**TENDER FILE / TERMS OF REFERENCE**

**(Restricted consultation procedure / Framework Contract)**

***Consultancy services in Strengthening the Criminal Justice System and the Capacity of Justice Professionals on prevention of the European Convention on Human Rights Violations in Turkey***

**[*Contract N° (*if any)]**

The Council of Europe is currently implementing a Project until 14 March 2022 on Strengthening the Criminal Justice System and the Capacity of Justice Professionals on prevention of the European Convention on Human Rights Violations in Turkey. In that context, it is looking for Provider(s) for the provision of consultancy services in different areas of the Project to be requested by the Council on an as needed basis.

1. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe[[1]](#footnote-1), 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, a self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject:** **“CAS-2”.** 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:** **“CAS-2-Soru.”**

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| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 14 March 2022 |
| **Deadline for submission of tenders/offers ►** | **4 August 2019** |
| **Email for submission of tenders/offers ►** | ankara.office@coe.int |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 01 September 2019 |

1. EXPECTED DELIVERABLES

**Background of the Project**

Project’s main objective is to contribute to strengthening and making the Turkish judiciary more efficient, effective and visible by ensuring its compliance with the international and European standards in the field of criminal justice. It focuses on the improvement of criminal justice system in Turkey in applying European Convention on Human Rights (ECHR) and it aims at enhancing the capacity of criminal justice institutions and legal professionals in applying ECHR provisions and European Court of Human Rights (ECtHR) case law and strengthening their co-operation and awareness in the field of human rights law.

The following topics are subject of focus in the project:

- pre-trial detention,

- fairness of proceedings,

- cybercrime and

- financing of terrorism.

The Council of Europe is looking for **40 Provider(s) (experts)** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on organising awareness raising events in various forms in the field of human rights, needs assessment and capacity building in the field of human rights related to criminal justice.

This Contract is currently estimated to cover up to [*63*], to be held by March 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 5,000,000.00 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:

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| Lots | Maximum number of Providers to be selected |
| **Lot 1 – Needs assessment (2019)** | 5 |
| **Lot 2 – Capacity building (2019-2022)** | 20 |
| **Lot 3 – Awareness raising (2019-2022)** | 15 |

Lot 1 concerns needs assessment in the field of criminal justice.

Lot 2 concerns capacity building in the field of human rights related to criminal justice.

Lot 3 concerns awareness raising events in various forms in the field of human rights.

**Scope of the Framework Contract**

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

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| **LOT 1 – Type of Units ▼** |
| Participation in needs assessment mission |
| Preparation of Needs Assessment report comprising the assessment identifying the main challenges that the Turkish judiciary is facing in implementing the laws, strategies and action plans in order to prevent violations of ECHR within the field of criminal law and propose practical solutions to address such challenges by each relevant actor |
| Participation at working/expert meetings with stakeholders |
| Preparation/adaptation of practical reference tools in one the thematic areas as indicated under the Tender File/ Term of Reference (guidelines, resource guides, checklists and handbooks) |

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| **LOT 2 – Type of Units ▼** |
| Conducting training needs assessment and preparation of respective reports related to the framework of the human rights materials in the given thematic areas as indicated in the tender file/terms of reference; |
| Participation at working/expert meetings with stakeholders on drafting/adaptation of training materials in the given thematic areas; |
| Development of respective trainings curricula and materials or HELP online course in the given thematic areas; |
| Adaptation of respective trainings curricula and materials or HELP online course in the given thematic areas; |
| Delivery of trainings-of-trainers through facilitation of trainings, including online trainings on the thematic areas; |
| Evaluation of the cascade trainings and producing an evaluation report. |

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| **LOT 3 – Type of Units ▼** |
| Conceptualisation (preparation activity/agenda) and facilitation of various events (meetings, round tables, conferences); |
| Moderation and/or conducting presentation at various events organized under the Project in order to exchange views on the effective implementation of European human rights standards in relation to pre-trial detention, procedural safeguards, cybercrime and financing of terrorism. |

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).]

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 global fee corresponding to each deliverable, calculated on the basis of the unit 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 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).

For each Order, the Council will choose from the pool of pre-selected tenderers for the relevant lot 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-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.

**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-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***

*General conditions:*

* A University degree (Master or equivalent level) in law, human rights, political science etc.;
* Good knowledge of English in writing and speaking

*Lots-based conditions:*

***Lot-1 Needs Assessment***

* Experience in carrying out needs assessment in the field of criminal justice system and human rights;
* Advanced knowledge of assessing national systems/procedures, practices in line with European standards and implementation of European Convention on Human Rights;

***Lot-2 Capacity Building***

* Minimum 5 years of experience related to the human rights trainings for the judiciary, with focus on the jurisprudence of the European Human Court of Human Rights and with trainings institutions.
* Advanced knowledge in developing training courses (including online courses) for the judiciary with interactive methodology and conducting training of trainers for the judiciary (specific knowledge in the field of criminal justice in relation to the ECHR would be an asset);
* Experience related to evaluation of human rights trainings would be an asset.

***Lot-3 Awareness Raising***

* Advanced knowledge of criminal justice related topics, international standards (case-law of the European Court of Human Rights) and comparative aspects;
* Minimum five years of experience in facilitation and presentation in awareness raising events in various forms in the field of human rights and criminal justice;

***Award criteria***

***Lot-1 Needs Assessment***

* Quality of the offer (90%), including:
* Qualifications and experience (60%):
* Minimum five years of experience in the field of human rights and particularly of criminal justice (30%)
* Expertise in preparation of needs assessment reports and developing relevant reference tools (guidelines, resource guides, checklists and handbooks) in the thematic areas (pre-trial detention, fairness of proceedings, cybercrime and financing of terrorism (30%);
* Relevance of the proposed methodology/structure/outline of a needs assessment report and/or reference guide(30%)
* Financial offer (10%).

***Lot-2 Capacity Building***

* Quality of the offer (90%), including:
* Minimum five years of experience in the field of human rights trainings for judiciary with focus in particular thematic areas of criminal justice (30%)
* Expertise in preparation of training courses and or delivery of training of trainers on one of the thematic field as indicated above (30%);
* Relevance of the proposed methodology/structure/outline of a training assessment report or structure of a training module (30%);
* Financial offer (10%).

***Lot-3 Awareness Raising***

* Quality of the offer (90%), including:
* Expertise in the field of human rights and particularly of criminal justice (30%)
* Expertise in conceptualisation and facilitation of various events (meetings, round tables, conferences) (30%);
* Expertise in moderation of discussions at various events and presentations delivery (30%);
* Financial offer (10%).

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

Multiple tendering is not authorised.

1. DOCUMENTS TO BE PROVIDED
   * A completed and signed **Act of Engagement[[4]](#footnote-4)** (See attached);
   * A detailed **CV** preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (in English – see <https://europass.cedefop.europa.eu/documents/curriculum-vitae/templates-instructions/templates/doc>);
   * **A motivation letter** indicating reasons for applying and possible added value of the tenderer for the related lots (in English);
   * Copies of/ links to at least two examples (electronic or hardcopy) of previous work/deliverables of the tenderer which shows the experience of the tenderer (publications, assessments, analyses, reports, training tools, studies, etc. - in English or Turkish).

**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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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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](https://wcd.coe.int/ViewDoc.jsp?p=&id=1807541&direct=true). [↑](#footnote-ref-1)
2. It must strictly respect the fees indicated in the Financial Offer attached to the original Provider’s tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider’s tender, the Council of Europe reserves the right to terminate the Contract with the 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 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. [↑](#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)