



CALL FOR TENDERS

FOR THE PROVISION OF FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES FOR THE CO-OPERATION PROJECTS ON ALTERNATIVE DISPUTE RESOLUTION (ADR) WHICH ARE IMPLEMENTED BY THE DEPARTMENT FOR THE IMPLEMENTATION OF HUMAN RIGHTS, JUSTICE AND LEGAL CO-OPERATION STANDARDS (DGI) IN ARMENIA, BELARUS, GEORGIA, MOLDOVA, NORTH MACEDONIA, TUNISIA, TURKEY, UKRAINE

2021/AO/18

Object of the procurement procedure ▶	Consultancy services for the co-operation projects on Alternative Dispute Resolution (ADR) which are implemented by the Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards in Armenia, Belarus, Georgia, Moldova, North Macedonia, Tunisia, Turkey, Ukraine (list non-exhaustive)
Project ▶	Justice reform projects on ADR implemented within the Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards
Organisation and buying entity ▶	Council of Europe Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards
Type of contract ▶	Framework Contract
Duration ▶	Until 01 June 2025
Expected starting date ▶	01 June 2021
Tender Notice Issuance date ▶	19 April 2021
Deadline for tendering ▶	16 May 2021

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**..... 9
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 ON ALTERNATIVE DISPUTE RESOLUTION (ADR) WHICH ARE IMPLEMENTED BY THE DEPARTMENT FOR THE IMPLEMENTATION OF HUMAN RIGHTS, JUSTICE AND LEGAL CO-OPERATION STANDARDS (DGI) IN ARMENIA, BELARUS, GEORGIA, MOLDOVA, NORTH MACEDONIA, TUNISIA, TURKEY, UKRAINE 2021/AO/18

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.

One of the areas where the Council of Europe's Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards provides technical support and implements co-operation activities concerns the reforming of justice systems through the improvement of effectiveness and expansion of the use of ADR mechanisms, with a view to reducing the unnecessary workload of national courts, so that they deliver timely and high quality decisions, as required by the European Convention on Human Rights case-law on the right to fair trial (Article 6 of the European Convention on Human Rights).

The Council of Europe is looking for a maximum of consultants 75 (25 for each Lot) for the provision of consultancy services in the fields mentioned below related to the promotion of ADR within the framework of projects (both country-specific and regional) and cooperation activities implemented by the Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards in Armenia, Belarus, Georgia, North Macedonia (Republic of), Moldova (Republic of), Tunisia, Turkey, Ukraine (list of countries non-exhaustive).

The framework contract is concluded until 01 June 2022, with the possibility to renew it automatically on an annual basis until 01 June 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. LOTS

Council of Europe's Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards provides technical support and implements projects in a number of countries in relation to the use of ADR mechanisms in criminal and non-criminal cases.

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: Conciliation in criminal matters	25
Lot 2: Mediation and arbitration	25
Lot 3: Strategic planning and policy development of ADR mechanisms	25

Lot 1 concerns consultancy on the enhancement of conciliation in criminal matters and its effective implementation by ensuring the protection of the rights of minors, victims and offenders.

Lot 2 concerns consultancy on increasing the use and scope of mediation and arbitration in civil, administrative, commercial law, etc.

Lot 3 concerns consultancy on strategic and policy development of ADR mechanisms, including design, management and financing of respective services.

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

Under LOT 1 - Conciliation in criminal matters

- Assess national legislation and practices on conciliation in criminal matters, including through a review of the rules and procedures and development of recommendations as to their improvement in the light of the Council of Europe standards;
- Assess the needs of the current system of conciliation in criminal law; provide comparative analysis of best practices in member States and existing international conciliation models;
- Conduct monitoring of the implementation of conciliation and practical application of existing regulations;
- Provide advice with regard to piloting new models of conciliation in selected courthouses, including by designing and developing new models of conciliation and support their implementation within the relevant national legislation;
- Conduct training needs assessment (TNA) of conciliators and staff of conciliation bureaux (centres);
- Develop and update conciliation training programmes and materials, prepare a refresher conciliation training programme and materials; conduct training of trainers (ToT);
- Deliver seminars for judges, prosecutors and other stakeholders on conciliation;
- Develop new or update existing manuals, guidebooks or handbooks on conciliation for judges, staff of conciliation bureaux (centres), prosecutors, lawyers and other stakeholders;
- Develop handbooks, general information leaflets and posters for conciliation users and the general public.

