**CALL FOR TENDERS**

for the provision of INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CONSTITUTIONAL JUSTICE, FUNCTIONING OF CONSTITUTIONAL COURTS, dissemination of THE standards OF THE eUROPEAN CONVENTION ON HUMAN RIGHTS, EU CONSTITUTIONAL LAW

**2024/AO/36**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CONSTITUTIONAL JUSTICE, FUNCTIONING OF CONSTITUTIONAL COURTS, DISSEMINATION OF THE STANDARDS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS, EU CONSTITUTIONAL LAW |
| **Project ►** | The Tender will cover the project and co-operation activities of the Co-operation Programmes Division in Member States and non-Member States of the Council of Europe within its cooperation frameworks |
| **Organisation and buying entity ►** | Council of EuropeCo-operation Programmes Division Directorate General of Human Rights and Rule of Law (DG-I) |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 31 December 2028 |
| **Expected starting date ►** | 30 September 2024 |
| **Tender Notice Issuance date ►** | 17 May 2024 |
| **Deadline for tendering ►** | 23 June 2024 23h59 CET |

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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** andcollect therequired **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 INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CONSTITUTIONAL JUSTICE, FUNCTIONING OF CONSTITUTIONAL COURTS, DISSEMINATION OF THE STANDARDS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS, EU CONSTITUTIONAL LAW**

**2024/AO/36**

1. **Background**

As part of its mission to promote democracy, human rights and rule of law across Europe and beyond, the Council of Europe provides support to its member States so that they could ensure the functioning of fair, effective and efficient justice systems, could develop their respective legislation and regulatory frameworks considering European standards, could offer justice reform strategies to strengthen capacities of various justice actors, such as judges, lawyers, and prosecutors in their application of human rights safeguards.

In this framework, the Co-operation Programmes Division supports advancing the reform of the constitutional justice through its projects and activities. This support refers to the relevant standards of the Council of Europe, the case-law of the European Court of Human Rights and the opinions of the Council of Europe’s European Commission on Democracy through Law (Venice Commission). The major aspects of the support concern enhancing procedural efficiency of constitutional courts, as well as individual application before the Constitutional Court as effective remedy, monitoring the impact of their decisions on national legal systems, including application of the judgments of the constitutional courts by ordinary courts, promoting accessibility and transparency in the functioning of constitutional courts, and ensuring alignment with the provisions of the European Convention and case-law of the European Court of Human Rights (European Court) when applying human rights safeguards at national level. Furthermore, fostering co-operation and dialogue among constitutional courts, including with relevant EU bodies to strengthen constitutional justice, and promoting key aspects of EU constitutional justice is in the focus of the support provided.

The Council of Europe is looking for a maximum of 85 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the projects, as well as the Ordinary Budget activities carried out by the Co-operation Programmes Division in the member States and non-member States of the Council of Europe within its cooperation frameworks (e.g. of non-member states, Kosovo\*,[[1]](#footnote-1) Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, etc., the list is non-exhaustive) with a particular expertise in the field of constitutional justice, functioning of constitutional courts, interaction of the constitutional courts with the institutions of the Council of Europe and the European Union, including support in the accession to EU where relevant.

This Contract is currently estimated to cover up to approximately 250 activities, to be held by the end of 2028. 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 annual budget of the Division’s activities in the areas mentioned above in the Council of Europe Member States and non-Member States for the current Division projects, as well as the Ordinary Budget activities, amounts to approximately Euro 15,000,000 and the total amount of the current tender should in principle not exceed Euro 3,000,000 for the entire 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.

**The tender is also covering activities that might be implemented in Ukraine. By submitting an offer in the framework of the present Call for Tenders, the Tenderer acknowledges that the persons involved in the implementation of the contract will be exposed to an increased risk of death and injury due to the ongoing war against Ukraine. The Tenderer also acknowledges that, if selected, it will carry out the implementation of the contract at its own risk.**

**The Tenderer confirms in addition that, if selected, it will perform systematic security assessments before implementing any activity related to the implementation of the contract. The Tenderer acknowledges that the Council of Europe does not assume any liability for the death, any injury or any damage that the Provider or persons involved in the implementation of the contract may sustain in Ukraine.**

1. **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: Constitutional justice | 20 |
| Lot 2: Functioning of constitutional courts | 20 |
| Lot 3: Dissemination of the standards of the European Convention on Human Rights | 25 |
| Lot 4: Constitutional Law of the European Union | 20 |

Lot 1 concerns general principles of constitutional justice, as well development of skills and knowledge in this regard.

