | Consultative services to support the improvement of the administrative justice system in Turkey |
| Project ▶ | Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional capacity of the Council of State |
| Organisation and buying entity ▶ | Council of Europe |
| Type of contract ▶ | Framework Contract |
| Duration ▶ | Until 19 December 2021 With the possibility for annual renewal up until a total duration of five years. |
| Expected starting date ▶ | 01 August 2019 |
| Tender Notice Issuance date ▶ | 14 June 2019 |
| Deadline for tendering ▶ | 08 July 2019 |

Please note that this call for tender was previously published but withdrawn, in order for changes to be made to the eligibility criteria. If you submitted a bid in respect of the previously published call for tender and still wish to be considered, please be advised that you will need to submit a new bid, due to the cancellation of the tender procedure

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
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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** and collect the required **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 CONSULTANCY SERVICES
ON ADMINISTRATIVE JUSTICE IN TURKEY
2019/AO/26

A. BACKGROUND

The Council of Europe is looking for a total of 40 Providers (provided enough tenderers meet the criteria indicated below) with a particular expertise on Administrative Law and justice and effectiveness of justice system in order to support the implementation of the project on "Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State".

The project overall objective is to foster public confidence in the administrative judiciary by further strengthening its independence, impartiality and effectiveness as well as public awareness. To achieve such goal, the project will support further reforming of the administrative justice system including the institutional capacity of the Council of State. It will also aim at increasing the effectiveness and quality of administrative justice courts.

This Contract is currently estimated to cover up to 100 activities, to be held by December 2021. 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 3 335 000 EUR Euros and the total amount of the object of present tender should in principle not exceed 180 000 EUR Euros 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.

B. SCOPE OF THE FRAMEWORK CONTRACT

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to cover the following deliverables:

Lot 1. Analysis and review of administrative justice system which involves:

- Analysing laws, procedures and practices and preparing relevant reports
- Analysing reforms and their impact and preparing relevant reports
- Drawing up road maps, action plans and policy documents
- Developing court monitoring methodology and monitoring plan, contributing to the implementation of monitoring activities
- Developing proposals for legislative or procedural changes
- Contributing to preparation of publications related to the above
- Participating and contributing to conferences, meetings, working group meetings or seminars related to the above.

Lot 2. Strengthening effectiveness of administrative courts which involves:

- Collecting and analysing data, as well as length of judicial proceedings and preparing relevant reports;
- Assessing good practices in judicial decision-making and preparing relevant reports;
- Developing tailored training module on analytical capacity building of higher administrative courts;
- Developing practical measures and contributing to their piloting, including promotion and implementation of CEPEJ tools for judicial time management and selected quality guidelines;
- Assessment of challenges and good practices in judicial decision-making and preparing relevant reports;
- Developing proposals for legislative or procedural changes for strengthening judicial decisions
- Contributing to preparation of publications related to the above
- Participating and contributing to conferences, meetings, working group meetings or seminars related to the above.

Lot 3. Developing measures for addressing the workload and addressing alternative dispute resolution (ADR) in administrative justice which involves:

- Analysing existing administrative practices and identifying proposals and measures for their improvement

- Analysing existing pre-trial resolution mechanisms and identifying proposals and measures for their improvement
- Analysing procedures and drawing up proposals for introducing pilot judgement procedure(s), early identification of unmeritorious cases, proactive case management and contributing to the implementation activities related to this issue
- Analysing the role of the Ombudsman and drawing up proposals for strengthening Ombudsman's role in administrative justice
- Adapting the Council of Europe's handbook "The Administration and You" to the needs of the project and contributing to the activities to promote the book
- Participating and contributing to conferences, meetings, working group meetings or seminars related to the above.

Lot 4. Capacity building and training of judges, prosecutors, and staff of administrative courts which involves:

- Conducting training needs assessment (TNA) and preparing relevant reports
- Developing proposals and plan of action for addressing the training needs identified through the TNA
- Drawing up proposals for training methodology and training programmes tailored to the needs and materials, tailored to the needs of the judges, prosecutors and staff of administrative courts
- Developing and conducting training of trainers (ToT) programme
- Developing tailored training programme and materials on ECHR and CJEU case-law
- Drawing up proposals for a concept of publication of a Casebook on European Fair Trial Standards and preparing materials for it
- Conducting training sessions for judges, prosecutors, lawyers and court staff on selected training courses
- Participating and contributing to conferences, meetings, working group meetings or seminars related to the above.

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).

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 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.

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.

D. 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 choose from the pool of pre-selected tenderers 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 that deadline, the Council may call on another Service 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 quote¹ (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 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.

E. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

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).

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):

¹ 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.

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 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 lots 1, 2 and 3:

- University degree in law or degree in other relevant discipline;
- Minimum 8 years of professional experience in the field of Administrative Law and Public Administration System - in the administrative court, or practice of administrative law with a law firm, a government and/or an international organisation and/or a research centre or university;
- Experience in the reform of national legislation, particularly taking into account the compliance with relevant Council of Europe and European standards;
- Fluency in written and spoken English.

For lot 4:

- University degree in Education, Adult Education, law, social studies, policy analysis, or related fields;
- A minimum of 8 years' experience in organisation of functional review and Training Needs Assessment and in planning, organising, managing and scheduling of tailored made-training programmes and modules, including electronic ones;
- Demonstrated experience in working in co-operation programmes and projects;
- Fluency in written and spoken English.

Award criteria

- Quality of the offer (60%), including:
 - Relevance of the experience of the tenderer in the areas covered by this call (20%);
 - Experience in providing technical expertise in the context of international co-operation programmes (20%);
 - Experience in the reform of national legislation, particularly taking into account the compliance with relevant European standards or knowledge of the national context in field of Administrative Law and Public Administration System that are relevant to the areas covered by this call (20%).
- Financial offer (40%).

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

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- **Two** completed and signed copies of the Act of Engagement.³
- Registration documents, for legal persons only;
- A list of all owners and executive officers, for legal persons only;
- A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons);
- A motivation letter highlighting experience in the specific lots and areas covered by this call
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfills the eligibility criteria
- A sample (not more than 10 pages) of a report, policy paper, article, or legal opinion, prepared by the tenderer.

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.

* * *

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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES ON ADMINISTRATIVE JUSTICE IN TURKEY 2019/AO/26

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Justice and Legal Co-operation Department, Directorate General Human Rights and Rule of Law.
Avenue de l'Europe, F67075 Strasbourg Cedex, France.

1.2 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 1333 of 29 June 2011 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.⁴

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 legal person except consortia.

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: dg1.admjust.tr@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. 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 CONSULTANCY SERVICES ON
ADMINISTRATIVE JUSTICE IN TURKEY - 2019/AO/26**
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 08 July 2019 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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

* * *

⁴ Available on the website of the Council of Europe Treaty Office:
www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- Two completed and signed copies of the Act of Engagement.
 - Registration documents, for legal persons only;
 - A list of all owners and executive officers, for legal persons only;
 - A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons);
 - A motivation letter highlighting experience in the specific lots and areas covered by this call
 - A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfills the eligibility criteria
 - A sample (not more than 10 pages) of a report, policy paper, article, or legal opinion, prepared by the tenderer.
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2) 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. 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 CONSULTANCY SERVICES ON
ADMINISTRATIVE JUSTICE IN TURKEY**
2019/AO/26
B.P. 7
F – 67075 STRASBOURG Cedex

- 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 08 July 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.