**CALL FOR TENDERS**

for the provision of INTELLECTUAL SERVICES AT LOCAL LEVEL TO SUPPORT THE IMPLEMENTATION OF THE ACTION on ‘strengtHening the EFFICIENCY AND QUALITY OF JUSTICE IN THE REPUBLIC OF ALBANIA ACCORDING TO CEPEJ TOOLS’

**2019/AO/92**

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| --- | --- |
| **Object of the procurement procedure ►** | Intellectual services on efficiency and quality of Justice in the Republic of Albania ( based on CEPEJ tools) |
| **Project ►** | Strengthening the efficiency and quality of justice in the Republic of Albania (SEJIII) |
| **Organisation and buying entity ►** | Council of EuropeDirectorate General of Human Rights and Rule of Law (DG1)European Commission for the Efficiency of Justice (CEPEJ) |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** |  23 May 2022 |
| **Expected starting date ►** | 02 January 2020 |
| **Tender Notice Issuance date ►** | 15 November 2019 |
| **Deadline for tendering ►** | 15 December 2019 |

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.

* [**The TENDER RULES** 8](#_Toc445392376)

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

* **The ACT OF ENGAGEMENT** **(See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

**HOW DOES A FRAMEWORK CONTRACT WORK?**

**Stage 1:**

**Selection** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

**Stage 2:**

**Order(s)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**Execution** as from the date of signature of each Order, unless the Order concerned provides otherwise.

**HOW TO SUBMIT A TENDER?**

**Step 1:** Read the **TENDER FILE**

**Step 2:** Complete the **ACT OF ENGAGEMENT** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

**CALL FOR TENDERS**

**for the provision of INTELLECTUAL SERVICES AT LOCAL LEVEL TO SUPPORT THE IMPLEMENTATION OF THE PROJECT on ‘strenghtening the EFFICIENCY AND QUALITY OF JUSTICE IN THE REPUBLIC OF ALBANIA ACCORDING TO CEPEJ TOOLS’**

**2019/AO/92**

1. **Background**

Under the framework of the second phase of the European Union / Council of Europe Horizontal Facility for the Western Balkans and Turkey (HF II), the Council of Europe is currently implementing a new phase of the Action on ‘Strengthening the efficiency and quality of justice in Albania ‘ (SEJ). The first project SEJ was implemented until April 2016 and it was followed by the SEJ II Action under the HF programme as from July 2016 until May 2019 with immediate continuation with the SEJ III (herein after the Action) until 23 May 2022. In that context, it is looking for Provider(s) for the provision of intellectual consultancy services to be requested by the Action on a needed basis.

The overall objective of the Action is to contribute further to improving the efficiency and the quality of the public service of justice delivered to the Albanian citizens on the basis of the provided recommendations. The Action will continue to support the justice reform in Albania in the context of the establishment of new institutions, the implementation of  priority recommendations made in the first phases.

In this regard, SEJ III will use opportunities of the reform and the establishment of the High Judicial Council (HJC), High Prosecutorial Council (HPC) and High Inspectorate of Justice (HIJ) in close collaboration with all beneficiaries to maximise efforts in improving the collection, analysis and management of judicial statistics in accordance with CEPEJ standards and tools; the Action will address key priorities of the reform and the implementation of the new legislative framework in the areas of, for example the judicial mapping, internal court rules, the new scheme for the evaluation of judges and of training at the School of Magistrates. Furthermore, the quality of services of the justice system shall be addressed with activities for example to support the modernization of the judiciary with fruitful and strategic use of information technologies, including the case management system, improve safety and security of courts. The SEJ III shall support beneficiaires with communication measures in cooperation with the media to improve the perception of the public of the judiciary with respect to very specific topics of the reform. Additional CEPEJ satistisfaction surveys for court users will be carried out and these will be promoted and their regular and sustainable use will be promoted to improve court management in all courts.

The Action will also be an opportunity to support the reform process of the justice system, when requested, with other targeted contributions.

