

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

Purchase of IT consultancy services to assist with the development of a software for processing FLA applications, including drafting technical specifications, overseeing the development process, and providing related services.



The Council of Europe is currently implementing and until 31 December 2026 will implement the Project "*Towards a Consolidated and More Efficient Free Legal Aid (FLA) System in North Macedonia*" (ID 3262 and ID 4043). In that context, it is looking for Provider(s) for the provision of IT consultancy services to assist with the activities related to the development of a software for processing FLA applications, including drafting technical specifications, overseeing the development process, and providing technical advice and related services, to be requested by the Council 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 Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 180 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 legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender - IT consultancy services.** 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 CoE 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 - IT consultancy services**

The tenderers' attention is drawn to the fact that restrictions apply to the use of local civil servants and other public administration staff under this procurement procedure.

Tenderers are informed that for consultancy service performed directly by or assigned to a civil servant or other public administration staff, only civil servants or other public administration staff falling under one of the following categories may be engaged:

- I) Educational staff (including academics, pedagogical institutes, pre-university teachers, school teachers, curriculum experts).
- II) Judges, prosecutors, staff from the prosecution offices and judicial and prosecutorial bodies.
- III) Staff from the ministries for social affairs, ministries of justice, ministries of interior and ministries of health and public institutes.
- IV) Law enforcement staff (including staff from the specialised police departments and Financial Intelligence Units (FIUs)),
- V) Staff from equality bodies and central electoral commissions.

¹ 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](#).

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2026
Deadline for submission of tenders/offers ▶	18 August 2025 23h59 CET
Email for submission of tenders/offers ▶	DG1.FLA.NM@coe.int
Email for questions ▶	DG1.FLA.NM@coe.int
Expected starting date of execution ▶	01 September 2025

B. EXPECTED DELIVERABLES

Background of the Project

Within the framework of the European Union/Council of Europe co-operation initiative Horizontal Facility for the Western Balkans and Turkey, the Council of Europe is implementing the Action "Towards a Consolidated and More Efficient Free Legal Aid (FLA) System in North Macedonia" from 1 January 2023 and until 31 December 2026. The action aims at supporting the main actors in consolidating and broadening the efficiency, quality, scope, accessibility, and awareness of free legal aid provision in North Macedonia by addressing identified shortcomings. It builds upon the results achieved in the implementation of the two previous actions on this issue (HF I - HF-35 "Supporting Free Legal Aid Reforms in the former Yugoslav Republic of Macedonia" and HFII – HF12 "Supporting enhanced access to higher quality Free Legal Aid services in North Macedonia") by addressing the remaining challenges emerging from the initial implementation of the recent legislation on Free Legal Aid (hereinafter FLA) and by ensuring that all actors can efficiently provide quality services to FLA beneficiaries.

The action also supports the development of a software for the Ministry of Justice (MoJ) on processing FLA applications, thus ensuring better management of the FLA requests processing, better data collection and digitalization of the FLA system. The project will also support interoperability of the software - proper software solution that will connect the MoJ with the institutions that possess data relevant for decision making in legal aid applications (ex. Public Revenue Service, etc) and to grant access for the employees of the MoJ to collect all necessary data.

The Council of Europe is looking for a minimum of one and a maximum of three Providers (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 senior software development (including drafting technical specifications for a new software for the Ministry of Justice and monitoring the software development).

This Contract is currently estimated to cover up to six activities, to be held by 31 December 2026. 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 900 000 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.

Scope of the Framework Contract

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

- Drafting technical specifications for the software on processing FLA applications for the Ministry of Justice;
- Monitoring the process of development and testing of the software for processing FLA applications;
- Participating at relevant meetings with stakeholders;
- Drafting reports (assessments, analysis, monitoring reports and other reports);
- Participation at trainings of the staff and other relevant stakeholders on the use of the software (if needed);
- Any related activities that support the development and implementation of the software on processing FLA applications of the Ministry of Justice, as well as other activities supported by the project that require IT expertise and knowledge.

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).

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.

The Council 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 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).

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers 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 quote² (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, 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.

E. ASSESSMENT

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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)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 subject to restrictive measures applied by the United Nations Security Council or the European Union. In the case of legal persons, the restrictive measures imposed on the tenderer's owner(s) or executives will also exclude the tenderer from participating in this tender procedure.

