**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of local consultancy services in the area of strengthening the institutional capacities of the Supreme Court of Justice of the Republic of Moldova** ***(Contract N° BH9211/2024/6)***

The Council of Europe is currently implementing a Project on *Strengthening the institutional capacities of the Supreme Court of Justice of the Republic of Moldova* (hereinafter – the Project), which runs from 1 April 2024 to 31 March 2026. In that context, it is looking for Providers for the provision of local consultancy services in the area of strengthening the institutional capacities of the Supreme Court of Justice of the Republic of Moldova 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-1), 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 -** **Strengthening the institutional capacities of the Supreme Court of Justice of the Republic of Moldova.** 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 - Strengthening the institutional capacities of the Supreme Court of Justice of the Republic of Moldova.**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 March 2026 |
| **Deadline for submission of tenders/offers ►** | **04 December 2024** 23h59 CET |
| **Email for submission of tenders/offers ►** | **tender.scj-project@coe.int** |
| **Email for questions ►** | questions-tender.scj-project@coe.int |
| **Expected starting date of execution ►** | 18 December 2024 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Project pursues the overall objective of further improving human rights protection in the Republic of Moldova by enhancing the Supreme Court of Justice’s capacity to deliver justice in alignment with European standards.

Aiming to strengthen the institutional capacity of the Supreme Court, the Project emphasizes targeted capacity-building measures for judges, judicial assistants, and other Court staff. Key initiatives include developing working procedures, tools, and regulations aligned with European best practices. An essential component of the Project is dedicated to enhancing the Supreme Court’s critical role in consistent and uniform application of the law across the country.

The Project will contribute to achieving the following outcomes:

* Judges, judicial assistants, and the Registry of the Supreme Court will develop the skills and capacity to address inconsistencies and ensure the uniform application of the law through the unification of judicial practice;
* Transparency and accessibility of the Supreme Court jurisprudence for legal professionals and the general public will be increased;
* Clear working procedures and tools will be introduced and implemented to improve the Court’s effectiveness and the quality of its work. The Regulation of the Court and strategic documents for its institutional development will also be developed;
* The work of the Supreme Court will become more transparent and visible to legal professionals and the general public.

The Council of Europe is looking for a maximum of 10providers for Lot 1, a maximum of 10 providers for Lot 2, and a maximum of 10 providers for Lot 3 (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise pertaining to various aspects of judicial institutional development, consistent application of the law and public relations within the judiciary.

This Contract is currently estimated to cover up to *25 activities*, to be held by *31 March 2026*. 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 *450,000* Euros and the total amount of the object of present tender should in principle not exceed *55,000* 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.

**Lots**

The present tendering procedure aims to select Providers to support the implementation of the Project and is divided into the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| Lot 1: Local consultancy services for strengthening the strategic development and institutional efficiency of the Supreme Court of Justice | 10 |
| Lot 2: Local consultancy services for enhancing the role of the Supreme Court of Justice in ensuring consistent application of the law | 10 |
| Lot 3: Local consultancy services for strengthening communication and public relations capacities of the Supreme Court of Justice | 10 |

**Lot 1** concerns local consultancy services aimed at further strengthening the strategic development of the Supreme Court of Justice of the Republic of Moldova, focusing on areas such as judicial institutional development, judicial governance, judicial administration, organisational capacity-building, management development, process optimisation, and workflow efficiency within the judiciary.

**Lot 2** concerns local consultancy services for further enhancing the institutional capacities of the Supreme Court of Justice in the following areas: judicial decision-making and reasoning, harmonisation of divergent judicial practices and consistent application of law and human rights standards by courts.

**Lot 3** concerns local consultancy services aimed at further strengthening the institutional capacities of the Supreme Court of Justice in the following areas: public relations, communication strategy, judicial communication, digital media strategy, and crisis communication.

The Council will select the abovementioned number of Providers 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:

* Draft analytical reports (assessments, gap analysis, needs assessments, identification of challenges, etc.);
* Peer-to-peer exchanges: round tables, expert working groups, workshops, seminars, conferences, high level meetings;
* Prepare training modules and training materials, including manuals, guides, digital resources, etc.;
* Conduct trainings and workshops;
* Draft strategic planning documents;
* Create procedural tools and draft internal working frameworks and protocols;
* Provide advice, opinions and expertise;
* Draft recommendations.

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.

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 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 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, 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;
* 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*

**Lot 1**

* University degree in the field of law, public administration or a related field;
* At least 3 years of proven experience in public administration, institutional management, capacity building or institutional development
* Being a registered legal entity (for tenderers legal persons).

**Lot 2**

* University degree in the field of law, legal studies or related fields;
* At least 5 years of proven experience in the field of judicial decision-making and reasoning, harmonisation of divergent judicial practices, consistent application of human rights standards by courts and assessment of legal and regulatory frameworks;
* Proven experience in conducting or preparing at least one research, assessment, study or capacity building activity concerning judicial practices, legal framework or human rights;
* Being a registered legal entity (for tenderers legal persons).

**Lot 3**

* University degree in the field of communications, public relations, media studies, or related fields.
* At least 3 years of proven experience in in developing and implementing communication strategies, managing digital media platforms, or preparing public relations materials and campaigns for public institutions.
* Being a registered legal entity (for tenderers legal persons).

*Award criteria*

* Quality of the offer (80 points)
  + Relevant expertise and professional experience in the specific field for each lot (50 points);
  + Previous assignments in similar projects, with references or case studies showcasing successful implementation (30 points).
* Financial offer (20 points).

The Council reserves the right to hold interviews with tenderers.

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-4) (See attached);
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* For legal persons only: registration documents;
* For legal persons only: a detailed CV, preferably in Europass Format, of each natural person allocated to the execution of the contract demonstrating clearly that they fulfil the eligibility criteria;
* Diplomas or relevant certificates, along with a brief description of the tenderer’s experience in the relevant area of expertise, demonstrating compliance with the eligibility criteria;
* Examples of previous work or links to completed projects in English and/or Romanian demonstrating the necessary expertise (including a description of the projects/tasks the bidder was involved in, the time period, stakeholders, partners, beneficiaries, achieved results, and references).

**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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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-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 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. [↑](#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)