The direct beneficiary and the main target group of the Action are Albanian courts, as well as judicial and non-judicial staff working in these courts. The Action also directly targets a number of institutions and bodies such as the newly established High Judicial Council; High Prosecutorial Council; the School of Magistrates; Ministry of Justice; High Inspectorate of Justice.

The Action is implemented by the Secretariat of the European Commission for the Efficiency of Justice (CEPEJ). CEPEJ is a Council of Europe intergovernmental body which was set up in 2002 with a view to improving the quality and efficiency of the European judicial systems and strengthening the court users’ confidence in such systems.

The Council of Europe is looking for a maximum of 14 (fourteen) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the on-going reform of the justice system in Albania and CEPEJ tools and methodology.

This Contract is currently estimated to cover up to 4 activities per month, to be held by 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 Agreement may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

1. **SCOPE OF THE FRAMEWORK CONTRACT**

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to support the SEJ III Action Team and CEPEJ international experts with their mandate to:

* Work on the modernisation of the judiciary with IT body, tools and a proposal for an IT Strategy - which will be the fundamental document for the HJC to properly build a functioning IT judiciary system in Albania in line with the European standards and continuing to support the development of CMIS, a long term project on which the unique CEPEJ expertise is requested by the main partners.
* Support the beneficiaries, primarily the HJC, for the improvement of the collection and analysis of statistical data. This is very important for Albanian judiciary so the accuracy of data is improved and is in line with the European standards.
* Support the HJC in reviewing the judicial map in Albania with the implementation of the CEPEJ methodology tailor made to Albania.
* Implement additional court coaching projects based on recommendations made in the SEJ II court coaching reports to support the effective implementation of the new legal framework which impact the administration, functioning and structure of courts.
* Develop solid criteria and other measures for implementation of the new evaluation scheme of judges in Albania in collaboration with the HJC and HIJ. Although many of SEJ recommendations on the evaluation of judges are part of the new laws, there are still improvements needed and support to be provided for practical implementation.

* Continue the work on increasing the court security in Albania. After a deep assessment conducted under SEJ II, it was notably concluded that for easier safety/security management, staff roles, responsibilities and powers must be further defined, regulated and made known to all staff. Staff must have the necessary competence and receive appropriate training to perform tasks with possible safety/security implications.
* Promote, use and institutionalise CEPEJ court users’ satisfaction surveys.
* Continuing to strengthen the capacity of the SoM for the initial and continuous training of not only judges and prosecutors, but for the chancellors, legal advisors and legal assistants.

For this purpose, pre-seleted Providers may be asked to:

* prepare preliminary reports on the situation in Albania concerning the topic addressed to ensure that the analysis and recommendations made by the CEPEJ are tailor-made to Albania and advise accordingly;
* attend meetings of beneficiaries and partners to collect and share information to ensure continuity in the SEJ III contributions to the justice reform where necessary;
* assist other activities which are relevant to the objectives of the SEJ III Action upon request of the CEPEJ Secretariat and the project team in the CoE office in Tirana;
* liaise regularly with the local Project Manager and the CoE international experts who will be assigned to the project;
* report on an on-going basis to the Council of Europe SEJIII Action team on the progress made, any obstacles encountered and new opportunities;
* contribute to Steering Committee meetings.

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 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).]

1. **FEES**

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of 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 daily 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 carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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 3 (three) working days after its reception.

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.

