

## TENDER FILE / TERMS OF REFERENCE (Restricted consultation procedure / One-off contract)

### Purchase of consultancy services

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## SUPPORT TO THE IMPROVEMENT OF THE CAPACITY OF THE INSPECTORATE TO THE SUPREME JUDICIAL COUNCIL OF BULGARIA

The Council of Europe is currently implementing until 15 February 2020 a Project on "Support to the improvement of the capacity of the Inspectorate to the Supreme Judicial Council of Bulgaria" funded by the EU to strengthen the institutional and the administrative capacity of the Inspectorate to the Supreme Judicial Council of Bulgaria in accordance with the identified best practices of the EU/CoE member states, namely France and Spain. In that context, it is looking for a Provider for the provision of consultancy services on the integrity of the inspectorate. (See Section A of the Act of Engagement).

### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>1</sup>, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **one-off contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. Each lot will be awarded to the Provider providing the best value for money for the lot concerned, on the basis of the award criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

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

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\_consultancy\_Inspectors.** 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\_Tender\_consultancy\_Inspectors**

Type of contract ►	One-off contract
Duration ►	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ►	<b>11 August 2019</b>
Email for submission of tenders/offers ►	<a href="mailto:DGI.Justice.Reform.Unit1@coe.int">DGI.Justice.Reform.Unit1@coe.int</a>
Email for questions ►	<a href="mailto:DGI.Justice.Reform.Unit1@coe.int">DGI.Justice.Reform.Unit1@coe.int</a>
Expected starting date of execution ►	02 September 2019

<sup>1</sup> The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached). Please note that each lot concerns a different series of deliverables. Tenderers may tender for one, all or several lots.

The Council of Europe is currently implementing a Project on "Support to the improvement of the capacity of the Inspectorate to the Supreme Judicial Council of Bulgaria" funded by the EU to strengthen the institutional and the administrative capacity of the Inspectorate to the Supreme Judicial Council of Bulgaria in accordance with the identified best practices of the EU/CoE member states, in particular France and Spain.

There will be 3 working groups with separate tasks.

Working Group 1 will be responsible on analysing the operating mechanisms in relation to integrity checks of the Inspectorate to the Supreme Judicial Council of Bulgaria. The national consultants and specialists will be providing the necessary and supporting material for this analysis. The group will be chaired by the Council of Europe representative. At least 4 working group meetings will take place.

Working Group 2 will analyse the state of affairs of the Spanish judicial inspectorate. Specifically after a study visit to Spain they will provide an analysis of the integrity checks by the Spanish judicial inspectorate with a particular focus on online operating procedures. The Working Group will be chaired by the National Project Manager (Bulgarian Judicial Inspectorate). At least 2 working group meetings will take place.

Working Group 3 will analyse the state of affairs of the French judicial inspectorate. After a study visit to France the group will focus on the French judicial inspectorate with a particular focus on ethical standards. The Working Group will be chaired by the National Project Manager (Bulgarian Judicial Inspectorate). At least 2 working group meetings will take place.

**Lot 1** Undertaking the analysis of the operating mechanisms in relation to integrity checks of the Inspectorate to the Supreme Judicial Council of Bulgaria.

- Analysis of the operating mechanisms in relation to integrity checks of the Inspectorate to the Supreme Judicial Council of Bulgaria and development of proposals for improvement (as appropriate).
- Review of the documents and assessment of the need for reform.
- Provision of additional comparative information on European judicial inspectorates.
- Review and assessment of the best practice models from the French and Spanish judicial systems including the reports from the Working Groups 2 and 3.
- Participation and presentation of work in the meetings of the Working group No. 1.
- Submission of the analysis report to the Steering Committee of the project.

**Lot 2** Analysis of integrity checks by the Spanish judicial inspectorate.

- Analysis of integrity checks by the Spanish judicial inspectorate with a particular focus on online operating procedures.
- Development of proposals for improvement (as appropriate).
- Participation and presentation of work in the meetings of the Working group No. 2.

**Lot 3** Analysis of integrity checks by the French judicial inspectorate.

- Analysis of integrity checks by the French judicial inspectorate with a particular focus on ethical standards.
- Development of proposals for improvement (as appropriate).
- Participation and presentation of work in the meetings of the Working group No. 3.

## C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send, for each lot, **a quote (Pro Forma invoice)** on their letterhead 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 .

#### D. 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)<sup>2</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;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are or are likely to be in a situation of conflict of interests.

##### *Eligibility criteria (Applicable for all lots)*

- Minimum of 3 years' experience in the field of integrity of the inspectors or similar field;
- Minimum of 5 years' experience in the field of judicial reform;
- Excellent knowledge of English language;
- Excellent analytical, written and presentation skills;
- Cultural sensitivity;
- A financial offer not exceeding the limit set out in the Act of Engagement.

##### *Award criteria*

**For lot 1:** Undertaking the analysis of the operating mechanisms in relation to integrity checks of the Inspectorate to the Supreme Judicial Council of Bulgaria.

- Quality of the offer (80%), including:
  - Relevant experience of the tenderer in the fields identified by the Call including knowledge of the European context (30%);
  - Experience in the reform of national legislation, particularly taking into account the compliance with relevant European standards or knowledge of the national context in field of Independence of the Inspectorate of the Judiciary that are relevant to the areas covered by this call (30%);
  - Writing and presentation skills (20%);
- Financial offer (20%).

For Consultancy ONLY: The Council reserves the right to hold interviews with eligible tenderers.

**For Lot 2:** Analysis of integrity checks by the Spanish judicial inspectorate.

- Quality of the offer (80%), including:

<sup>2</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply an extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

- Relevant experience of the tenderer in the fields identified by the Call including knowledge of the Spanish context (30%);
- Experience in the reform of national legislation, particularly taking into account the compliance with relevant European standards and with close knowledge of the Spanish judicial inspectorate in the field relevant to the areas covered by this call (30%);
- Writing and presentation skills (20%);
- Financial offer (20%).

For Consultancy ONLY: The Council reserves the right to hold interviews with eligible tenderers.

**For Lot 3:** Analysis of integrity checks by the French judicial inspectorate.

- Quality of the offer (80%), including:
  - Relevant experience of the tenderer in the fields identified by the Call, including knowledge of the French context (30%);
  - Experience in the reform of national legislation, particularly taking into account the compliance with relevant European standards and with close knowledge of the French judicial inspectorate in the field relevant to the areas covered by this call (30%);
  - Writing and presentation skills (20%);
- Financial offer (20%).

For Consultancy ONLY: The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

#### E. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- A completed and signed copy of the Act of Engagement<sup>3</sup> (See attached)
- For tenderers subject to VAT only: a quote, describing the financial offer, in line with the requirements of Section C of the Tender File (see above)
- Registration documents, for legal persons only,
- A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer;
- Contact details of 3 (three) references;
- Sample, not exceeding 3 pages (i.e. an extract), of an article, legal opinion, report, or other professional writing recently drafted and providing evidence for experience in and knowledge of the issues covered by the call, in English by the tenderer;
- Motivation letter, not exceeding 1 page, describing how the tenderer meets the requirements of the expected services (see section B above) including indication of: legal analysis and policy advice in the area of criminal justice reform, knowledge of criminal procedure including, in particular, committal proceedings.

**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.**

\* \* \*

<sup>3</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.