



CALL FOR TENDERS

FOR THE 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'

2018/AO/SEJII/7

Object of the procurement procedure ►	Intellectual services on efficiency and quality of Justice in the Republic of Albania (based on CEPEJ tools
Project ►	CEPEJ Action as part of the EU/CoE Horizontal Facility for the Western Balkans and Turkey "Strengthening the Efficiency and Quality of Justice in the Republic of Albania" (SEJ II)
Organisation and buying entity ►	Council of Europe Directorate General of Human Rights and Rule of Law (DG1) European Commission for the Efficiency of Justice (CEPEJ)
Type of contract ►	Framework Contract
Duration ►	Until 23 May 2019
Expected starting date ►	05 November 2018
Tender Notice Issuance date ►	30 October 2018
Deadline for tendering ►	24 October 2018

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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** and collect the required **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 ‘STRENGTHENING THE EFFICIENCY AND QUALITY OF JUSTICE IN THE REPUBLIC OF ALBANIA ACCORDING TO CEPEJ TOOLS’

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A. BACKGROUND

Under the framework of the European Union / Council of Europe Horizontal Facility for the Western Balkans and Turkey, the Action on ‘Strengthening the efficiency and quality of justice in Albania ‘ (SEJ 2) was launched on 01 July 2016. The SEJ2 Action (herein after the Action) is a continuation of the SEJ Project to “Increase the efficiency of the Albanian justice system, in line with European standards” (January 2014 - April 2016). It is being implemented until 23 May 2019.

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 recommendations. It aims at anchoring CEPEJ methodology and tools in courts of the country with practical projects, providing regular training for court staff including peer-to-peer, and supporting the development of new training material at the School of Magistrates. The Action will also be an opportunity to support the reform process of the justice system, when requested, with 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 Ministry of Justice; the High Council of Justice and its Inspectorate; the School of Magistrates, the Office for the Administration of the Judicial Budget and the General Prosecutor’s Office.

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 6 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project.

This Contract is currently estimated to cover up to 4 activities by provider to be held by 23 May 2019. 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.

B. SCOPE OF THE FRAMEWORK CONTRACT

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to work in close cooperation and support the work of CEPEJ international experts and SEJ II Action Team to:

- improve judicial statistics in Albania; in particular the Provider may participate in meetings with relevant beneficiaries and partners involved in the data collection, management and analysis processes, and

prepare documentation in this respect with preliminary recommendations to improve such process in accordance with CEPEJ tools and methodology;

- implement CEPEJ court coaching projects in Albanian courts in light of the on-going justice reform to improve the case management system, support the new roles of Court Presidents, Chancellors, legal assistant and advisors, improve court safety and security, and to improve the quality of court services in light of the results of CEPEJ satisfaction surveys ;
- support the judicial map review in Albania according to the CEPEJ methodology
- to support the School of Magistrates with needs assessments, CEPEJ training, including training of trainers, and the preparation of modules to include CEPEJ standards with the, including train the trainers sessions;
- Help promote satisfaction surveys in courts;
- Upon request, provide analytical reports related to the judicial reform concerning the reorganisation and functioning of the justice system at the institutional and court levels and to ensure that it is carried out in accordance with CEPEJ methodology;
- Assist with other activities which are relevant to the objectives of the SEJ II Action upon request of the CEPEJ Secretariat and the project team in the CoE office in Tirana;
- Liaising regularly with the local Project Manager and the CoE international experts who will be assigned to the project;
- Reporting on an on-going basis to the Council of Europe SEJ2 team on the progress made, any obstacles encountered and new opportunities;
- Contributing 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).

C. 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 **Error! Reference source not found.** below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract]

D. 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.

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.

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 quote¹ (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.

E. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)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;

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.

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 an 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.

- 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 public administration officials;
- are or are likely to be in a situation of conflict of interests.

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

- Quality of the offer (80%), including:
 - Knowledge of the on-going reform of the justice system in Albania and experience of delivering analytical reports on related areas.
 - Knowledge of the CEPEJ tools and methodology with experience of their implementation;
 - Familiarity with the delivery of international technical assistance projects, in particular justice cooperation programmes.
 - Understanding of the Council of Europe's needs (in terms of cooperation with justice system actors, deadlines, reporting).
- Financial offer (20%).

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- **Two** completed and signed copies of the Act of Engagement.³
- A letter of interest, highlighting their experience in conducting activities to improve the efficiency and quality of justice and/or court administration and their proposed approach to this project;
- A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria;
- 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 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.

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.

PART II – TENDER RULES

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ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

European Commission for the Efficiency of Justice (CEPEJ),

Stéphane Leyenberger

Avenue de l'Europe

67075 Strasbourg, France

1.2 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 1333 of 29 June 2011 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

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 **Error! Reference source not found.** below 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 and shall be exclusively sent to the following address: clemence.bouquemont@coe.int

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 THE PROVISION 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'

2018/AO/SEJII/7

B.P. 7
F – 67075 STRASBOURG Cedex

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **24 October 2018** 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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

⁴ Available on the website of the Council of Europe Treaty Office:
www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- Two completed and signed copies of the Act of Engagement.⁵
 - A letter of interest, highlighting their experience in conducting activities to improve the efficiency and quality of justice and/or court administration and their proposed approach to this project;
 - A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria;
 - A sample of work in English;
 - Contact details of three referees/recent employers
-

2) HOW TO SEND TENDERS?

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

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