



CALL FOR TENDERS

FOR THE PROVISION OF INTELLECTUAL CONSULTANCY SERVICES AT LOCAL LEVEL TO SUPPORT THE IMPLEMENTATION OF THE PROJECT ON "IMPROVING THE JUVENILE JUSTICE SYSTEM AND STRENGTHENING THE EDUCATION AND TRAINING OF PENITENTIARY STAFF" IN THE REPUBLIC OF SLOVENIA (COMPONENT I)

2022/A068/Juvenile Justice_Slovenia

Object of the procurement procedure ▶	Intellectual consultancy services at local level on juvenile justice in Slovenia
Project ▶	EU/CoE joint project on « Improving the juvenile justice system and strengthening the education and training of penitentiary staff" (Component I)
Organisation and buying entity ▶	Council of Europe Directorate General of Democracy (DGII) Children's Rights Division
Type of contract ▶	Framework Contract
Duration ▶	Until 31 May 2023
Expected starting date ▶	01 November 2023
Tender Notice Issuance date ▶	29 September 2022
Deadline for tendering ▶	21 October 2022

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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 G 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 CONSULTANCY SERVICES AT LOCAL LEVEL TO SUPPORT THE IMPLEMENTATION OF THE PROJECT ON "IMPROVING THE JUVENILE JUSTICE SYSTEM AND STRENGTHENING THE EDUCATION AND TRAINING OF PENITENTIARY STAFF" IN THE REPUBLIC OF SLOVENIA (COMPONENT I) 2022/AO68/JUVENILE JUSTICE_SLOVENIA

A. BACKGROUND

The Council of Europe is currently implementing a Project on 'improving the juvenile justice system in Slovenia' (Component I). It is co-financed by the EU Structural Reform Support Programme and implemented by the Council of Europe Children's Rights Division in close cooperation with the EU DG Reform and the Slovenian Ministry of Justice (MoJ) for the period 01 September 2021 to 31 May 2023 following the extension of the project.

The objective is to support the Ministry of Justice with the current ongoing reform in the area of juvenile justice with activities related to the research and analysis of gaps, a case law analysis, a comparative study and analysis of policies and good practices, the formulation of recommendations for improvement and capacity building and trainings of all stakeholders to facilitate the coherent implementation of the reform of the juvenile justice system and integrate it into their practice.

The direct beneficiary of this project is the Ministry of Justice of the Republic of Slovenia and the legal and non-legal professionals working in the juvenile justice sector. The final beneficiaries of this project are represented by children in conflict with the law who will benefit from measures tailored to their needs and the society at large.

The Council of Europe Children's Rights Division is looking for a maximum of 14 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on juvenile justice .

This Contract is currently estimated to cover up to 10 activities, to be held by *31 May 2023*. 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 project amounts to *330.000* Euros and the total amount of the object of present tender should in principle not exceed *20 000* 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
Lot 1: Research and gap analysis to identify existing challenges and gaps of the existing national legal and policy framework related to juvenile justice in Slovenia (with focus on sanctions for juvenile offenders)	2
Lot 2: Analysis report of the case law related to juvenile justice with focus on juvenile offenders	4
Lot 3:	4

Comparative study of European standards and promising practices with targeted recommendations for the Slovenian context	
Lot 4: Recommendation for provisions to be included in legal review and/or preparation of a specific legal act on sanctions for juvenile offenders and a roadmap for implementation	4

Lot 1 concerns : Consultancy services relating to preparation of an analytical report which will entail desk work as well as empirical research in cooperation with relevant stakeholders including the judiciary, law enforcement, healthcare professionals, civil society organisations, etc. This report will contribute to the formulation of recommendations in Lot 4 by highlighting the main gaps to be addressed.

Lot 2 concerns: Consultancy services relating to the preparation of a case law analysis which will entail desk work as well as empirical research to select and collect the relevant cases from different courts and prosecution offices. The resulting analytical report will contribute to the formulation of recommendations in Lot 4 by emphasising the needs and potential solutions for the system with insights from legal practice and actual judgements.

Lot 3 concerns: Consultancy services relating to the preparation of a comparative study of European standards and promising practices in collaboration with international experts, which will entail desk research to ensure the applicability of good practices to the Slovenian system. The results of this research will facilitate the identification of the most relevant member states to the Slovenian context to organise a study visit.

Lot 4 concerns: Consultancy services relating to the preparation of a report which will analyse the draft "Liability of Minors for Criminal Offences Act" on the basis of the recommendations from the previous Lots and in collaboration with an international expert, which will entail desk research. This deliverable also includes the preparation of an implementation roadmap in close collaboration with the international experts, the Ministry of Justice and other key stakeholders. To support the preparation of the recommendation and roadmap for implementation, local and national experts will lead training sessions on priority issues identified, which will include peer-to-peer training.