Lot 2 concerns the efficiency of functioning of constitutional courts, including from the perspective of their transparency and accessibility.

Lot 3 concerns application of the standards of European Convention on Human Rights within the framework of national constitutional systems.

Lot 4 concerns the constitutional law of the European Union (EU) and interaction between EU institutions and constitutional courts at the national levels with regard to protection of human rights.

The Council of Europe will select the abovementioned number of Providers per lot, if the sufficient number of tenders meet the criteria indicated below. The tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

1. **SCOPE OF THE FRAMEWORK CONTRACT**

Throughout the duration of the Framework Contract, the pre-selected Providers may be asked to:

**Under Lot 1: Constitutional justice (20 providers)**

The scope of work of Lot 1 may include:

* enhancing the legal skills and knowledge of constitutional court judges and staff, which may include specialised training in constitutional law, human rights, and other relevant areas;
* developing skills in the areas of legal reasoning, argumentation, and legal drafting, developing skills in judicial reasoning and articulating well-founded legal arguments, judicial approaches and techniques within the constitutional framework;
* improving the methods and techniques used in constitutional interpretation vis a vis international human rights standards;
* supporting the work of the constituional courts in relation to individual application on human righst violation, through proper filtering system; simplified procedures related to leading cases as well as simplified procedures;
* raising awareness regarding international standards and best practices in constitutional justice, including with a focus on comparative law and facilitating the exchange of knowledge and expertise among constitutional courts, primarily from European countries;
* developing research skills and comprehensive documentation mechanisms within constitutional courts to support effective analysis, evaluation, and decision-making processes, including through building capacity with regard to use of legal research methodologies, and comparative analysis to thoroughly investigate constitutional issues;
* establishing systematic methods for documenting constitutional court decisions and associated case law, including provision of comprehensive case summaries, legal arguments, and the legal reasoning;
* incorporating a gender perspective and mainstrteaming gender equality in decisions of the courts .

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

* delivery of respective thematic expertise in the form of legal opinions, assessments, research, analytical notes, reports and other similar formats;
* participation in and expert contribution to different types of activities: working group meetings, round tables, workshops, consultation meetings, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations;
* provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area;
* contribution to the development of information and guiding materials/manuals/instructions in respective thematic area;
* contribution to the development of strategic, regulatory documents of beneficiaries;
* development and provision of tailored thematic workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with reference to gender equality and with the account of the practical context;
* thematically focused terminological proof-reading of documents.

**Under Lot 2: Functioning of constitutional courts (20 providers)**

The scope of Lot 2 may cover the following issues:

* accessibility and transparency of the work of constitutional courts, enhancing accessibility for legal professionals and citizens by promoting greater transparency via publishing court decisions, providing clear and easily understandable information about the court's procedures and processes, reporting on court activities, improving public outreach and education initiatives;
* procedural efficiency of the constitutional justice so that procedures are streamlined to ensure timely justice, via setting clear timelines for cases, limiting excessive delays, and providing adequate resources to handle the workload effectively;
* monitoring the implementation of decisions of constitutional courts and providing guidance on their interpretation and application within the national legal system, also through dialog between constitutional courts and ordinary courts in better understanding and implementing judgments of the constitutional court;
* Support of continuous development of human resources capacities of the constitutional courts, technical assistance in the development of the strategic functioning of the court;
* analysis of constitutional courts decisions by developing mechanisms for review and evaluation of the impact of constitutional court decisions to assess their effectiveness and promote consistency in the interpretation of constitutional principles by ordinary courts;
* support to development of internal expertise and diversity in the constitutional court, to ensure that the court is composed of highly qualified judges and analytical support staff, with diverse backgrounds and expertise;
* incorporating gender perspectives and promoting gender equality within the court's processes;
* involving stakeholders such as legal practitioners, civil society, academia, and the media in the court's activities; public outreach of the constitutional courts, supporting press units to enhance skills and capacities in better dealing with media related to the court’s activities;
* organisation of co-operation and interaction with other institutions - between the constitutional court and other branches of government, including via regular dialogue with the legislature and the executive to address constitutional issues and promote a culture of respect for the rule of law.

