



TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of consultancy services on gender analysis and mainstreaming into the project on improving free legal aid system in North Macedonia

The Council of Europe is currently implementing and until 23/05/2022 will implement a Project on supporting enhanced access to higher quality free legal aid (FLA) services in North Macedonia. In that context, it is looking for Providers for the provision of consultancy services on gender analysis and mainstreaming 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, 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 below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Consultancy – Gender FLA in NM.** Tenders addressed to another email address **will be rejected.**

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 5 (five) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Question: Consultancy – Gender FLA in NM**

Type of contract ▶	Framework contract
Duration ▶	Until 23 May 2022
Deadline for submission of tenders/offers ▶	28 October 2019
Email for submission of tenders/offers ▶	DG1.FLA.NM@COE.INT
Email for questions ▶	DG1.FLA.NM@COE.INT
Expected starting date of execution ▶	20 November 2019

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 Action Supporting enhanced access to higher quality Free Legal Aid (FLA) services in North Macedonia aims at supporting the main actors in enhancing the efficiency, quality, scope, accessibility, and awareness of free legal aid provision in the country and addressing identified shortcomings. It builds upon the results achieved in the implementation of the previous Action on this issue (HF-35 "Supporting Free Legal Aid Reforms") and supports effective implementation of the new law on free legal aid, adopted in May 2019.

It is built along three main lines of action:

- (1) Harmonization of provisions, policies and practices related to free legal aid;
- (2) Targeted capacity building of main providers (Ministry of Justice, Bar Association and CSOs) including by supporting more structured and continuous coordination, and
- (3) Awareness raising among the country's population to support increased access to free legal aid.

Its implementation is planned to last until 23 May 2022.

The Council of Europe is looking for a maximum of 3 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on gender analysis and mainstreaming.

This Contract is currently estimated to cover up 27 activities to be held by 23 May 2022. 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 800,000 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.

Scope of the Framework Contract

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

- Planning, conducting and drafting a gender analysis related to the FLA system in North Macedonia;
- Drafting a gender mainstreaming strategy and action plan for the project;
- Support effective gender mainstreaming in project activities and outputs;
- Assess and identify potential gender-differentiated impacts of the project.
- Provide targeted advice and support to the project team, consultants and stakeholders on gender issues;
- Prepare concise and reports on how the project addresses gender issues and progress achieved;
- Participate in meetings and prepare presentations/documents as requested;
- Planning, conducting the necessary activities for completing the abovementioned tasks to support the preparation of the above (meeting, research, interviews, etc.) or participating in meetings to present the results of the work conducted.

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 completing the assigned tasks, the selected Providers will take into consideration the Council of Europe **Gender Equality Strategy 2018-2023** as well as the relevant Organization's standards and instruments as well as its **gender mainstreaming toolkit in cooperation**.

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 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 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.

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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:

- 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

- A minimum of 2 years practical experience in the field of gender equality and gender mainstreaming.
- Formal training in gender analysis and gender planning and demonstrated expertise in mainstreaming gender in projects and programmes.
- Experience working with government institutions and/or international and/or non-governmental organizations carrying out gender analysis, working with gender statistics and indicators, mainstreaming gender into sectoral policies and/or cooperation projects.
- Fluency in oral and written English.

Award criteria

1. Financial offer (10%).
2. Relevance of the experience of the tenderer in the areas covered by this call, including both expertise in gender issues and in the area of access to justice (40%)
3. Research, drafting and analytical skills (30%)
4. Knowledge of the national context and ability to work in Macedonian (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

1. A completed and signed copy of the **Act of Engagement**⁴ (See attached);
2. A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria;

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 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.

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.

3. Motivation letter (maximum one page) describing the tenderer's specific contribution to the present consultancy and the relevance of the tenderer's experience for the tasks envisaged in this call;
4. Sample (in English - max 10 pages) of a recent gender analysis, gender mainstreaming strategy, report or another relevant text providing evidence for drafting and analytical skills, experience in and knowledge of the issues covered by the call drafted by the tenderer.
5. 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);
6. 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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