

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of local consultancy services on National Execution of ECtHR Judgments in Georgia



Contract N° VC3758_01.03.2024/1

The Council of Europe is currently implementing a Project on "Reinforcing National Execution of the European Court's judgments by Georgia". In that context, it is looking for Providers for the provision of local consultancy services for the development of institutional and co-ordination capacities of national stakeholders and improvement of oversight mechanism to support implementation of the European Court of Human Rights (ECtHR) judgments by Georgia 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 €6,000 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 180 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 - Purchase of local consultancy services on National Execution of ECtHR Judgments in Georgia.** 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 - Purchase of local consultancy services on National Execution of ECtHR Judgments in Georgia.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2027
Deadline for submission of tenders/offers ▶	31 March 2024 23h59 CET
Email for submission of tenders/offers ▶	executiongeorgia@coe.int
Email for questions ▶	executiongeorgia@coe.int
Expected starting date of execution ▶	20 May 2024

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 on "Reinforcing national execution of the European Court's judgments by Georgia".

The Project aims to enhance the capacity of the domestic remedies for the execution of the European Court of Human Rights (ECtHR) judgments. Specifically, its implementation will strengthen the Special Investigative Service (SIS) to effectively carry out its newly vested functions and ensure the protection of human rights in Georgia during criminal investigations following ECtHR judgments/decisions. Special attention will be given to reopening proceedings by national courts following a judgment/decision of the ECtHR, as outlined in relevant provisions of criminal, civil and administrative law. Additionally, it will reinforce the analytical units within the courts, tasked with assisting judges in their reasoning for judicial decisions.

The Project will also focus on enhancing the role of the Parliament of Georgia in overseeing the execution of ECtHR judgments and in harmonising national legislation with European standards. Another key objective of the Project is to strengthen the effectiveness of National Human Rights Institutions and Non-Governmental Organisations (NGOs) in facilitating the domestic implementation of ECtHR judgments. Moreover, it will provide support to increase the effectiveness of inter-agency coordination for the execution of judgments at the national level, both to guide the national execution process and to maintain an effective dialogue with the Committee of Ministers.

The Project will further support the implementation of the National Execution Strategy and corresponding Action Plan for Georgia which focus on advancing the capacities of the different execution stakeholders, improving the legal framework, rules and procedures and reinforcing the national co-ordination mechanism to contribute to a rapid and full execution of ECtHR judgments at domestic level.

In this context, the Council of Europe is looking for a maximum of 40 (forty) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on implementation of the ECHR and the execution of the ECtHR judgments.

This Contract is currently estimated to cover up to 40 *activities*, to be held by 31 December 2025. 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 850,000 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: Capacity development for legal professionals (judges, prosecutors, investigators and lawyers) on reopening of cases following the ECtHR judgment/decision.	10
Lot 2. Legislative review of the legal framework related to the execution of ECtHR judgments and subsequent capacity development.	10
Lot 3. Capacity development on report writing for relevant legal professionals (including Government Agent's Office, Public Defender Office, NGOs) on drafting action/final reports/Rule 9 submissions for the Committee of Ministers of the Council of Europe.	10
Lot 4. Capacity development for analytical units of execution stakeholders (including courts, Georgian Bar Association and SIS) for legal research, data collection and analyses on ECHR and case law of the Court.	10

Lot 1 concerns

- Review of the National courts' capacity on reopening of cases following ECtHR judgments.
- Review of the SIS investigative capacity to conduct effective investigation following the ECtHR judgments.
- Capacity building activities for legal professionals on ECHR and re-opening of cases following the ECtHR judgment/decision.

Lot 2 concerns

- Legislation review, assessment of respective policies, cooperation practices concerning the national execution rules and procedures as envisaged by National Execution Strategy and Action Plan.
- The parliamentary oversight mechanism review to improve its effectiveness and operational capacity.
- Capacity building activities for GA Office and the Parliament.

Lot 3 concerns

- Review of the capacity of the GA office to better coordinate the execution of ECtHR judgments.
- Review of the practices of national human rights institution and NGOs in the execution of the ECHR judgments.
- Capacity building activities for GA Office, PDO and NGOs.

Lot 4 concerns

- Data collection processes at relevant execution stakeholders.
- Capacity building activities for the staff of analytical units of national execution stakeholders on research, analyses and data collection.

