



**BIDDING DOCUMENTS
FOR IMPLEMENTING PARTNER OF
OSCE TRIAL MONITORING PROGRAMME IN 2012**

No. 06/2011

BAKU, AZERBAIJAN



Organization for Security and Co-operation in Europe
Office in Baku
Fund Administration Unit

The Landmark III, 96 Nizami St., AZ1010 Baku, Azerbaijan

Date: 27 October 2011

Invitation to Bid
No. 06/2011

Implementing partner for OSCE Trial Monitoring Programme in 2012

The Office in Baku of the Organization for Security and Co-operation in Europe (hereinafter called “the Office”) invites sealed bids for the purpose of contracting an Implementing Partner (hereinafter called “the Implementing Partner”) for assisting in the implementation of the Office’ Trial Monitoring Programme in 2012, (hereinafter called “the Programme”). The Programme will be carried out throughout the country.

In addition to this Invitation to Bid, the Bidding Documents also include:

- Section I: The OSCE Trial Monitoring Programme in 2011-2012 - Outline
- Section II: Terms of Reference
- Section III: How to apply and the procedures to follow
- Section IV: Evaluation and Selection of Applications
- Annex I: OSCE Project Proposal Template
- Annex II: Budget
- Annex III: Certificate of Compliance for Potential Implementing Partner
- Annex IV: Form of Agreement

Any Agreement reached as a result of this Invitation to Bid shall be bound by the Form of Agreement contained in the Bidding Documents.

Bids must be delivered at the following address:

Organization for Security and Co-operation in Europe (OSCE)
Office in Baku
Attn: Fund Administration Unit
The Landmark III, 96 Nizami St.
AZ1010 Baku, Azerbaijan

Bids must be delivered on or before **21 November 2011, 17:00 hrs (GMT+4)** in a sealed envelope marked with “**No. 06/2011 – Implementing partner for OSCE Trial Monitoring Programme in 2012 - Do Not Open Before 21 November 2011, 17:00 hrs (GMT+4)**”.

Bids sent by e-mail and fax will not be accepted. The bid prices shall be quoted in AZN.

THE OSCE RESERVES THE RIGHT TO ACCEPT OR REJECT ANY BID, AND TO ANNUL, IN WHOLE OR IN PART, OR TO SUSPEND THE BIDDING PROCESS AND REJECT ALL BIDS AT ANY TIME AND WITHOUT REASON PRIOR TO AWARD, WITHOUT THEREBY INCURRING ANY LIABILITY TO THE AFFECTED BIDDER OR BIDDERS.

A complete set of the Bidding Documents may be obtained at the OSCE web site (<http://www.osce.org/tenders/>). Please address all your queries or questions in writing at the address given below and kindly refrain from any telephone calls or personal visits.

Office in Baku
Rule of Law Programme
The Landmark III, 96 Nizami St., AZ1010 Baku, Azerbaijan

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SECTION I: THE OFFICE TRIAL MONITORING PROGRAMME IN 2012

1.1 BACKGROUND

The OSCE Commitments with regard to protection of human rights and fundamental freedoms postulate and advance those principles of justice which form the basis of the rule of law. In particular, the OSCE commitments include insuring fair administration of justice through fair trial guarantees, as envisaged in the Universal Declaration of Human Rights (1948), as well as in other binding instruments of the United Nations and the Council Europe. In addition to the commitments made in the Helsinki Final Act (1975) in this regard, in 1990, OSCE participating States agreed to accept court observers from other participating States and non-governmental organizations, as a confidence building measure and in order to ensure greater transparency in the implementation of their commitments towards fair judicial proceedings.

With a view to the above, the Office has conducted its Trial Monitoring Programmes in Azerbaijan since 2004. In 2012, the Programme will further assist in identifying improvements as well as shortcomings with regard to fair trial guarantees and human rights violations during court proceedings, in accordance with applicable domestic legislation, OSCE commitments and other related international standards.

1.2 OVERALL OBJECTIVES OF THE TRIAL MONITORING PROGRAMME IN 2012

The overall goal of the Programme in 2012 is to continue closely observing court proceedings in order to identify improvements and shortcomings with regard to the administration of justice in Azerbaijan. On a systematic basis, a team of duly trained trial monitors will conduct monitoring of court proceedings throughout the country. In order to ensure a variety of criminal offences, the selection of cases to monitor will be based on the charges. On a case-by-case basis the trial monitors will also observe court proceedings, which the Office will select based on the involvement of journalists, human rights defenders and political parties' and other civil society leaders and members, as well as other cases brought to the Office's attention through individual human rights complaints. Each case will be observed from the preparatory state to the judge's delivery of the final judgement.