Under LOT 2 – Mediation and arbitration

- Assess national legislation and practices on mediation and arbitration, including through a review of the rules and procedures and development of recommendations as to their improvement in the light of the Council of Europe and other international standards;
- Conduct a gaps analysis related to mediation and arbitration;
- Conduct comparative review of the European best practices and other international models of mediation and arbitration;
- Conduct research on the feasibility of various aspects of organisation of mediation;
- Conduct a needs analysis of the institutional capacity of mediation bureaux (centres) and the training needs assessment of their staff;
- Evaluate the existing legal framework and practices in the field of family law and referral mediation as well as develop methodology for a case study on monitoring selected types of cases in line with European standards;
- Provide advice on defining a case management, monitoring and evaluation system of the mediation services;
- Prepare a model pilot training programme and conduct training on the case management, monitoring and evaluation system for the staff of private mediation centres;
- Provide advice for the development of a unified assessment and accreditation system for mediators;
- Conduct information seminars on mediation and arbitration for members of the judiciary, lawyers and other stakeholders;
- Design and conduct basic, advanced and specialised training courses and ToTs on mediation, practical examination of mediators and their accreditation;
- Conduct awareness raising seminars on mediation and arbitration, roundtable discussions and information meetings with businesses and their representatives;
- Prepare practical handbook, guidebooks, public information leaflets and posters on mediation and arbitration for relevant target groups and the general public.

Under LOT 3 - Strategic planning and policy development of ADR mechanisms

- Participate, make presentations and provide expert input on key issues related to the strategic planning and policy development on ADR mechanisms at international high-level conferences, dedicated fora and meetings;
- Provide advice to national authorities related to strategic planning and development of policy on the ADR mechanisms;
- Provide advice on the development of awareness raising strategy on the ADR mechanisms and its implementation.

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 **Error! Reference source not found.** below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract

E. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 2 (two) working days after its reception.

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers of the relevant lot the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 2 (two) working days after its reception. If a Provider is unable to take an Order or if no reply is given on his behalf within that deadline, the Council may call on another Provider using the same criteria, and so on until a suitable Provider is contracted.]

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a 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;

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.

- 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 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).

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):

Common criteria for all lots:

- In-depth knowledge of international and European standards and best practices concerning ADR mechanisms, in particular, conciliation, mediation and/or arbitration;
- At least 5 years of professional experience in areas related to the ADR of which at least 3 years acquired in an international context;
- Good understanding of integrating gender equality and other relevant human rights and rule of law issues into the area of ADR;
- 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.

Criteria for specific lots:

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 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).

For Lot 1 (Conciliation in criminal matters):

- Minimum 5 years of work experience in the field of conciliation, dealing with at least one of the following issues:
 - needs assessment, research, legislative review and comparative analysis;
 - case monitoring, policy design and drafting of recommendations;
 - development and implementation of training programmes;
 - delivering seminars for judges and prosecutors;
 - preparation of practical information tools for professionals and awareness raising materials for conciliation users.

For Lot 2 (Mediation and arbitration):

- Minimum 5 years of work experience in the field of mediation and/or arbitration, dealing with at least one of the following issues:
 - needs assessment, research, legislative review and comparative analysis;
 - evaluation of mediation services, case management and performance assessment;
 - policy design and provision of practical recommendations;
 - development and implementation of training programmes for mediation/arbitration professionals;
 - delivering seminars for judges, lawyers and mediation/arbitration professionals;
 - preparation of practical information tools for mediation/arbitration professionals and/or awareness raising materials for the users.

For Lot 3 (Strategic planning and policy development of ADR mechanisms):

- Minimum 5 years of work experience in the field of ADR mechanisms, dealing with at least one of the following issues:
 - development of policies, strategic planning and co-ordination of ADR mechanisms;
 - design of awareness raising strategy and public information campaigns.

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 ADR (50%);

Criterion 2: Knowledge of the standards and recommendations of the Council of Europe and other international organisations in the field of conciliation, mediation and arbitration (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.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the Act of Engagement;³
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Contact details of 3 (three) references;
- A motivation letter clearly indicating, in particular, the following:
 - how the tenderer meets the requirements of the expected services in relation to the lot(s) applied for (see Section B above); and
 - experience in the provision of technical expertise in international context in this domain.

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.

- Tenderers may supplement motivation letters with documents proving 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.
- Sample of a document in English or French (e.g. needs assessment report, policy paper, training material, brochure, article and or speech) recently authored by the tenderer concerning one of the substantive focus areas of the tender;
- 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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PART II – TENDER RULES

CALL FOR TENDERS

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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.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 or French, and shall be exclusively sent to the following address: 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 with the subject line "2021AO18 – Consultancy services_ADR". 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 **16 May 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.

* * *

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:

- A completed and signed copy of the Act of Engagement.⁵
 - A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
 - Contact details of 3 (three) references;
 - A motivation letter clearly indicating, in particular, the following:
 - how the tenderer meets the requirements of the expected services in relation to the lot(s) applied for (see Section B above); and
 - experience in the provision of technical expertise in international context in this domain.
 - 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.
 - Sample of a document in English or French (e.g. needs assessment report, policy paper, training material, brochure, article and or speech) recently authored by the tenderer concerning one of the substantive focus areas of the tender;
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2) HOW TO SEND TENDERS?

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