

## TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### Purchase of intellectual services for the implementation of the project “Strengthening health care and human rights protection in prisons in Armenia”(relaunch of the tender published on 26 July 2018)<sup>1</sup> **Contract N° BH4453-2018-021**

The Council of Europe implements until 31/12/2018 the Project “Strengthening health care and human rights protection in prisons in Armenia”, funded within the European Union and Council of Europe Partnership for Good Governance. In that context, it is looking for Providers for the provision of intellectual services to be requested by the Council on an as needed basis.

#### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe<sup>2</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, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Framework Contract\_2\_Health care in Armenian prisons\_expertise\_local**. Tenders addressed to another email address **will be rejected**. Tenders addressed to another email **and /or sent after the 5 September 2018, 18.00 local time 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: Framework Contract\_2\_Health care in Armenian prisons\_expertise\_local**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2018
Deadline for submission of tenders/offers ►	<b>05 September 2018</b>
Email for submission of tenders/offers ►	<a href="mailto:prisonhealthcare.Armenia@coe.int">prisonhealthcare.Armenia@coe.int</a>
Email for questions ►	<a href="mailto:prisonhealthcare.Armenia@coe.int">prisonhealthcare.Armenia@coe.int</a>
Expected starting date of execution ►	12 September 2018

<sup>1</sup> Announced results of the Tender BH4453-2018-021 published on 26 July 2018 are in force. Successful applicants should not apply for the Lots for which they have been already chosen.

<sup>2</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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### **Brief description of the Project**

The consultancy services are to be delivered within the framework of the “Strengthening health care and human rights protection in prisons in Armenia”, funded within the European Union and Council of Europe Partnership for Good Governance.

Duration of the Project: April 2015 - December 2018

The main objective of the Project is to strengthen human rights, through improvement of the provision of health care (including mental health care) in prisons in Armenia, as well as by improving the capacities of the prison staff through the development and provision of continuous training.

It is expected that as results of the Project:

1. The legal and institutional framework of provision of health care in prisons is brought in line with European standards;
2. Provision of health care in prisons (with a special focus on life sentenced prisoners and other vulnerable groups, such as women and juveniles) is improved and brought in line with European standards;
3. Material conditions of health care services in prisons are improved;
4. The medical and non-medical staffs in prisons are trained on the European standards in health care in prisons, human rights and medical ethics

To this end the Project foresees the revision and assistance in development of legal provisions, policy documents, guidelines regulating health care services in prisons as well as the design of training programme, materials and delivery of training courses on health-care services in prisons for medical and non-medical penitentiary staff.

The implementation uses different types of activities, including provision of legal/technical expertise, organisation of high-level consultations, working group meetings, drafting sessions, roundtables, as well as delivery of training courses, procurement of medical equipment for health care units of prisons, translation and publication of international standards, reports, studies, researches and training materials on prison health care.

The key national partners of the Project are the Ministry of Justice and Penitentiary Department. The Project is closely working with the Ministry of Health, the Human Rights Defender's Office and Legal Education and Rehabilitation Program Implementation Center SNCO, Yerevan State Medical University and civil society organisations.

The Project focuses, inter alia, on building the capacity of the staff (both medical and non medical) of the penitentiaries in Armenia on relevant European prison health care standards, as well as their knowledge in the field of human rights, thus ensuring they are trained and able to apply new skills in their everyday work.

As a result of the Project it is anticipated that prisoners in Armenia will have access to an improved medical care ensuring that their physical and mental health status is preserved, thus facilitating their return to the society. It is also expected that the respect for prisoners' fundamental rights is ensured through improved legal provisions and practices.

### **Expected types of deliverables**

The present tendering procedure aims to select Providers to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
<b>Lot 1A.</b> Develop training material for building capacity of "Penitentiary Medicine Center" SNCO on such tentative matters as organisation and provision of medical assistance and service healthcare in the penitentiary institutions, independence of doctors, medical ethics, etc.	2
<b>Lot 1B.</b> Prepare and conduct training for staff members of "Penitentiary Medicine Center" SNCO on training material developed under Lot 1A	3
<b>Lot 2A.</b> Adjust/develop training material on mental healthcare issues	1
<b>Lot 2B.</b> Prepare and conduct training for medical staff of penitentiary institutions on mental healthcare issues	2
<b>Lot 3A.</b> Adjust/develop training material on medical screening upon admission - as a safeguard against ill-treatment and implementation of Istanbul protocol	1
<b>Lot 3B.</b> Prepare and conduct training for medical staff of penitentiary institutions on medical screening upon admission - as a safeguard against ill-treatment and implementation of Istanbul protocol	2

The Council of Europe is looking for additional 11 Providers to the pool of maximum number of 23 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the following fields of expertise:

**Lot 1A-B concerns:** Development of training material and provision of training sessions for building capacity of "Penitentiary Medicine Center" SNCO (hereafter, SNCO) staff on such tentative matters as organisation and provision of medical assistance and service healthcare in the penitentiary institutions, independence of doctors, medical ethics, etc.

It is anticipated that training sessions will be devoted to such topics as presentation and discussion of the procedures arising from newly drafted Government Decree 825-N, Government Decree 204-N on establishing SNCO, statute of SNCO, etc. It is expected that up to 120 members of SNCO will be trained during 4 events under this Lot.

**Lot 2A-B concerns:** Adjustment/development of training material and provision of training sessions on mental healthcare issues in prison setting. It is expected that up to 120 medical staff of prisons will be trained during 2 events under this Lot.

**Lot 3A-B concerns:** Adjustment/development of training material and provision of training sessions on medical screening upon admission - as a safeguard against ill-treatment and implementation of Istanbul protocol. It is expected that up to 120 medical staff of prisons will be trained during 4 events under this Lot.

This Contract is currently estimated to cover up to 10 activities, to be held by 31 December 2018. 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 1.154mln 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:

- Develop training material for the target audience;
- Conducting trainings for the target audience;

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. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section 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 this consultation and the subsequent selection are 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 quote<sup>3</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, 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**

##### *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>4</sup>

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;
- 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.

##### *Eligibility criteria*

#### **Lot 1A-B, 2A-B, 3A-B**

- University Degree in law, medical sciences, psychology, social sciences or other field relevant for the thematic area;
- Professional experience of 2 or more years in developing training materials/delivering trainings and/or professional experience of 2 or more years in drafting/reviewing legal, strategy, policy documents;
- Excellent oral and written Armenian.

##### *Award criteria*

#### **Lot 1A-B, 2A-B, 3A-B**

- Quality of the offer (90%), including:
  - Research, analysis and writing skills (40%);

<sup>3</sup> 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.

<sup>4</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

- Thematic expertise (40%);
- Consultancy or other relevant work experience, preferably within the context of international projects (10%).
- Financial offer (10%).

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

Multiple tendering is not authorised.

#### F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**<sup>5</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Motivation letter;
- At least two (2) examples of previous relevant work;
- Minimum two references (only phone numbers and emails).

**All documents shall be submitted in English or Armenian, failure to do so will result in the exclusion of the tender. If any of the documents listed above are missing, the tender will not be considered.**

**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.**

\* \* \*

---

<sup>5</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.