



## CALL FOR TENDERS

**FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES FOR THE CO-OPERATION PROJECTS WHICH ARE IMPLEMENTED BY THE DIVISION FOR LEGAL CO-OPERATION OF THE JUSTICE AND LEGAL CO-OPERATION DEPARTMENT (DGI) IN ARMENIA, BELARUS, GEORGIA, MOLDOVA, NORTH MACEDONIA, TUNISIA, TURKEY, UKRAINE**

**2020/AO/68**

<b>Object of the procurement procedure ▶</b>	Consultancy services for the co-operation projects which are implemented by the Division for Legal Co-operation in Armenia, Belarus, Georgia, Moldova, North Macedonia, Tunisia, Ukraine (list non-exhaustive)
<b>Project ▶</b>	Justice reform projects implemented within the Division for Legal Co-operation
<b>Organisation and buying entity ▶</b>	Council of Europe Directorate General of Human Rights and Rule of Law (DG-I)
<b>Type of contract ▶</b>	<b>Framework Contract</b>
<b>Duration ▶</b>	31/12/2021 (renewable)
<b>Expected starting date ▶</b>	01 March 2021
<b>Tender Notice Issuance date ▶</b>	12 January 2021
<b>Deadline for tendering ▶</b>	<b>07 February 2021</b>

# TABLE OF CONTENTS

This Tender File contains:

- **The TERMS OF REFERENCE**..... 3  
The TERMS OF REFERENCE describe what will be expected from the selected Providers.
- **The TENDER RULES**..... 8  
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 INTERNATIONAL CONSULTANCY SERVICES FOR THE CO-OPERATION PROJECTS WHICH ARE IMPLEMENTED BY THE DIVISION FOR LEGAL CO-OPERATION OF THE JUSTICE AND LEGAL CO-OPERATION DEPARTMENT (DGI) IN ARMENIA, BELARUS, GEORGIA, MOLDOVA (REPUBLIC OF), NORTH MACEDONIA (REPUBLIC OF), TUNISIA, TURKEY, UKRAINE 2020/AO/68**

#### **A. BACKGROUND**

The Council of Europe continues to provide support to the national authorities where projects and activities are implemented in reforming the judiciary and the justice systems with the purpose of bringing them in line with the standards and recommendations of the Council of Europe.

Support is also provided to these countries towards the execution of judgments of the European Court of Human Rights (ECtHR) with a particular focus on the judgments related to the right to a fair trial (Article 6 of the European Convention on Human Rights). Often the two – judicial reform efforts and ECtHR execution measures of a general nature - are directly linked and/or complementary.

The co-operation activities of the Division for Legal Co-operation will focus on the issues of on-going judicial reforms, implementation of ECHR Article 6 by national judicial systems and courts, reform of the systems of legal representation in courts in the following fields: guarantees of judicial independence, including procedures of selection, promotion and appointment of judges, fair proceedings for dismissal and judicial discipline, national mechanisms for the execution of judgments of the ECtHR.

The Council of Europe is looking for a maximum of 60 consultants (15 for each Lot) for the provision of consultancy services in the mentioned fields related to the reform of national justice systems in the framework of projects (both country-specific and regional) and cooperation activities implemented by the Division for Legal Co-operation in Armenia, Belarus, Georgia, North Macedonia (Republic of), Moldova (Republic of), Tunisia, Turkey (list of countries non-exhaustive).

The framework contract is concluded until 31 December 2021, with the possibility to renew it automatically on an annual basis until 31 December 2025. The total amount of the object of present tender should in principle not exceed 150,000 Euros per year of the 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. SCOPE OF THE FRAMEWORK CONTRACT**

The tender is divided into the following four lots. Consultants may submit a tender for one, several or all lots subject to the fulfilment of the criteria listed in the Tender Rules for the lot(s) concerned.