Monitors will focus on court proceedings' compliance with fair trial standards, as well as on different thematic areas, targeted in view of the findings and recommendations included in previous trial monitoring reports. .

In this regard, the objectives of the Programme is to support Azerbaijan's justice and legislative reforms in accordance with OSCE Commitments, other international standards and best practices in OSCE Participating States. These objectives will therefore include:

- improving and building confidence in the administration of justice and the independence and integrity of judiciary;

- enhancing compliance with the right to a fair trial and respect with human rights standards; and
- following up with the state authorities on the proceedings' compliance with applicable national laws, OSCE commitments and other related international standards.

The dissemination of the relevant reports, including findings and recommendations, will foster transparency in the administration of justice and assist in identifying improvements and shortcomings to be addressed in cooperation with the state authorities through legal and judicial reforms.

1.3 PROJECT RESULTS

Within the framework of the Programme, court hearings will be observed on a daily basis by a project team of 18 duly qualified domestic observers (including 2 project co-ordinators). Trial monitoring activities will be carried out in accordance with the OSCE Office on Democratic Institutions and Human Rights (ODIHR) Trial Monitoring Methodology.¹

The trial observers will be deployed at lower and higher courts, including the newly established economic and administrative courts, throughout the Country. Each observer will be assigned to monitor and report on four to five cases each month. In order to ensure that monitoring reports are comprehensive and accurate and targeting the right information, the trial observers will use the Office developed reporting form (questionnaire/notes) for collecting facts and information while monitoring court proceedings. The Implementing Partner and the Office will verify and analyse the completed questionnaires on a daily basis.

During the period from January to December 2012, the trial observers will monitor approximately 1,500 court hearings, out of which 20% will be hearings held at courts in the regions of Azerbaijan. The trial observers will monitor compliance of court proceedings with domestic legislation, OSCE commitments and other international fair trial guarantees.

The results of the trial observation determining what rights have been violated and including recommendations to tackle such violations, will be included in trial monitoring reports, which will be shared with the relevant state authorities with a view to assist them in adequately targeting further judicial and legislative reforms.

¹ *Trial Monitoring: A reference manual for practitioners*, by the OSCE Office for Democratic Institutions and Human Rights, 2008.

1.4 FINANCIAL ALLOCATION AND TIME FRAME

1.4.1. Financial Allocation

The Office will allocate 131,600 EUR to support the Programme in 2012 for the period of 12 (twelve) months, from 01 January till 31 December 2012. This amount will cover the project staff and limited operational costs (excluding office rent) of the Implementing Partner. The initial funding of the Programme is however limited to the allocation of 65,800 EUR for the period of six month (starting from 01 January till 30 June 2012); the funds for the remaining Programme periods will be subject to availability of contributions by Donors to the Office

The Office will not fund any equipment and office rent necessary for the operation of the Implementing Partner. The Implementing Partner is therefore required to provide an in-kind contribution in this regard.

1.4.2. Time Frame

The Programme for 2012 is designed for 12 (twelve) months implementation period.

Activities	2012												
	Nov/Dec 2011	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bidding Process; Evaluation													
Contracting; selected IP/s;													
Trial Monitoring	<i>1500 cases to observe</i>												
Interim and Final Narrative Reporting	<i>Interim narrative quarterly reports</i> <i>final narrative report</i>												
Financial and Final Reporting	<i>1st monthly reporting</i>			<i>2nd quarter reporting</i>			<i>3rd quarter reporting</i>			<i>Final Financial Reports</i>			

SECTION II: TERMS OF REFERENCE

The Office seeks an Implementing Partner to assist in the implementation of the Programme in 2012, in line with the above-mentioned objectives and results. Based on the selection process conducted by the Office in 2010 and 2011 and subsequent specialised training, the Programme currently employs 18 qualified legal professionals, including 16 trial observers and 2 trial monitoring coordinators. The Implementing Partner will therefore be required to contract and directly supervise the work of the 16 trial observers and 2 trial monitoring coordinators. Under close indirect supervision by the Office, the Implementing Partner will also be responsible for all administrative and logistical issues during the implementation of the Programme in 2012.

2.1 TASKS AND RESPONSIBILITIES OF IMPLEMENTING PARTNER(S)

Under close supervision by the Office, the tasks and responsibilities of the Implementing Partner will include the following:

- Overall coordination of trial observation of selected court proceedings throughout the country. This includes daily supervision of the work of 16 trial observers and 2 trial monitoring coordinators, as well as fund administration, including all logistical issues.
- Deployment of trial observers ensuring wide coverage of courts throughout the country;
- Obtaining information on pending cases at the courts of all instances; and informing the Office on a weekly basis on pending cases to be monitored in the framework of the project;
- Collecting and processing the factual information from the trial observers;
- Assisting in producing thematic reports on trial monitoring.
- Providing the Office with regular interim financial and narrative reports on the status of fund administration and of the trial monitoring programme, respectively, in accordance with OSCE high quality standards, rules and regulations, on a quarterly basis, not later than 25th day of last month of each quarter.
- Providing the Office with final Financial and Narrative Reports following the completion of the tasks by 20 December 2012.

