



## CALL FOR TENDERS

### FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES ON VARIOUS ASPECTS OF THE FUNCTIONING OF THE CRIMINAL JUSTICE SYSTEM IN ARMENIA

#### 2021A031 DGI

<b>Object of the procurement procedure</b> ▶	Local consultancy services on various aspects of the functioning of the criminal justice system in Armenia
<b>Project</b> ▶	Supporting the criminal justice reform and harmonising the application of European standards in Armenia
<b>Organisation and buying entity</b> ▶	Council of Europe Department for the Implementation of Human Rights, Justice and Legal Cooperation Standards, Directorate General Human Rights and Rule of Law
<b>Type of contract</b> ▶	<b>Framework Contract</b>
<b>Duration</b> ▶	Until 31 December 2021 renewable until 31 December 2025
<b>Expected starting date</b> ▶	30 July 2021
<b>Tender Notice Issuance date</b> ▶	02 June 2021
<b>Deadline for tendering</b> ▶	<b>23 June 2021</b>

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
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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 LOCAL CONSULTANCY SERVICES ON VARIOUS ASPECTS OF THE FUNCTIONING OF THE CRIMINAL JUSTICE SYSTEM IN ARMENIA

#### A. BACKGROUND

The current project "Supporting the criminal justice reform and harmonising the application of European standards in Armenia" (hereinafter – the Project) is supporting Armenia in the criminal justice reform through legislative, methodological and capacity-building assistance. The Project provides expert advice in the process of changing criminal and criminal procedure policy and legal framework. In parallel the Project continues previous efforts of the Organisation to build better practices in criminal justice through provision of methodological support to key justice sector stakeholders. This includes capacity building for the Justice Academy, but also direct capacity building for the institutions, especially the judiciary, in the matters of formulating and applying criminal justice in line with Council of Europe (CoE) standards. Special attention is paid to criminal justice policy and practice issues highlighted by the CoE monitoring mechanisms. This includes, but is not limited to prevention of ill-treatment and impunity, application of pre-trial detention, procedural guarantees in the criminal procedure, etc. After many years of development, the draft Criminal Code (hereinafter - the CC) and Criminal Procedure Code (hereinafter - the CPC) passed their first reading at the National Assembly in December 2020 and February 2021. The adoption of both Codes is planned in the first quarter of 2021. Once the new Codes are adopted guides on implementation of the new criminal justice legislation should be developed and legal professionals should be trained to implement the new legislation in practice. Furthermore, upon the entry into force of the new legal framework that would set totally new procedures within the criminal proceedings, there is a need to continue assisting Armenia, through the follow-up project/s, in the implementation of the new legislation to ensure the compliance of application practices with European human rights standards.

The Council of Europe is looking for maximum of 50 local provider(s), (provided enough tenders meet the criteria indicated below) in order to support the implementation of the CoE Projects in Armenia with a particular local expertise in the field of criminal justice and human rights.

The tenderer must be either a natural person, or a legal person except consortia.

This Contract is currently estimated to cover up to 50 activities to be held before 31 December 2021 under the current Project in place, and with the potential more than 100 activities under the follow up projects before 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 current and potential follow-up projects' amounts to approximately 1 700 000 Euros and the total amount of the object of present tender should in principle not exceed 150 000 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.

#### B. 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
<b>Lot 1:</b> Alignment of criminal justice related policy and legal framework and advice on its effective implementation in line with Council of Europe standards and best European practices	15
<b>Lot 2:</b> Development of guiding, methodological and awareness raising documents to support the implementation of criminal justice legal framework (i.e. guides, manuals, methodologies, handbooks, studies/research and awareness raising materials, etc.)	15
<b>Lot 3:</b> Training needs assessment, training design and delivery in the criminal justice area (incl. both face-to-face and e-learning instruments, inter alia, CoE HELP courses and adult-teaching methodology)	15

**Lot 1-** Legislative expertise and advice to be provided under the lot concerned would help ensuring that national legal framework in criminal justice area is brought in line with the CoE human rights standards and is effectively implemented. Expert advice could potentially make it possible to address issues in national legislation, which otherwise might give rise to interpretation or practice that could lead to the ECtHR finding violations of the Convention. Moreover, expert reviews of relevant policies, laws and regulations would be provided to support their complementarity with the newly adopted criminal justice legal framework and to ensure alignment with European human rights standards.