Throughout the duration of the framework contract, being instructed, supervised and coordinated by the designated staff members from the Council of Europe, the selected Providers may be asked to offer the national authorities the advice and expertise in the fields described below:

##### **Lot 1 – Independence of the judiciary**

###### **The list of expected deliverables (not exhaustive):**

- Assessment of national legislations and practices to ensure that the principles of external and internal independence of the judiciary are respected and comply with the CoE standards;
- Analysis of the efficiency of the organisation of the judiciary with regard to the access to justice, as part of the right to a fair trial (Article 6 of the ECHR);
- Analysis of the litigation procedures, including through a review of the codes of judicial procedure and development of recommendations as to their improvement in the light of the CoE standards;
- Assessment of the efficiency of the institutions and procedures related to the execution of national judicial decisions, with regard to the respective CoE standards and European practice;
- Review of major procedures defining the functioning of the judiciary, which include the issues of judicial selection, appointment, career, dismissal and discipline;
- Review of the ethical & integrity standards and the ethical codes developed by national judiciaries, their compliance with respective CoE standards;
- Provision of advice with regard to the establishing and managing of e-justice systems at the national level;

- Review of national legislations and practices concerning the involvement of civil society organisations in the procedures related to the functioning of the judiciary.
- Other deliverables, as requested by the CoE.

## **Lot 2 – Internal organisation of the judiciary, and the functioning of judicial self-governance bodies**

### **The list of expected deliverables (not exhaustive):**

- Support to the reform of national legislations and practices concerning the composition and powers of the councils for the judiciary, with regard to the respective CoE standards and recommendations;
- Review of national legislations and practices concerning the composition and powers of the bodies in charge of selection and assessment of judges;
- Analysis of the national systems of judicial training, including induction and on-the-job training programmes and institutions;
- Analysis of the systems of financing of the judiciary at the national level and the corresponding budgetary procedures and provision of recommendations as to their improvement for a better compliance with CoE standards;
- Review of the roles and procedures related to the functioning of assistants to judges, with regard to the respective CoE standards and recommendation;
- Other deliverables, as requested by the CoE.

## **Lot 3 – Implementation of the European Convention on Human Rights (Article 6) by national justice systems and courts**

### **The list of expected deliverables (not exhaustive):**

- Assessment of national legislations and practices of interaction between the ECtHR and national courts, which includes implementation of Protocol 16 to the ECHR and the national procedures for the re-opening of judicial proceedings following an ECtHR judgment;
- Assessment of national legislations and practices concerning national mechanisms for the execution of judgments of the ECtHR, development of the recommendations on their better compliance with relevant CoE standards;
- Analysis of the national mechanisms of cooperation of the institutions of the legislative, executive and judicial branches of power with the Government Agent before the ECtHR;
- Provision of advice to the judiciary, in particular the Supreme Court, on improving of its procedures and, if relevant, the national legislation so as to ensure the effective implementation of the ECHR at the national level;
- Other deliverables, as requested by the CoE.

## **Lot 4 – Support to the reforms of the bar and systems of legal representation in courts**

### **The list of expected deliverables (not exhaustive):**

- Review of national legislations and practices on the functioning and organisation of the bar, including development of recommendations on further implementation of the related CoE standards;
- Review of the national legislations and practices of legal representation in courts;
- Analysis of the system of institutions and procedures concerning the free legal aid and their compliance with the CoE standards;
- Review of the national legislative frameworks and practices concerning the lawyer-client relationship and definition of major issues and gaps in this regard, in the light of the relevant CoE standards;
- Other deliverables, as requested by the CoE.

The consultants will be asked to undertake at least seven missions to provide the expected deliverables.

The above list is not considered exhaustive. The Council of Europe reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the fields of expertise which are the object of the present framework contract.

In terms of the **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 of Europe – 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 of Europe to ensure a continuing exchange of information relevant to the project implementation. This involves, among others, a requirement to inform the Council of Europe as soon as he/she 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 of Europe, the 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 2 (two) 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 quote<sup>1</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.

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<sup>1</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.

## E. ASSESSMENT

*Exclusion criteria* (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;
- 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):

- A university degree in law, political sciences, social sciences, international relations, public administration or related fields;
- At least 7 years of professional experience in areas related to the rule of law and the judiciary, of which at least 3 years acquired in an international context;
- Excellent knowledge of the English language (at least level C1 of the Common European Framework of Reference for Languages); **OR**
- Excellent knowledge of the French language (at least level C1 of the Common European Framework of Reference for Languages (**only for projects implemented in French-speaking countries**))
- A financial offer not exceeding the limit set out in the Act of Engagement.

Only bids submitted in English (or French, for the French-speaking countries) shall be deemed eligible.