2.2 CRITERIA FOR ELIGIBILITY

In order to be eligible as Implementing Partner for this Programme, the applicant must be a non-governmental and non-profit organization having at least three years project management experience and a demonstrated capacity to manage the activity in the scale corresponding to the size of the Programme.

Necessary qualifications include the following:

- The applicant shall have a legal background as well as proved knowledge of the Azerbaijani legal and judicial system, including both substantive and procedural issues arising before the courts (criminal, civil and administrative jurisdictions);
- The applicant shall have proved knowledge of international fair trial and human rights standards;
- Previous experience conducting trial monitoring will be an asset;
- The applicant shall have the capacity to manage the financial and human resources involved in the Programme in line with OSCE requirements;

In addition to this, applicants must submit the following documents:

- Copy of Certificate of the State Registration;
- Copy of the Mission Statement in the original language and in English;
- Copy of the official Statute/Charter in the original language and in English;
- A listing of and CVs for all the Board Members;
- A list of all key management personnel;
- CVs for proposed additional project staff at its own expenses (out of which at least one should be a lawyer with some knowledge of administrative justice), if any;

- Copies of the most recent financial statement;
- Evidence of a legally registered bank account;
- Either confirmation that the similar project/programme is not funded by other donors, or identification of the donor(s) and amounts where there is co-founding;
- Agreement that the applicant will submit original invoices to the Office and allow the Office to stamp them as paid;
- Agreement that all significant procurement activities will be conducted by the Office;
- A declaration of compliance with the laws of Azerbaijan, or an explanation of problems encountered in complying with specific laws.

2.3 IN-KIND CONTRIBUTIONS

The successful selected Implementing Partner(s) must include in the Programme its in-kind contribution.

The proposition about the in-kind contributions shall include but shall not be limited to:

- (a) Office premises maintained at its own expenses;
- (b) At least four (4) desktop computers or laptops;
- (c) A photocopying machine;
- (d) A fax machine;
- (e) Telecommunication equipment;
- (f) Availability of resources in the regions of Azerbaijan to facilitate the regional trial monitoring will be an asset; and
- (g) Additional project staff (out of which at least one should be a lawyer with some knowledge of administrative justice and an accountant experienced in preparing timely and accurate financial reports, ideally to international donor(s), as its own expenses.

SECTION III: HOW TO APPLY AND THE PROCEDURES TO FOLLOW

3.1 OSCE STANDARD PROJECT PROPOSAL TEMPLATE AND SUPPORTING DOCUMENTS

The project proposals must be submitted using the standard **OSCE Project Proposal Template** (*See Annex I*). Applicants should strictly comply with the project proposal format and fill in the form as explained in the template.

The project proposal should be formulated carefully and the respective forms should be filled as clearly as possible, so that the received project proposal can be assessed. The received application and the related material should be precise and provide enough detail to ensure the clarity of the project proposal. This concerns particularly the project background and justification, how will the set objectives be achieved, the description of the anticipated results, that of the benefits gained and their relevance to the programme's objectives, as well as to the key activities, timescale and **budget** (*See Annex II*).

The applicant should also fill in the **Certificate for Compliance** (*See Annex III*).

The applicant should also consider the **Form of Agreement** (*See Annex IV*), which will govern the agreement to be signed between the OSCE and the applicant.

Please note! The project proposal must be submitted in English language using the standard OSCE project proposal template.

Please note! Hand-written applications will not be accepted. Please submit complete application packages.

Applications must be accompanied by the supporting documents listed under section 2.2.

3.2 WHERE AND HOW TO SEND THE APPLICATIONS

Organizations wishing to apply for the Programme for 2012 should submit before the relevant deadline a complete application package, i.e. OSCE Standard Project Proposal Template, Budget and the above-listed supporting documents. The applications must be received in a sealed envelope by mail or by hand-delivery to the following address:

Mr. Frank Levasseur
OSCE Office in Baku
Landmark 3, 2nd Floor
96 Nizami Street
Baku AZ1010, Azerbaijan

Please note! Applications sent by any other means (e.g. by fax or by e-mail) or delivered at other addresses other than the one above will be automatically rejected.

The outer envelope must bear the:

- full name of the applicant;
- address of the applicant.

3.3 DEADLINE FOR RECEIPT OF APPLICATIONS

The deadline for receiving applications is **21 November 2011, at 17:00 hrs (GMT+4)**.