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 collaborate with the the Project team and international experts to:

Under Lot 1:

- Provide advice and expertise: identification of challenges, drafting recommendations or reviewing the work of other experts;
- Exchange with other experts and stakeholders: participate in roundtables/working groups, seminars, conferences and presenting the state of play/findings of the report and recommendations.

Under Lot 2:

- Provide advice and expertise: identification of challenges, drafting reports and recommendations or review the work of other experts;
- Exchange with other experts and stakeholders: participating in roundtables/working groups, seminars, conferences and presenting the state of play/findings of the report as well as providing recommendations.

Under Lot 3

- Provide advice and expertise: identification of challenges, drafting reports and recommendations, or reviewing the work of other experts;
- Exchange with other experts and stakeholders: participating in roundtables/working groups, seminars, conferences and presenting the state of play/findings of the report as well as providing recommendations.

- Contribute to capacity-building activities: leading or co-leading training sessions and workshops on the findings of the analytical report;
- Take part in study visits : to countries whose system has been identified as a good model for Slovenia, by virtue of good practices.

Under Lot 4

- Provide advice and expertise: identification of challenges, drafting reports and recommendations or reviewing the work of other experts;
- Exchange with other experts and stakeholders: participating in roundtables/working groups, seminars, conferences and presenting the state of play/findings of the report as well as providing recommendations;
- Contribute to capacity-building activities: leading training sessions and workshops on the findings of the analytical report.

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 will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section E 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 3 (three) 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 3 (three) 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 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.

F. 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, 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 appear to be in a situation of conflict of interest;
- are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;

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 and sixth 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).

- 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).

Eligibility criteria

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

- **For all Lots:**
 - An advanced university degree in law, human rights, children's rights or other relevant professional qualification with proven experience, knowledge and practical understanding of juvenile justice;
 - Minimum of 3 years professional experience working in an area related to juvenile justice at national or international level;
 - Ability to work in an international environment;
 - Excellent communication skills; confirmed drafting skills and excellent spoken English at C1 level.
- **For Lot 1 (Research and Gap Analysis) in addition:**
 - Minimum 3 years of working experience in research in the field of criminal law or juvenile justice.
 - Experience in data collection through both desk research and interviews.
- **For Lot 2 (Case Law Analysis) in addition:**
 - 2 years working experience in analysing case law and providing for concrete recommendations based on the findings.
- **For Lot 3: (Comparative Study of European Standards and promising practices) in addition:**
 - Proven knowledge of European standards related to juvenile justice and restorative justice.
 - 2 years of practical experience in providing trainings to court staff and other legal professionals such as judges, prosecutors, lawyers, police officers.
- **For Lot 4: (Recommendations for provisions to be included in legal review and/or preparation of a specific legal act on sanctions for juvenile offenders and a roadmap for implementation) in addition:**
 - Excellent analytical and drafting skills.
 - 2 years of practical experience in providing trainings to court staff and other legal professionals such as judges, prosecutors, lawyers, police officers.

Award criteria

- Quality of the offer (80%), including:
 - Professional experience in the fields of expertise covered by this tender, including length of experience and proven track record of practical achievements in the given field;
 - Proven knowledge of and experience with the situation of children in conflict with the law that are affected by mental health, developmental, emotional or behavioural issues.
- Financial offer (20%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- **One** completed and signed copy of the Act of Engagement;³

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.

- A detailed CV clearly demonstrating that the tenderer fulfils the eligibility criteria;
- CVs of persons allocated to the execution of the contract, for legal persons only;
- A list of all owners and executive officers, for legal persons only;
- Motivation letter demonstrating the tenderer's understanding Council of Europe's needs and clearly indicating relevant professional experience and expertise in the field described under the scope of this contract;

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.

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PART II – TENDER RULES

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ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address COUNCIL OF EUROPE

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, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are governed by the Financial Regulations of the Organisation and by Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

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, a legal person or consortia of legal and/or natural persons.

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: children@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 with reference no. **2022/AO68/JUVENILE** in the subject field. 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 21 October 2022 by 23:59 CET.

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.

* * *

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:

- **One** completed and signed copy of the Act of Engagement;⁵
 - A detailed CV clearly demonstrating that the tenderer fulfils the eligibility criteria;
 - CVs of persons allocated to the execution of the contract, for legal persons only;
 - A list of all owners and executive officers, for legal persons only;
 - Motivation letter demonstrating the tenderer's understanding Council of Europe's needs and clearly indicating relevant professional experience and expertise in the field described under the scope of this contract;
 - Additional as relevant: links and/or samples of previous work if available in English.
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2) HOW TO SEND TENDERS?

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

Electronic copies shall be sent only to cdm@coe.int with reference no. **2022/AO68/JUVENILE JUSTICE Slovenia** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 21 October 2022 by 23:59 CET.

⁵ 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.