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 Service 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[[1]](#footnote-1) (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 Service 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* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[2]](#footnote-2)

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 civil servants or other staff of the public administrations from the same Beneficiary Institution and perform identical or similar tasks for which they are remunerated as civil servants in the administration;
* are barred by national legislation from undertaking such secondary activities;
* have not been authorised by their employer to exerecise a secondary activity;
* have not been granted the necessary leave of absence;
* 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*

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

* An advanced university degree in law, management, political science, statistics or related field;
* At least 5 years professional experience at the national level in areas of work related to the efficiency and quality of justice and/or court administration
* Very good level of English (both oral and written production)

*Award criteria*

* Criterion 1: Quality of the offer (80%), including:
* Relevance of professional experience demonstrating capacity to contribute to CoE/CEPEJ cooperation projects and/or justice sector reform programmes with excellent knowledge if the on-going reform of the justice system in Albania and experience of delivering analytical reports on related areas ; (40%)
* Demonstrated understanding and knowledge of the CEPEJ tools and methodology with experience of their implementation ; (30%)
* Demonstrated understanding of the Council of Europe’s needs (in terms of cooperation with justice system actors, deadlines, reporting) (10%) .
* Criterion 2: Financial offer (20%)

Only tenderers with at least a 2.5/5 in the overall score of the assessment (award criteria and financial offer) will be admitted to the pool.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**
* **Two** completed and signed copies of the Act of Engagement;[[3]](#footnote-3)
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteriaand a motivation letter
* 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);
* A sample of work in English (where applicable, a sample of work previously done for the CEPEJ would be preferred);
* Contact details of three referees/recent employers

**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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

for the provision of INTELLECTUAL SERVICES AT LOCAL LEVEL TO SUPPORT THE IMPLEMENTATION OF THE PROJECT on ‘strenghtening the EFFICIENCY AND QUALITY OF JUSTICE IN THE REPUBLIC OF ALBANIA ACCORDING TO CEPEJ TOOLS’

**2019/AO/92**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

**European Commission for the Efficiency of Justice (CEPEJ)**

Avenue de l’Europe

67075 Strasbourg

FRANCE

* 1. **Background**

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.[[4]](#footnote-4)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 120 calendar days as from the closing date for their submission.

**ARTICLE 3 – DURATION OF THE CONTRACT**

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

**ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE**

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

**ARTICLE 5 – Content of the tender file**

The tender file is composed of:

* Technical specifications/Terms of reference;
* Tender rules;
* An Act of Engagement, including the Legal Conditions of the contract.

**ARTICLE 6 – LEGAL FORM OF TENDERERS**

*Option 1:* 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 above on ordering procedure).

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in [English or French], and shall be exclusively sent to the following address: Clemence.BOUQUEMONT@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy.**

**Electronic copies** shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

**Paper hardcopies** shall be sent in A4 format (21x29.7 cm) by post, as specified below:

* Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE

For the attention of the Tenders Board

**CALL FOR PROVISION OF INTELLECTUAL SERVICES AT LOCAL LEVEL TO SUPPORT THE IMPLEMENTATION OF THE PROJECT on ‘STRENGTHENING THE EFFICIENCY AND QUALITY OF JUSTICE IN THE REPUBLIC OF ALBANIA ACCORDING TO CEPEJ TOOLS’**

**2019/AO/92**

B.P. 7

F – 67075 STRASBOURG Cedex

**FRANCE**

* Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
* Tenders submitted to another postal address will be excluded from the procedure.

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 15 December 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

**ARTICLE 10 – ASSESSMENT OF TENDERS**

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

**ARTICLE 11 – NEGOTIATIONS**

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

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**
* **Two** completed and signed copies of the Act of Engagement;
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteriaand a motivation letter
* 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);
* A sample of work in English (where applicable, a sample of work previously done for the CEPEJ would be preferred);
* Contact details of three referees/recent employers
1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy.**

**Electronic copies** shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

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**2019/AO/92**

B.P. 7

F – 67075 STRASBOURG Cedex

**FRANCE**

* Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
* Do not send a copy of your tender to the buyer entity. Tenders submitted to any other postal address than the one indicated above will be excluded from the procedure.

The deadline for the submission of tenders is 15 December 2019 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

1. It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part. [↑](#footnote-ref-1)
2. 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 en equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three requirements listed above under “exclusion criteria” are met;
	* A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met;
	* For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer. [↑](#footnote-ref-2)
3. 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-3)
4. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-4)