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 - Capacity development for legal professionals (judges, prosecutors, investigators and lawyers) on reopening of cases following the ECtHR judgment/decision:

- Providing international consultants with relevant documents and background information on national specific aspects underlined in Lot 1.
- Provide editing, proofreading and/or language check to ensure the correct use of terminology in translations into the Georgian and/or English languages of documents and other developed resources.
- Conduct trainings for legal professionals on re-opening of cases following the ECtHR judgment/decision.
- Develop training modules, materials and presentations.
- Participate as a speaker in workshops and roundtables.
- Provision of other deliverables as related to the above and as requested by the Council of Europe.

Under Lot 2 - Legislative review of the legal framework related to the execution of ECtHR judgments and subsequent capacity development.

- Conduct analysis of legal acts, by-laws, respective practices related to the execution of ECtHR judgments.
- Participate in consultation meetings with national stakeholders.
- Provide editing, proofreading and/or language check to ensure the correct use of terminology in translations into the Georgian and/or English languages of documents and other developed resources.
- Make presentations during workshops, roundtables or conference.

Lot 3 - Capacity development on report writing for relevant legal professionals (including Government Agent's Office, PDO, NGOs) on drafting action/final reports/Rule 9 submissions for the Committee of Ministers of the Council of Europe.

- Conduct trainings on drafting action/final reports/Rule 9 submissions regarding the execution of ECtHR judgments.
- Develop training modules, materials and presentations.
- Participate as a speaker in workshops, roundtables or conference.

Lot 4 - Capacity development for analytical units of execution stakeholders (including courts, GBA and SIS) for legal research, data collection and analyses on ECHR and case law of the Court

- Providing international consultants with relevant documents and background information on national specific aspects underlined in Lot 4.
- Providing international consultants with the relevant support to develop data collection methodology.
- Conduct trainings on legal research, data collection and analyses on ECHR and case law of the Court.
- Develop training modules, materials and presentations.
- Participate as a speaker workshops and roundtables.

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.

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).

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.

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, 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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;

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.

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.

- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;

Eligibility criteria

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

Lot 1:

- Master's degree or higher in human rights or related areas.
- Academic experience of at least 3 years in teaching ECHR and case law of the ECtHR.
- Excellent knowledge of the ECHR system and its machinery, case-law of the ECtHR and respective soft law documents applicable to reopening of proceedings.
- Professional experience at national level (in Georgia) in the areas related to the fields of expertise as described within the specific Lots above;
- Mother tongue level of the Georgian language and good command of the English language (at least level B2 of the Common European Framework of Reference for Languages (CEFR))

Lot 2:

- Master's degree or higher in human rights or related areas.
- At least 3 years of Professional experience at national level (in Georgia) in the expertise of national legislation;
- Excellent knowledge of ECHR standards and case-law of the Court.
- Excellent analytical and drafting skills.
- Mother tongue level of the Georgian language and good command of the English language (at least level B2 of the Common European Framework of Reference for Languages (CEFR))

Lot 3:

- Master's degree or higher in law.
- Academic experience of 3 years and more in teaching legal research and report writing.
- Excellent analytical and drafting skills.
- Mother tongue level of the Georgian language and good command of the English language (at least level B2 of the Common European Framework of Reference for Languages (CEFR))

Lot 4:

- Master's degree or higher in human rights, social science or related areas.
- Excellent knowledge of the ECHR system and its machinery and/or development of data collection tools.
- Excellent analytical skills.
- Mother tongue level of the Georgian language and good command of the English language (at least level B2 of the Common European Framework of Reference for Languages (CEFR))

Award criteria

- Quality of the offer (80%), including:
 - Relevant experience in the area of rule of law, human rights, justice or social science including previous similar assignments with international organisations (30%)
 - Thematic expertise (30%)
 - Research, analytical and writing skills (20%)
- Financial offer (20%).

The Council reserves the right to hold interviews with 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 IN PDF FORMAT

- **A completed and signed copy of the Act of Engagement⁴** (See attached);
- Registration documents, for legal persons only.
- A list of all owners and executive officers, for legal persons only.
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria.
- Motivation letter
- 3 (three) referees' contact details
- At Least 2 Samples of previous similar work.

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.

* * *

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.