



CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREAS OF LEGISLATION AND ITS IMPLEMENTATION IN THE FIELD OF INDEPENDENCE AND ACCOUNTABILITY OF THE JUDICIAL SYSTEM AND PROTECTION OF VICTIMS' RIGHTS IN MONTENEGRO

2023/AO/37

Object of the procurement procedure ▶	Short-term local consultancy services on independence and accountability of the judicial system and protection of victims' rights
Project ▶	HF7 – Strengthening accountability of the judicial system and enhancing protection of victims' rights in Montenegro
Organisation and buying entity ▶	Council of Europe Directorate General Human Rights and Rule of Law Co-operation Programmes Division
Type of contract ▶	Framework Contract
Duration ▶	Until 31 December 2027
Expected starting date ▶	26 June 2023
Tender Notice Issuance date ▶	09 May 2023
Deadline for tendering ▶	31 May 2023

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
- **The TENDER RULES**..... 11
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 CONSULTANCY SERVICES ON INDEPENDENCE AND ACCOUNTABILITY OF THE JUDICIAL SYSTEM AND PROTECTION OF VICTIMS' RIGHTS IN MONTENEGRO 2023/AO/37

A. BACKGROUND

Since 2016, Council of Europe has supported further enhancement of professionalism and accountability of the judicial system in Montenegro and the overall protection of fundamental rights in line with the European Court of Human Rights and Council of Europe standards, with a particular focus on judicial integrity, ethics and discipline, and on the rights of suspects, accused persons and victims (above all belonging to vulnerable groups).

Building upon results achieved and lessons learnt during the consecutive implementation of the two Horizontal Facility actions "Accountability and Professionalism of the Judicial System" (HF6) and "Improving procedural safeguards in judicial proceeding in Montenegro" (HF7), the action will focus on duty-bearers to improve their integrity, transparency, independence, and primarily their role in protecting and enabling effective and consistent use of rights of citizens. At the same time, it will continue working with the rights-holders to empower them with relevant knowledge, awareness and skills to better claim redress for their rights. Having an accountable and professional judiciary is a precondition to have better quality service and victim-oriented judicial system.

The action is structured around two main objectives:

- 1) Strengthening judicial system's accountability and professionalism in line with relevant European standards on judicial independence and impartiality;**
- 2) Enhancing protection of the victims of human rights violations and crimes, in line with EU acquis and ECtHR case law.**

These objectives are directly linked to political requirements of the Stabilisation and Association Process, agreed between the EU and Montenegro. Namely, the action provides for concrete initiatives to facilitate progressive changes in the justice system to address the EU accession benchmarks in Chapters 23 & 24. It also responds to the objectives of the Judicial Reform Strategy in force, related to proper functioning of judiciary, judicial accountability and effective implementation of European human rights standards and the European Court of Human Rights (ECtHR) case law at the domestic level.

The Council of Europe is looking for a maximum of 85 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the field of the independence and accountability of the judicial system and protection of victims' rights.

This Contract is currently estimated to cover up to 200 activities, to be held by 31 December 2027. 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 1,600.000 Euros and the total amount of the object of present tender should in principle **not exceed 80,000 Euros tax exclusive** 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 Action HF7 Strengthening accountability of the judicial system and enhancing protection of victims' rights in Montenegro is implemented under the European Union and the Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Türkiye". The implementation of the Action started on 1 January 2023 and will last until 31 December 2026.

The main objective of the project is to support the Montenegrin authorities to enhance the accountability and professionalism of the judicial system and judicial independence as well as to fully align domestic legal and institutional framework and practice on victims' rights with the EU and ECtHR standards.

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, analysis and legal review of legislation and policy documents in the area of independence and accountability of the judicial system and protection of victims' rights in Montenegro	20
Lot 2: Capacity-building activities for the legal professionals in the field of judicial reform and protection of victims' rights in Montenegro	30
Lot 3 Institutional Support and Capacity Building for the bodies and structures related to the judiciary, mediation and human rights	15
Lot 4: Legal and human rights education and awareness-raising among practitioners and public at large on the issues related to accountability of the judicial system and protection of victims' rights in Montenegro	20

Lot 1 concerns provision of local consultancy services in conducting research, analysis and legal review of legislation and policy documents in the area of independence and accountability of the judicial system and protection of victims' rights in Montenegro

Lot 2 concerns provision of local consultancy services related to capacity-building activities for the legal professionals in the field of judicial reform and protection of victims' rights

Lot 3 concerns provision of local consultancy services in the area of institutional support and technical assistance related to internal organisation of the judiciary, administration of justice and support to functioning of judicial self-governance bodies, supervisory bodies of independent legal professions, providers of ADR services and bodies related to the protection of human rights

Lot 4 concerns provision of local consultancy on provision of legal and human rights education and awareness-raising among legal practitioners and public at large on the issues related to accountability of the judicial system and protection of victims' rights in Montenegro

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section F below), is equivalent to or higher than 2.5 will be selected under each Lot.