Eligibility criteria

The eligibility criteria determine the conditions for participating in a procurement procedure and define the essential requirements that each bidder must comply with. Bidders shall demonstrate that they fulfil the following criteria:

Eligibility criteria	Document/s to be submitted
<u>Education</u> : University degree in computer sciences, or related fields;	CV
<u>Work experience</u> : Minimum 10 years professional experience in software development, which must include 5 years on a senior software development position;	CV
<u>Specific thematic expertise</u> : Previous experience with complex software at minimum three projects as evidenced by the information included in the supporting documents	CV Samples of previous work
<u>Analytical and Language skills</u> : Previous experience in drafting IT analyses, assessments, and/or technical specifications in English. Excellent knowledge of Macedonian language.	CV Samples of previous work (or relevant links)

The above eligibility criteria will be assessed **on the basis of the documents listed in the table and, where relevant, on the basis of other supporting documents** listed in Section G.

For legal persons only: legal persons are requested to include in their bids the profiles of **a maximum of two** natural persons proposed to be assigned to the contract. The status of each natural person included in the bid must be specified, and in particular whether they are employees or subcontractors. **Each natural person included in the bid will be assessed against the above eligibility criteria.** The Council reserves the right not to accept the

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 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;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

inclusion in the contract of persons who do not meet the eligibility criteria or to reject a bid entirely if no profiles met the eligibility criteria.⁴

For consortia only: each consortium member **will be assessed against the eligibility criteria above**. Consortium members who are legal persons are requested to provide the profiles of a maximum of two natural persons proposed to be assigned to the contract. The status of each natural person included in the bid must be specified, and in particular whether they are employees or subcontractors.

Each natural person included in the bid submitted by a consortium – whether as an individual consortium member or as a natural person attached to a legal person – will be assessed against the above eligibility criteria. The Council reserves the right not to accept the inclusion in the contract of persons who do not meet the eligibility criteria or to reject a bid entirely if no profiles meet the eligibility criteria.⁵

Award criteria

The award criteria aim at assessing the quality of a bid in order to **identify the bid/s offering the best value for money**. Eligible bids will be assessed against the following award criteria:

Award criteria	Document/s to be submitted
Quality of the offer (70 points), including: <ul style="list-style-type: none"> ▪ Extent and pertinence of the bidder's work experience in the field relevant for the call, including experience working with international organisations (60 points); ▪ Quality of the samples of previous work submitted, including drafting skills (10 points); 	CV Samples of previous work (such as reports, assessments, studies etc)
Financial offer (30 points)	Completed and signed Act of Engagement

The above award criteria will be assessed based on the bidder's capacity, as outlined in the supporting document, or on the basis of a consolidated assessment of the combined capacity of all eligible profiles or consortium members if the bid is submitted by a legal person or a consortium.

Additional rules applicable to the submission and assessment of the bids

The bidders' attention is drawn to the following additional rules governing the assessment of the bids:

- The Council reserves the right to hold interviews with prima facie eligible tenderers;
- Unless expressly provided otherwise in the tender documents, a bidder may not submit more than one bid for the same procurement procedure. Bidding for more than one lot – where a contract is divided into lots – is allowed;
- In the same procurement procedure, natural person may not submit a bid on his/her own behalf and, at the same time, be included in a bid submitted by a legal person or a consortium. In such cases, the Council of Europe reserves the right to exclude the bid submitted by the natural person from the procurement procedure;
- In the same procurement procedure, a legal person may not submit a bid and, at the same time, be a member of a consortium also bidding under the same procurement procedure. In such cases, the Council of Europe reserves the right to exclude the bid submitted by the legal person from the procurement procedure.

F. NEGOTIATIONS

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

G. DOCUMENTS TO BE PROVIDED

⁴ If awarded a contract, legal persons undertake to entrust the execution of order forms only to the persons approved by the Council for inclusion in the contract. If, during the period of validity of the contract, it becomes necessary to replace one or more of the persons included in the contract, the legal persons undertake to assign to the contract only persons who satisfy the eligibility criteria above and to inform the Council without delay.

⁵ If awarded a contract, consortium members who are legal persons undertake to entrust the execution of order forms only to the persons approved by the Council for inclusion in the contract. If, during the period of validity of the contract, it becomes necessary to replace one or more of the persons included in the contract, consortium members who are legal persons undertake to assign to the contract only persons who satisfy the eligibility criteria above and to inform the Council without delay.

- **One** completed and signed copy of the Act of Engagement;⁶
- A list of all owners and executive officers, for legal persons only;
- All the documents listed above, under Section E, necessary for the assessment of the bid under the eligibility and award criteria in particular:

At the time a specific assignment is ordered from a tenderer (natural person) 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 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.

Documents may be submitted via file sharing services such as WeTransfer, Dropbox, OneDrive, etc.). In this case, the link must mandatorily remain active for at least 30 days after the deadline for the submission of the bids. Failure to ensure this may lead to the bid being excluded from the procurement procedure.

The Council reserves the right to reject a tender if the scanned documents are of such a quality that the documents cannot be read.

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⁶ 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.