**Lot 2-** Development of different types of documents aim at facilitating the effective implementation of the criminal justice legislation in Armenia. Guides and application manuals on specific aspects of the newly adopted criminal justice legislation will be developed, published and disseminated among legal professionals to contribute to this objective. Methodologies/research/studies will be prepared for effective monitoring of a progress of implementation of the procedures set by the new criminal justice legislation and will be shared with relevant stakeholders. Awareness raising materials aim at familiarising the criminal justice stakeholders and relevant target audiences with the novelties of the new legislation will be prepared as well.

**Lot 3-** Human rights education and training are important elements of raising awareness and improving professional capacity of the beneficiary institutions to protect human rights at the domestic level in the criminal justice area. Training of criminal justice legal professionals that may include but shall not be limited to training needs assessment, training course development, impact assessment, and delivery of trainings, including those on CoE standards and their application in the Armenian legal context. Moreover, professional and operational capacities of criminal justice actors (judges, lawyers, prosecutors, and investigators) should be enhanced to apply European standards in their daily work on the basis of the new CPC and CC. Relevant HELP<sup>1</sup> training courses on criminal justice topics are also planned to be available in the national language, adapted to Armenian legal context and accessible.

**Lot 4-** Legal proofreading of texts to be developed within the projects with the specific legal terminology of the ECHR and the case-law of the ECtHR, legal proofreading of translations from English into Armenian and vice versa in order to ensure their accuracy, precision and high-quality of legal language.

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).

### **C. SCOPE OF THE FRAMEWORK CONTRACT**

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

#### **Under Lot 1:**

- Contribute to the assessment/Assess legal acts and policy documents, prepare opinions and assessment reports, provide comments and recommendations;
- Assist national working groups in redrafting the criminal legislation of Armenia, including legal acts, bylaws, rules and regulations;
- Participate in consultation meetings, expert discussions, round tables, conferences etc. with national authorities and stakeholders both on policy/legal framework formation matters and on the implementation of the criminal justice legislation;
- Make presentations during working group meetings, workshops and follow-up roundtables or conferences;
- Carry out post evaluation of the adopted legal acts to check their compliance with the CoE recommendations.

#### **Under Lot 2:**

- Prepare concept paper(s) for development of the guiding/methodological documents on the implementation of the criminal justice legislation;
- Contribute to the development/Develop guiding/methodological documents on the implementation of the criminal justice legislation;
- Prepare methodology and tools for effective monitoring of a progress of implementation of the procedures set by the new criminal justice legislation;

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<sup>1</sup> European Programme for Human Rights Education for Legal Professionals (HELP) which is the Council of Europe's platform gathering all capacity development resources for legal professionals. To know more please visit: [www.coe.int/help](http://www.coe.int/help)

- Develop awareness raising materials to familiarise the criminal justice stakeholders and relevant target audience with the new criminal justice legislation;
- Carry out studies/research/assessments on specific, policy, legal, institutional and/or operational aspects related to the theme of the lot concerned;

#### **Under Lot 3:**

- Conduct needs assessments aim at identifying training needs of the beneficiary institutions ;
- Carry out analysis and provide recommendations on respective curricula, courses and training materials;
- Design training courses for the target audiences ;
- Develop courses' outlines and adapt training materials to the needs of specific groups of professionals ;
- Adapt training materials to a national context;
- Deliver training of trainers ;
- Contribute to the trainings and seminars for the legal professionals on the specific issues of the criminal legislation (including on the new CPC and CC);
- Prepare and make presentations during workshops, seminars, study visits and round -tables;
- Adapt to the Armenian legal context and pilot/deliver HELP courses.

#### **Under Lot 4:**

- Proofread Armenian translation of the HELP courses ;
- Proofread legal texts in Armenian and English, including with the specific legal terminology of the ECHR and the case-law of the ECtHR;
- Proofread legal translations from English into Armenian with the specific terminology as mentioned above.

**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).]

## **D. 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 in the Section A of the Act of Engagement 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]

## **E. 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 2 (two) working days after its reception.

### **Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers of 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<sup>2</sup> (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.

## **F. ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>3</sup>

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 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)).

<sup>2</sup> 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.

