**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of services related to the conduct of quantitative and qualitative surveys on conciliation and mediation in Turkey**

The Council of Europe (CoE) is currently implementing a Joint project on “Promoting Alternative Dispute Resolution (ADR) in Turkey is co-funded by the European Union and the Council of Europe. The Turkish Ministry of Justice is the end beneficiary of the Project. The project duration is 36 months. It started on 17 December 2020 and will finish on 16 December 2023. In that context, it is looking for maximum 3 Providers for the provision of services related to the conduct of quantitative and qualitative surveys on conciliation and mediation in Turkey to be requested by the Council on an as needed basis.

1. 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[[1]](#footnote-2), 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 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: ADR - survey.** 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 – ADR-survey**

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| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 16 December 2023 |
| **Deadline for submission of tenders/offers ►** | **8 December 2021** |
| **Email for submission of tenders/offers ►** | [**ankara.office@coe.int**](mailto:ankara.office@coe.int) |
| **Email for questions ►** | [**ankara.office@coe.int**](mailto:ankara.office@coe.int) |
| **Expected starting date of execution ►** | 15 December 2021 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe (CoE) is looking for a maximum of 3 Pproviders (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise and human resources for collecting relevant data (prepare and process responses to questionnaires, administer and carry out the surveys).

The Project envisages the conduct of surveys to complement the research and to consider the views of the conciliation, mediation, and arbitration users in the analysis. The methodology in each case will be defined on the basis of the needs of the research and its scope. The survey results will also help to ensure that the issues and concerns of the users are considered when developing new policies.

This Contract is currently estimated to cover up to 5 quantitative and/or qualitative surveys, to be held by 16 December 2023. Three surveys will be conducted in 2021-2022, and the remaining two by the end of the Project. 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.

The surveys include:

* quantitative and qualitative surveys including focus groups and in-depth interviews related to the functioning of conciliation mechanism in Turkey;
* qualitative research/focus group surveys on various aspects of organisation of mediation in Turkey;
* qualitative and quantitative research/user-satisfaction surveys related to meditation in Turkey.

The surveys will be conducted in the pilot regions (between 3 and 5; no nation-wide surveys are planned).

A team of local and international consultants will overall supervise and monitor the implementation of the surveys. The services might involve the following tasks that might vary depending on the scope and type of the survey:

Preparation phase:

* + Participate in coordination meetings with the Ministry of Justice, CoE team of consultants and the project team.
  + Provide the CVs of key personnel and provide interview training under the supervision of the CoE local and international consultants.
  + Take all the necessary health measures for the key interviewers and for the respondents under Covid-19 restrictions during the implementation of face-to-face surveys and interviews and obtain all necessary permissions.
  + Submission of the questionnaires (in English and Turkish).
  + Submission of the work plan for field work and research (in English).
  + Delivery of the pilot exercise and submission of the pilot report (in English).
  + Provision of access to randomly selected questionnaires and personal data of the respondents to verify the reliability of the data collected. The data used for the actual research analysis should be anonymised.

Data collection, tracking and progress reporting:

* + Carry out the survey, and/or in-depth interviews, and focus group discussions, data collection based on the overall agreed methodology, sampling size and stratification, and the required supervision in several regions in Turkey.
  + Analyse the collected data and submit the preliminary draft of the research report to the CoE.
  + Provide a report covering results of the monitoring and results of the survey.
  + Prepare and submit short briefs and infographics on the research results.
  + Submission of an interim report (in English).
  + Submission of a final report (in English).
  + Submission of a report after data collection has concluded.

Report drafting and presentation of results:

* + Submission of an interim report with the main findings arising from the data collection (in English).
  + If requested, submission of transcripts and or audio/video records (if any) and processed information (summaries) in Turkish and English.
  + Submission of the first preliminary presentation of the survey results in English with analytical issues, numerical and graphic representation for samples and broken down for target groups to the CoE project team and consultants in order to relate the results to project objectives.
  + Submission of the final report in English after further analysis and interpretation of the results by the CoE consultants.

The survey methodology as well as the questionnaires/interviews/focus group questions will be developed, and approved, in close coordination with the Ministry of Justice and the CoE consultants and project team.

For information purposes only, the total budget of the project amounts to 4.000.000 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 provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

1. 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 number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

1. 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 quote[[2]](#footnote-3) (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.

1. 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]](#footnote-4)**

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;
* 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*

* Minimum 4 (four) years of practical experience in conducting research on the Turkish justice system, carrying out face to face, focus groups, online surveys, in-depth interviews with a similar or higher level of complexity.
* Experience in using a wide range of appropriate qualitative and quantitative research techniques, including participatory and visual tools to engage communities.
* Experience in providing similar services for the programmes of the Council of Europe, other international organisations, national institutions, or non-governmental organisations.
* Having personnel fluent in Turkish (mother tongue level) and knowledge of English (at least B1 of the CEFR) is required.
* Financial offer not exceeding the limit set out in the Act of Engagement.

*Award criteria*

* Quality of the offer (90%), including:
* Relevance of experience and expertise in conducting research, carrying out interviews, using wide range of qualitative and quantitative research techniques (50%);
* Experience in providing similar services for the programmes of the Council of Europe, other international organisations, national institutions or non-governmental organisations (20%);
* Having a multi-disciplinary team with hands-on experience. The key researchers/personnel should be skilled at listening, building rapport and trust with the legal communities (20%);
* Financial offer (10%).

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED

* A completed and signed copy of the **Act of Engagement[[4]](#footnote-5)** (See attached);
* Company Profile demonstrating clearly how the tenderer fulfils the eligibility criteria, summarising sectorial experience in Turkey, previous works undertaken of a similar nature, including for the programmes of the Council of Europe, other international organisations, national institutions, or non-governmental organisations; and by providing concrete examples and samples that would prove the experience in using a wide range of appropriate qualitative and quantitative research techniques, including participatory and visual tools to engage communities.
* CVs, preferably in Europass Format, of the key researchers/personnel that will take part in this service, including the language proficiency levels both in Turkish and English;
* Technical offer that provides information on the proposed methodology for a quantitative survey followed up by focus groups and in-depth interviews related to the functioning of conciliation in criminal matterss in Turkey to be conducted in three pilot regions summarising the company's strategic approach, outreach strategy and proposed team structure (technical and field teams);
* 3 contacts of the references for past works undertaken by the bidder;
* 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);
* Registration documents (scanned copies of the original documents in Turkish), for legal persons only.

**All documents (except the certificate of registry and samples that may be submitted in Turksih) 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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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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;

   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-4)
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-5)