Please note! Any application received after the deadline will automatically be rejected.

3.4 FURTHER INFORMATION

For any further information please address your queries by e-mail, not later than 21 November 2011 to the following addresses: Natasa.Rasic@osce.org and/or Gumral.Aslanova@osce.org, indicating clearly the reference Programme.

SECTION IV: EVALUATION AND SELECTION OF APPLICATIONS

Applications will be examined and evaluated by the Office. The submitted applications will be assessed according to the following steps and criteria:

4.1 APPLICATION OPENING SESSION AND ADMINISTRATIVE CHECK

Eligibility of applicants

At the application opening session an administrative check will be conducted. Namely, it will be verified whether that applicant is eligible according to the criteria as set out in sections 2.2 and 2.3.

Please note! If the application does not meet the criteria as set out in sections 2.2 and 2.3, it will be automatically rejected.

The application will also be automatically rejected if:

- the application is received after the closing date;
- the application does not comply with the requirements for minimum or maximum amounts or minimum or maximum duration;
- the project proposal is not submitted in English language using the OSCE Standard Project Proposal Template (*Annex I*);
- the project budget is not submitted in the requested format (*Annex II*).

4.2 QUALITY EVALUATION OF THE PROPOSALS

All applications will be subjected to quality evaluation by the OSCE FMMS, except those dismissed following the administrative check.

Quality evaluation of the proposal, including the proposed budget, will be carried out in accordance with the evaluation criteria set out in the Evaluation Matrix below.

Evaluation Matrix

1. Operational Capacity and Professional Resources	35
Does the applicant have sufficient experience in a project management?	5
Does the applicant have sufficient management capacity in terms of staff, equipment and ability to handle the budgetary resources involved?	5
Does the applicant have a legal background and proven substantial knowledge of the Azerbaijani legal and judicial system, both substantive and procedural issues?	5
Does the applicant have prior experience in trial monitoring?	5
Does the applicant have sufficient technical expertise? (notably knowledge of the issues to be addressed and good working relations with judicial institutions and relevant state authorities)	5
Does the applicant have a proven knowledge of international fair trial and human rights standards?	5
Does the applicant have experience and capacity to draft good quality reports, both narrative and financial?	5
2. Project Implementation and Methodology	30
Does the project proposal adequately address project objectives?	5
Are the activities proposed appropriate, practical, and consistent with the objectives and expected results?	5
How coherent is the overall design of the action? (In particular, does it reflect the analysis of the problems involved, take into account external factors and anticipate an evaluation to track progress and results?)	5
Does the project proposal address the needs of the target groups and the final beneficiaries appropriately?	5
Is the action plan clear and feasible?	5
Does the proposal contain objectively verifiable indicators for the outcome of the action?	5
3. Budget and cost effectiveness	25
Are the proposed expenditures appropriate and in line with market prices?	5
Are the proposed expenditures necessary for the implementation of the project activities?	5
Are the proposed expenditures cost effective and adequate?	5
Are the proposed expenditures detailed and transparent?	5
Are the proposed in-kind contributions relevant and sufficient?	5
4. Sustainability	5
Are the expected results of the proposed action sustainable?	5
5. Technical Presentation	5
Are the submitted documents in line with the bidding requirements?	5
Maximum total score	100

Please note the following important information:

Scoring

The evaluation criteria are divided into sections and subsections. Each subsection must be given a score between 1 and 5 in accordance with the following guidelines: 1 = very poor; 2 = poor; 3 = adequate; 4 = good; 5 = very good. The applications with the highest scores will be given priority when grants are awarded.

Costs incurred for the preparation of the application will not be covered by the grant and will not be included in the budget.

2.2 APPLICATION CHECK LIST

Prior to sending the Application, check if you have all the needed documentation:

- Stamped project proposal² including budget (*Annex I and Annex II*);
- Stamped and signed Certificate of Compliance (*Annex III*);
- Copy of Certificate of the State Registration;
- Copy of the Mission Statement in the original language and in English;
- Copy of the Statute in the original language and in English;
- Listing of and CVs for all the Board Members;
- A list of all key management personnel;
- CVs for proposed addition project staff (if any) as may be funded by the Implementing Partner;
- Copies of the most recent financial statement;
- Evidence of a legally registered bank account;
- Either confirmation that the similar project/programme is not being funded by other donors, or an indication of the donor(s) and amounts where there is co-funding;
- List of previous projects (in English), carried out by the applicant, including information about the donor, implementation period and respective values;
- Information on membership in any umbrella organizations or other networks;
- Support letters from organisations i.e. institutions (letter of cooperation).

NB: *it is in applicant's interest to provide the OSCE with accurate contact details, preferably an e-mail address.*

² Project proposal, including budget should not exceed ten (10) pages.