C. SCOPE OF THE FRAMEWORK CONTRACT

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the following deliverables under the Lots (lists non-exhaustive):

Lot 1 concerns provision of local consultancy services in conducting research, analysis and legal review of legislation and policy documents in the area of independence and accountability of the judicial system and protection of victims' rights in Montenegro

This shall include but not limited to consultancy services related to analyses, review and development of laws and policy documents related to accountability of the judicial system and protection of victims' rights in Montenegro, to ensure their alignment with the relevant international human rights standards and case-law of the European Court of Human Rights.

- Analyse and review specific laws, practice and regulations in Montenegro related to the respective area concerning overall accountability of the judicial system and protection of victims' rights in Montenegro;
- Review and develop policy documents (e.g. strategies, action plans, guidelines, methodologies, in the areas mentioned above), so they are adapted to the national context;
- Analyse, review, develop and further improve ethical and disciplinary framework, rules and regulations, practices and codes of conduct for judges, state prosecutors and other legal professions such as lawyers, notaries, public bailiffs, court experts and court interpreters;
- Analyse and review domestic legal framework, practices, rules and regulations on alternative dispute resolution mechanisms;
- Participate and deliver presentations / moderate working group meetings, seminars, workshops, conferences, roundtables and public debates on the topics and issues listed above, contributing with an expertise on European standards and best practices;
- Provide reports offering the description of state-of-play and recommendations for improvement in the above-mentioned relevant areas of the overall accountability of the judicial system and protection of victims' rights in Montenegro.

Lot 2 concerns provision of local consultancy services related to capacity-building activities for the legal professionals in the field of judicial reform and protection of victims' rights

This shall include but not limited to training and technical assistance on relevant knowledge and skills of the staff of institutions such as the Ministry of Justice, judicial self-regulatory bodies (Judicial Council/Prosecutorial Council), the Centre for Training in the Judiciary and State Prosecution, Centre for Alternative Dispute Resolution, lawyers, public bailiffs, notaries, court experts, court interpreters and mediators, Victims' Support Services, students, as well as courts and prosecution offices on topics related to judicial reform, notably on independence and accountability of the judicial system, and on the protection of victims' rights in Montenegro.

Specifically, the following services are envisaged under this Lot.

- Participation and delivery of presentations to working groups, conferences, roundtables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;
- Assessment, drafting and delivery of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines on the topics and issues listed above;
- Facilitation for the development of desired outputs and deliverables as related to the above topics and as requested by the Council of Europe.

Lot 3 concerns provision of local consultancy services in the area of institutional support and technical assistance related to internal organisation of the judiciary, administration of justice and support to functioning of judicial self-governance bodies, supervisory bodies of independent legal professions, providers of ADR services and bodies related to the protection of human rights.

This shall include but not limited to the following consultancy services:

- Conduct functional analyses and reviews of the composition and powers of the councils for the judiciary and other relevant judicial bodies as well as the Centre for Alternative Dispute Resolution, with regard to the respective CoE standards and recommendations;
- Provide assistance in improving the systems of financing and management of the judiciary at the domestic/local level and the corresponding budgetary procedures and in formulating recommendations for improvement and a better compliance with CoE standards;
- Analyse the domestic systems and judicial training frameworks, including with regards to initial and on-the-job training programmes for judges, state prosecutors, judicial staff members and independent legal professions (lawyers, notaries, public bailiffs, courts experts, court interpreters and mediators);
- Contribute to the improvement of the structure, functioning and fulfilling the responsibilities of judicial and prosecutorial self-governing and bodies responsible for the provision of court/prosecutorial service management, including victims' support service in view of European standards and best practices;
- Act as key speakers in seminars, workshops, conferences, roundtables and public debates on the topics and issues listed above, contributing with an expertise on European standards and best practices.

Lot 4 concerns provision of local consultancy on provision of legal and human rights education and awareness-raising among legal practitioners and public at large on the issues related to accountability of the judicial system and protection of victims' rights in Montenegro

This shall include but not limited to training on delivering knowledge and skills to relevant community actors (CSOs, universities, local communities) and wide-reach awareness-raising campaigns targeting rights-holders in Montenegro about their rights and the way to claim them.

- Participation and delivery of presentations to working groups, conferences, roundtables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;
- Assessment, drafting, delivery and impact assessments of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines;
- Design, preparation, implementation and impact assessments of targeted awareness raising campaigns in the areas stipulated above.
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe.

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 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 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.

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.

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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
- 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):

- Advanced university degree in the relevant field (law/political/human rights or closely related studies).
- At least 3 (three) years of professional national or international experience in the area(s) indicated below:

Lot 1: Research, analysis, legal review of legislation and policy documents in the area of judicial reform, with particular focus on accountability of the judicial system and/or protection of victims' rights in Montenegro

Lot 2: Capacity-building activities of the national legal professionals in the field of independence and accountability of the judicial system and protection of victims' rights in Montenegro.