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

* delivery of respective thematic expertise in the form of assessments, research, analytical notes, reports and other similar formats;
* participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations;
* development and delivery of tailored thematic workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with reference to gender equality and with the account of the practical context;
* provision of expertise, guidance/instructions on application of modern methodologies and, techniques in respective thematic area;
* contribution to the development of information and guiding materials/manuals/instructions in respective thematic area;
* contribution to the development of strategic, regulatory documents of beneficiaries;
* thematically focused terminological proof-reading of documents.

**Under Lot 3: Dissemination of standards of the European Convention on Human Rights (25 providers)**

The scope of work in Lot 3 may include the following:

* developing skills and capacity of judges and legal staff of the constitutional courts on interpretation and application of the provisions of the European Convention , its principles, and the case-law of the European Court and its implications for national legal systems;
	+ developing tools and resources to assist the constitutional courts in analysing and applying cases of the European Court in their adjudication to ensure that fundamental rights guaranteed by the European Convention are upheld at the national level;
* support the dialogue and interaction of constitutional courts with the European Court, through promotion of the use of its case-law in the adjudication of the constitutional courts, disseminating the European Court's case-law, raising awareness about Protocol 16 to the European Convention and empowering constitutional courts to request advisory opinions from the European Court on questions of principle relating to the interpretation or application of the rights and freedoms defined in the European Convention and/or its Protocols, etc.

The indicative list of expected deliverables under Lot 3 is as follows (not exhaustive):

* delivery of respective thematic expertise in the form of assessments, research, analytical notes, reports and other similar formats;
* participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations
* development and provision of tailored thematic workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations, summaries of the cases of the European Court) with reference to gender equality and with the account of the practical context;
* thematically focused terminological proof-reading of documents.

**Under Lot 4: Constitutional Law of the European Union (20 providers)**

The scope of work of Lot 4 may include the following:

* development of expertise, knowledge and understanding of EU institutional law, constitutional foundations of the EU, legal principles of EU law;
* increasing knowledge on EU fundamental rights and the EU Charter of Fundamental Rights , enabling the constitutional courts to effectively interpret and apply respective provisions, including the corresponding case-law of the Court of Justice of the European Union increasing compatibility of national laws with EU law, also, the assessment of consistency of provisions on fundamental rights guaranteed by the national constitutions with the EU Charter of Fundamental Rights;
* facilitating the understanding of the interplay between the European Convention and the development of EU human rights standards and regulations;
* facilitating co-operation of constitutional courts with EU institutions, particularly the European Court of Justice to ensure consistent interpretations of the EU law and to provide for the compatibility of national laws with EU legal principles, understanding the mechanism related to requests for preliminary rulings of the European Court of Justice on the interpretation or validity of the EU law;
* increasing knowledge in interpreting and applying EU law in transnational legal challenges when the non-EU constitutional courts may face legal cases involving cross-border disputes, extradition, or asylum, as well as co-operation with EU member States and institutions.

The indicative list of expected deliverables under Lot 4 is as follows (not exhaustive):

* Delivery of respective thematic expertise of the form of legal opinions, assessments, research, analytical notes, reports and other similar formats;
* Participation in and expert contribution to different types of activities: working group meetings, round tables, trainings, seminars, workshops, consultation meetings, mentorship programmes, including through moderating/facilitating discussions, coordinating groups of professionals, developing and delivering thematic presentations;
* Development and provision of tailored thematic workshops, consultations, seminars or similar, including development of all relevant materials (hand-outs, tests, case-studies, programmes, agendas, notes, presentations) with reference to gender equality and with the account of the practical context;
* Provision of expertise, guidance/instructions on application of modern methodologies and techniques in respective thematic area;
* Contribution to the development of information and guiding materials/manuals/instructions in respective thematic area;
* Contribution to the development of strategic, regulatory documents of beneficiaries;
* Delivering trainings for beneficiaries’ staff/trainers;
* Thematically focused terminological proof-reading of documents.