<sup>3</sup> 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, as well as the sixth, 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;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

**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):

**Lot 1 and 2**

- University Degree in Law;
- Professional experience of 5 years or more in justice, human rights and rules of law, at least 3 years of experience in criminal justice
- Professional experience of 5 years or more in legal analysis and/or practical implementation in the thematic area of the lot;
- Excellent oral and written Armenian (mother-tongue level);
- Knowledge of the English language (minimum B1 level [CEFR](#))

**Lot 3**

- University Degree in Law
- Professional experience of 5 years or more in justice, human rights and rule of law, at least 3 years of experience in criminal justice;
- Professional experience of 5 years or more in designing training courses and/or delivering training for legal professionals in the thematic area;
- Excellent oral and written Armenian (mother-tongue level);
- Knowledge of the English language ( minimum B1 level [CEFR](#));

**Lot 4**

- Bachelor's Degree or equivalent in Law/Human Rights/Political Science;
- Professional experience of 3 years or more in legal proofreading and drafting;
- Excellent oral and written Armenian (mother-tongue level);
- Knowledge of the English language (minimum C1 level [CEFR](#));

*Award criteria***Lots 1, 2, 3 and 4**

- Quality of the offer (90%), including:

Criterion 1: Local thematic expertise and knowledge of the national context in the field of the criminal justice that are relevant to the areas covered by this call (40%);

Criterion 2: Knowledge of the standards and recommendations of the Council of Europe in the fields of the rule of law and criminal justice (30%);

Criterion 3: Relevance of the experience of the tenderer in the areas covered by this call, including previous assignments with international organisations (20%);

- The financial offer as indicated in the Table of fees in the Act of Engagement (10%).

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 2,5 will be selected under each Lot.

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

**Multiple tendering is not authorised.**

**G. DOCUMENTS TO BE PROVIDED**

- A completed and signed copy of the Act of Engagement;<sup>4</sup>
- A list of all owners and executive officers, for legal persons only;
- A registration document and copy of statute, for legal persons only;
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (maximum 4 pages document). \* For legal persons: CVs of proposed experts, which

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<sup>4</sup> 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.

meet eligibility criteria above and who will be assigned to fulfil the assignments under this Framework Contract;

- A concise motivation letter highlighting the relevant experience for each lot that the tenderer is applying for;
- At least two (2) examples of previous relevant work in English and/or Armenian for each lot that the tenderer is applying for;
- Minimum three references (only name, position, phone numbers, emails).

**All documents shall be submitted in English (except for the examples of work, which could be submitted in English and/or Armenian), 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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## PART II – TENDER RULES

### CALL FOR TENDERS

FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES ON VARIOUS ASPECTS OF THE FUNCTIONING OF THE CRIMINAL JUSTICE SYSTEM IN ARMENIA

#### 2021A031 DGI

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

##### 1.1 Name and address

##### COUNCIL OF EUROPE

Department for the Implementation of Human Rights, Justice and Legal Cooperation Standards, Directorate General Human Rights and Rule of Law

##### 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 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.<sup>5</sup>

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

The tenderer must be either a natural person, or a legal person except consortia.

#### 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: [tender.armenia-BH4715@coe.int](mailto:tender.armenia-BH4715@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 electronically.

Electronic copies shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with the subject line "**ARM crim justice nat consultancy tender**". Tenders submitted to another e-mail account will be excluded from the procedure.

#### ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is (23 June 2021, 23:59 Armenian time).

#### 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.

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<sup>5</sup> Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int)

# FINAL CHECK LIST

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

- A completed and signed copy of the Act of Engagement;<sup>6</sup>
  - A list of all owners and executive officers, for legal persons only;
  - A registration document and copy of statute, for legal persons only;
  - A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (maximum 4 pages document). \* For legal persons: CVs of proposed experts, which meet eligibility criteria above and who will be assigned to fulfil the assignments under this Framework Contract;
  - A concise motivation letter highlighting the relevant experience for each lot that the tenderer is applying for;
  - At least two (2) examples of previous relevant work in English and/or Armenian for each lot that the tenderer is applying for;
  - Minimum three references (only name, position, phone numbers, emails).
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## 2) HOW TO SEND TENDERS?

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### 3) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

- **Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with the subject line '**ARM crim justice\_nat consultancy tender**'. Tenders submitted to another e-mail account will be excluded from the procedure;

The deadline for the submission of tenders is **23 June 2021** 23:59 Armenian time as evidenced by the the email message sent to [cdm@coe.int](mailto:cdm@coe.int).

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<sup>6</sup> 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.