Lot 3 Institutional Support and Capacity Building for the bodies/structures related to the judiciary, mediation and human rights

Lot 4: Legal and human rights education and awareness-raising among practitioners and public at large on the issues related to accountability of the judicial system and protection of victims' rights in Montenegro.

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).

- Proven experience in consultancy for national/international institutions on the above-mentioned areas
- Montenegrin/Bosnian/ Croatian/Serbian mother tongue
- Excellent oral and written English, CEFR level – C1

Award criteria

- Quality of the offer (90%)

Criterion 1: Knowledge and experience in the area(s) covered by the Lot(s) the consultant is applying for, including knowledge of relevant international and/or Council of Europe standards (60%).

Criterion 2: Research, drafting and analytical skills. (30%)

- Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

NATURAL PERSONS

- **One** completed and signed copy of the **Act of Engagement**;³ (see attached)
- A detailed **CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A **motivation letter** describing how the tenderer meets the criteria above and demonstrating the tenderer's understanding of the international and Council of Europe standards (2 pages maximum);
- At least two examples of **previous work/deliverables**, assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims (if impossible to provide the publications due to their size, then links/references to those would suffice);
- 3 (three) relevant **references**, from previous employers or clients (please indicate only the name, surname, position/occupation and phone number or e-mail – the Council of Europe reserves the right to contact the references during the selection procedure).

LEGAL PERSONS & CONSORTIA

- **One** completed and signed copy of the **Act of Engagement**;⁴ (see attached)
- A **profile of the legal person/consortia**;
- A **motivation letter** describing how the tenderer meets the criteria above and demonstrating the tenderer's understanding of the international and Council of Europe standards (2 pages maximum);
- For persons assigned to the execution of the contract by the legal person/consortia, the following shall be provided: detailed **CVs**, preferably in Europass Format demonstrating clearly that the tenderer fulfils the eligibility criteria and at least **2 examples of previous work/deliverables**, assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims (if impossible to provide the publications due to their size, then links/references to those would suffice);
- 3 (three) relevant **references**, from previous clients (please indicate only the name, surname, position/occupation and phone number or e-mail – the Council of Europe reserves the right to contact the references during the selection procedure);
- A **list of all owners and executive officers**.

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.

⁴ 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.

At the time a specific assignment is ordered from a tenderer (natural person) belonging to the category of local⁵ civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to submit a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the tenderer to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

Alternatively, at the time a specific assignment is ordered from a tenderer (legal person) assigning the production of the expected deliverables to an individual belonging to the category of local civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to verify and provide the Council of Europe with the necessary supporting documents confirming that this individual submitted a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the individual to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

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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⁵ For the purpose of this document, the term « local » designates consultants from one of the Horizontal Facility Beneficiaries region and Türkiye.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREAS OF LEGISLATION AND ITS IMPLEMENTATION IN THE FIELD OF INDEPENDENCE AND ACCOUNTABILITY OF THE JUDICIAL SYSTEM AND PROTECTION OF VICTIMS' RIGHTS IN MONTENEGRO 2023/AO/37

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE
DIRECTORATE GENERAL HUMAN RIGHTS AND RULE OF LAW
CO-OPERATION PROGRAMMES DIVISION
F-67075 STRASBOURG-CEDEX
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.⁶

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: dgl.judsys.mtnegro@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. **2023AO37** 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 31 May 2023 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.

* * *

⁶ 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:

NATURAL PERSONS

- **One** completed and signed copy of the **Act of Engagement**;⁷ (see attached)
- A detailed **CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A **motivation letter** describing how the tenderer meets the criteria above and demonstrating the tenderer's understanding of the international and Council of Europe standards (2 pages maximum);
- At least two examples of **previous work/deliverables**, assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims (if impossible to provide the publications due to their size, then links/references to those would suffice);
- 3 (three) relevant **references**, from previous employers or clients (please indicate only the name, surname, position/occupation and phone number or e-mail – the Council of Europe reserves the right to contact the references during the selection procedure).

LEGAL PERSONS & CONSORTIA

- **One** completed and signed copy of the **Act of Engagement**;⁸ (see attached)
- A **profile of the legal person/consortia**;
- A **motivation letter** describing how the tenderer meets the criteria above and demonstrating the tenderer's understanding of the international and Council of Europe standards (2 pages maximum);
- For persons assigned to the execution of the contract by the legal person/consortia, the following shall be provided: detailed **CVs**, preferably in Europass Format demonstrating clearly that the tenderer fulfils the eligibility criteria and at least **2 examples of previous work/deliverables** assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims (if impossible to provide the publications due to their size, then links/references to those would suffice);
- 3 (three) relevant **references**, from previous clients (please indicate only the name, surname, position/occupation and phone number or e-mail – the Council of Europe reserves the right to contact the references during the selection procedure);
- A **list of all owners and executive officers**.

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. **2023AO37** 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 31 May 2023 by 23:59 CET.

⁷ 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.

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