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 the **quality requirements**, the pre-selected Service Providers must ensure*, inter alia*, that:

* the services are provided to the highest professional/academic standard;
* any specific instructions given by the Council – 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).

1. **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.

The tenderers 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.

1. **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 quote[[2]](#footnote-2) (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. **ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[3]](#footnote-3)

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;
* are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
* 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

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

Lots 1 to 3

* A university degree in law, human rights or other field relevant to the thematic sphere of respective Lot(s) or related fields;
* Knowledge of the Council of Europe standards in the area of rule of law and human rights;
* At least 5 years of professional experience in the thematic areas of respective Lot(s) (including types of work and assignments as enumerated in description of respective lot/s);
* Excellent (C1 level) knowledge of English (in line with the [Common European Framework of Reference for Languages](https://www.coe.int/en/web/common-european-framework-reference-languages));
* For legal persons and private entrepreneurs, being authorized to carry out the respective economic activities.

Lot 4

* A university degree in law, human rights or other field relevant to the thematic sphere of respective lot or related fields;
* Knowledge of EU *aquis* and the case-law of the Court of Justice of the European Union, the application of the EU Charter of Fundamental Rights and specific rights, and knowledge of EU constitutional justice;
* At least 5 years of professional experience in the thematic areas of respective Lot(s) (including types of work and assignments as enumerated in description of respective lot/s);
* Excellent (C1 level) knowledge of English (in line with the [Common European Framework of Reference for Languages](https://www.coe.int/en/web/common-european-framework-reference-languages));
* For legal persons and private entrepreneurs, being authorized to carry out the respective economic activities.

*Award criteria*

Criterion 1: Quality of the offer (90%), including:

* level and relevance of the expertise of the tenderer within the thematic area of the tender call (40%),
* relevance of practical experience considering the scope and types of work to be requested to deliver within the thematic area of the tender call (30%),
* experience of cooperation with / previous assignments with international organisations within the thematic area of the tender call (20%).

Criterion 2: Financial offer (10%).

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**
* **One** completed and signed copy of the Act of Engagement;[[4]](#footnote-4)
* A list of all owners and executive officers, for legal persons only;
* Registration documents, for legal persons and private entrepreneurs only;
* A concise CV that would:
* demonstrate clearly that the tenderer fulfils the eligibility criteria
* include brief information on accomplishment of assignments within thematic scope stipulated by each respective Lot(s) within the last 3 years
* attach or include active links to at least three examples of recent deliverables of similar nature (e.g., publications, legal assessments, legal opinions, analyses, reports, studies, presentations, training material, etc.) for each respective Lot(s) applied (in English only), ensure that the links are valid and that the deliverables are accessible and downloadable in their entirety. Attachments should not exceed 10 MB in total;
* contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
* A list of all owners and executive officers (for legal persons only).
* Description of the proposed team (CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only).

**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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF CONSTITUTIONAL JUSTICE, FUNCTIONING OF CONSTITUTIONAL COURTS, APPLICATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND EU CONSTITUTIONAL LAW**

**2024/AO/36**

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

* 1. **Name and address**

**COUNCIL OF EUROPE**

Directorate General Human Rights and Rule of Law (DGI)

* 1. **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.[[5]](#footnote-5)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 180 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: dgi-coordination@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. **2024/AO/36** 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 23 June 2024 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.

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**
* **One** completed and signed copy of the Act of Engagement;
* A list of all owners and executive officers, for legal persons only;
* A concise CV that would:
* demonstrate clearly that the tenderer fulfils the eligibility criteria
* include brief information on accomplishment of assignments within thematic scope stipulated by respective Lot(s) within the last 3 years
* include active links to at least 3 examples of recent deliverables of similar nature as stipulated by respective Lot(s)
* contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
* A list of all owners and executive officers (for legal persons only);
* Description of the proposed team (CVs of professional team members/consultants expected to work on the project within the Lot(s) applied) (for legal persons only);
1. **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. **2024/AO/36** 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 23 June 2024 by 23:59 CET.

**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:** **dgi-coordination@coe.int**

1. \*This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. 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). [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)
5. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-5)