### *Award criteria*

The following criteria will be applied in the assessment of each of the Lots for which the tenderer submits a tender:

Criterion 1: Relevance of the experience of the tenderer in the areas covered by this call, including previous assignments with international organisations; knowledge of the national and regional contexts in the field of the judiciary (50%);

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

Criterion 3: The financial offer as indicated in the Table of fees (20%).

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

### **Multiple tendering is not authorised.**

<sup>2</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 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).

## F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the Act of Engagement;<sup>3</sup>
- A detailed CV, preferably in the Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer;
- Contact details of 3 (three) references;
- A sample of an article, legal opinion, report or another relevant text recently drafted, in English (or French for the projects implemented in French-speaking countries), by the tenderer;
- A motivation letter describing how the tenderer meets the requirements of the expected services (see section B above) including indication of:
  - i) Specific and/or preferred fields of expertise: Lot 1 – Independence of the judiciary, Lot 2 – Internal organisation of the judiciary and functioning of self-governance judicial bodies, Lot 3 – – Implementation of the European Convention on Human Rights (Article 6) at the national level, Lot 4 – Support to the reforms of the bar and systems of legal representation in courts;
  - ii) Specific experience in regard of Lot 1 – Independence of the judiciary, Lot 2 – Internal organisation of the judiciary and functioning of self-governance judicial bodies, Lot 3 – Implementation of the European Convention on Human Rights (Article 6) at the national level, Lot 4 – Support to the reforms of the bar and systems of legal representation in courts.
- Tenderers may supplement motivation letters with documents proofing their knowledge, such as programmes of events and descriptions of projects they participated in, titles and references of research they undertook and summaries of reports they produced.
- For legal persons only - registration documents, a list of all owners and executive officers.

**All documents shall be submitted in English (or French for the projects in French-speaking countries), 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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<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.

## PART II – TENDER RULES

### CALL FOR TENDERS

#### FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES FOR THE CO-OPERATION PROJECTS IMPLEMENTED BY THE DIVISION FOR LEGAL CO-OPERATION OF THE JUSTICE AND LEGAL CO-OPERATION DEPARTMENT (DGI) IN ARMENIA, BELARUS, GEORGIA, MOLDOVA, NORTH MACEDONIA, TUNISIE, TURKEY, UKRAINE 2020/AO/68

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

##### 1.1 Name and address

##### COUNCIL OF EUROPE

Directorate General of Human Rights and Rule of Law (DG-I)

##### 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>4</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 or French, and shall be exclusively sent to the following address: [DGI.Justice.Reform.Unit1@coe.int](mailto:DGI.Justice.Reform.Unit1@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 bids** shall be sent **only** to [cdm@coe.int](mailto:cdm@coe.int) with the subject line "**2020AO68 – Consultancy services justice reform**". 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 07 February 2021.

#### 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>4</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;
- A list of all owners and executive officers, for legal persons only;
- A detailed CV, preferably in the Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer;
- Contact details of 3 (three) references;
- A sample of an article, legal opinion, report or another relevant text recently drafted in English (or French for the projects implemented in French-speaking countries) by the tenderer;
- A motivation letter describing how the tenderer meets the requirements of the expected services (see section B above) including indication of:
  - Specific and/or preferred fields of expertise: Lot 1 – Independence of the judiciary, Lot 2 – Internal organisation of the judiciary, and the functioning of judicial self-governance bodies, Lot 3 – Implementation of the European Convention on Human Rights (Article 6) by national justice systems and courts, Lot 4 – Support to the reforms of the bar and systems of legal representation in courts;
  - Specific experience in regard of Lot 1 – Independence of the judiciary, Lot 2 – Internal organisation of the judiciary, and the functioning of judicial self-governance bodies, Lot 3 – Implementation of the European Convention on Human Rights (Article 6) by national justice systems and courts, Lot 4 – Support to the reforms of the bar and systems of legal representation in courts;
- Tenderers may supplement motivation letters with documents proofing their knowledge, such as programmes of events and descriptions of projects they participated in, titles and references of research they undertook and summaries of reports they produced.

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## 2) HOW TO SEND TENDERS?

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

**Electronic bids shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with the subject line "2020A068 – Consultancy services\_justice reform". Tenders submitted to another e-mail account will be excluded from the procedure.**

The deadline for the submission of tenders is 07 February 2021.