

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)



### Purchase of international consultancy services in the areas of enforcement of judicial decisions, length of proceedings, execution of the ECtHR judgments, and the right to property in Albania [Contract N° BH4651/2]

The Council of Europe is currently implementing an Action "Supporting enforcement of judicial decisions and facilitating the execution of ECtHR judgements in Albania" (the Action). In that context, it is looking for Provider(s) for the provision of international consultancy services in the areas of enforcement of judicial decisions, length of proceedings, execution of the European Court of Human Rights judgments, and the right to property in Albania to be requested by the Council of Europe on an as needed basis.

#### A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>1</sup>, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **framework contract** for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 120 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, a self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Pool of International Consultants D-REX.** Tenders addressed to another email address **will be rejected.**

The general information and contact details for this procedure are indicated on this page. You are invited to use the Council of Europe contact details indicated below for any question you may have. **All questions shall be submitted at least 5 (five) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions Pool of International Consultants D-REX**

Type of contract ▶	Framework contract
Duration ▶	Until 22 May 2022
Deadline for submission of tenders/offers ▶	<b>24 February 2020</b>
Email for submission of tenders/offers ▶	<b>tender.tirana@coe.int</b>
Email for questions ▶	tender.tirana@coe.int
Expected starting date of execution ▶	16 March 2020

<sup>1</sup> The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Action

As part of the European Union and Council of Europe cooperation framework "Horizontal Facility for the Western Balkans and Turkey", the Council of Europe implements the Action "Supporting enforcement of judicial decisions and facilitating execution of ECtHR judgments" in Albania, in close partnership with national partner institutions, including State Advocate, Albanian Parliament, High Judicial Council, Agency for the Treatment of Property, State Agency of Cadaster, Constitutional Court, High Court, School of Magistrates, School of Advocacy and Faculty of Law of the University of Tirana. The overall objective of the Action is to assist the Albanian authorities to efficiently and timely enforce domestic judicial decisions and execute judgments of the European Court of Human Rights. Focus is given to cases concerning the applicants' rights to peaceful enjoyment of property.

The Council of Europe is looking for Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Action with an international expertise in the area of enforcement of judicial decisions, length of proceedings, execution of the European Court of Human Rights judgments and right to property.

This Contract is currently estimated to cover up to 30 activities, to be held progressively by 23.05.2022. 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 Action.

For information purposes only, the total budget of the Action amounts to 700.000 Euros and the total amount of the object of present tender **shall not exceed 55,000 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.

### Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the Action and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: International consultancy on the enforcement of judicial decisions, length of proceedings and execution of the European Court of Human Rights judgments	20
Lot 2: International consultancy on the right to property	20

### **Lot 1 concerns provision of international consultancy services on the enforcement of judicial decisions, length of proceedings and execution of the European Court of Human Rights judgments in Albania.**

The indicative list of expected deliverables under Lot 1 is as follows (not exhaustive):

- Prepare legal opinions, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);
- Conduct needs assessment on specific activities (e.g. training needs) and documents (e.g. curricula, guidelines, laws, etc);
- Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics,
- Draft strategies, action plans, policy documents on specific topics;
- Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines;
- Deliver trainings on specific topics and based on developed training materials;

- Deliver presentations to working groups, conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with Action's stakeholders, including through moderating/facilitating discussions;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe.

## **Lot 2 concerns provision of local consultancy on the right to property in Albania.**

The indicative list of expected deliverables under Lot 2 is as follows (not exhaustive):

- Prepare legal opinions, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);
- Conduct needs assessment on specific activities (e.g. training needs) and documents (e.g. curricula, guidelines, laws, etc);
- Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics;
- Draft strategies, action plans, policy documents on specific topics;
- Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines;
- Deliver trainings on specific topics and based on developed training materials;
- Deliver presentations to working groups, conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with Action's stakeholders, including through moderating/facilitating discussions;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe.

The Council of Europe will select the above-mentioned number of Providers 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).

## **Scope of the Framework Contract**

The above list is descriptive of the scope of the Framework Contract but it 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 for the lot concerned.

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 of Europe – whenever this is the case – are followed.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council of Europe to ensure continuing exchange of information relevant to the Action implementation. This involves, among others, to inform the Council of Europe 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 of Europe, 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 fees, by completing and sending the table of fees, as attached in Section A to 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 of Europe will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

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

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council of Europe to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council of Europe).

#### Pooling

For each Order, the Council of Europe will choose from the pool of pre-selected tenderers for 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 of Europe 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 of Europe 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 quote<sup>2</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 Provider, is approved by the Council of Europe, by displaying a Council of Europe'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.

#### E. ASSESSMENT

##### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>3</sup>

Tenderers shall be excluded from participating in the tender procedure if they:

<sup>2</sup> It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

<sup>3</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 above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer.

- 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 as listed further below):

#### **Lot 1: Enforcement of judicial decisions, length of proceedings and execution of the European Court of Human Rights judgments**

- University degree in the relevant field (law/political/human rights or closely related studies)
- At least 5 (five) years of professional national or international experience in the following areas: human rights in relation to enforcement of domestic judicial decisions, execution of the European Court of Human Rights judgments, length of judicial proceedings.
- Proven experience in consultancy for national/international institutions on the above-mentioned areas
- Excellent oral and written English
- Excellent interpersonal skills
- Previous experience and/or knowledge of regional context in the areas covered by this call would be an advantage

#### **Lot 2: Right to property**

- University degree in the relevant field (law/political/human rights or closely related studies)
- At least 5 (five) years of professional national or international experience in the following area: human rights in relation to right to property
- Proven experience in consultancy for national/international institutions on the above-mentioned area
- Excellent oral and written English
- Excellent interpersonal skills
- Previous experience and/or knowledge of regional context in the areas covered by this call would be an advantage

#### ***Award criteria for Lot 1 and 2***

- Quality of the offer (90%)
  - Criterion 1: Thematic expertise in the relevant area, including the knowledge of the standards and recommendations of the Council of Europe in the areas covered by this call (50%);
  - Criterion 2: Previous similar assignments with international organisations (20%);
  - Criterion 3: Knowledge of the national and/or regional context in the areas covered by this call (20%);

- Financial offer (10%).

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

**Multiple tendering is not authorised.**

The Council of Europe reserves the right to hold interviews with the eligible bidders in accordance with Article 20 of Rule 1395.

F. DOCUMENTS TO BE PROVIDED

- 2 completed and signed copies of the **Act of Engagement**<sup>4</sup> (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 Council of Europe's standards (2 pages maximum);
- At least two examples of **previous work/deliverables**, preferably in a form of reference/links to publications, assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims;
- 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);
- A scanned copy of a valid **photographic proof of identity** (e.g. passport), for natural persons only (including from owners and executive officers of legal persons);
- A list of all owners and executive officers, for legal persons only;

**All documents shall be submitted in English or French, 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 of Europe 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>4</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.