

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure/ One-off contract)

### Purchase of consultancy services for monitoring assistance, and interim and final evaluation of a project *Contract N° DAD-ADD/NHSCU(2019)20*

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing until 28 February 2022, a project "Fight against discrimination, hate crimes and hate speech in Georgia". In that context, it is looking for a provider for the provision of consultancy services for assistance in monitoring of activities, and the preparation of the interim and final evaluation of the project. (See Appendix 1 of this Tender file and Section A of the Act of Engagement).

#### A. TENDER RULES

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

This specific tender procedure aims at concluding a **one-off contract** for the provision of deliverables described in the Act of Engagement and Appendix 1 of this Tender file (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 legal person except consortia.

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 for Georgia project evaluation.** Tenders addressed to another email address **will be rejected.**

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

<b>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	<b>08 November 2019</b>
<b>Email for submission of tenders/offers ▶</b>	<b>tenders.antidiscrimination@coe.int</b>
<b>Email for questions ▶</b>	tenders.antidiscrimination@coe.int
<b>Expected starting date of execution ▶</b>	01 December 2019

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

## B. EXPECTED DELIVERABLES

The expected deliverables are described in **Appendix 1 to this tender file** and **Section A of the Act of Engagement**.

## C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead 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.

## D. ASSESSMENT

*Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement,<sup>2</sup> you declare on your honour not being in any of the below situations)

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*

- university degree in social sciences, project management or a related field;
- minimum 10 years' experience in designing, managing and leading evaluations and/or setting up monitoring and evaluation systems in the context of international cooperation
- extensive knowledge of, and experience in, applying internationally-recognised evaluation standards (UNEG, OECD-DAC), qualitative and quantitative evaluation methods; gender competencies would be considered an asset;
- specific in-country experience;
- proficiency in English and Georgian.

*Award criteria*

- Quality of the offer (60%), including:
  - methodology proposed (30%);
  - previous experience and technical competence in evaluating international projects/programmes in the human rights field, including, but not limited to, anti-discrimination and working with vulnerable groups (30%).
- Financial offer (40%).

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

Multiple tendering is not authorised.

## E. NEGOTIATIONS

<sup>2</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.

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

#### F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement<sup>3</sup> (See attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- Registration documents, for legal persons only;
- CV(s) of staff who will be involved in carrying out the monitoring and evaluation;
- A document describing the methodology proposed for carrying out the monitoring and evaluation, no more than 20 pages;
- Two examples of activity monitoring and analysis in English
- Two examples of evaluation reports recently completed in English;
- Two references of previous employers.

**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.**

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## APPENDIX 1 – PROJECT BACKGROUND INFORMATION AND EXPECTED DELIVERABLES

TERMS OF REFERENCE - consultancy services for monitoring assistance, and interim and final evaluation of a project

### 1. The project

Duration: 48 months (01/02/2018-28/02/2022)

Total cost: €2,000,000

#### *1.1 Project objectives*

The Project will contribute to ensuring that the legal framework is in place, institutions and key stakeholders implement policies tackling discrimination, racism, homophobia, transphobia and hate speech in Georgia.

The comprehensive approach covering legislation, implementation, awareness and prevention will enhance full exercise of the rights of men, women and youth belonging to national minorities and vulnerable communities in accordance with national legislation and international standards and commitments.

#### *1.2 Project target groups*

Judges, prosecutors, trainee judges and prosecutors, lawyers, law enforcement officials, NGOs including those of, or working with, vulnerable groups.

#### *1.3 Final beneficiaries of the Project*

<sup>3</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.

The general population who will enjoy a better protection against discrimination, hate crime and hate speech.

#### *1.4 Project partners*

Academy of the Ministry of Internal Affairs, High School of Justice, Ministry of Education, Science, Culture and Sports, Ministry of Justice, Parliament, Prosecutor's Office, Public Defender's Office, State Ministry for Reconciliation and Civic Equality, the Administration of the Government of Georgia. Members of the Equality Coalition and a selection of other NGOs

#### *1.5 Background information*

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard-setting, monitoring and co-operation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation.

The Organisation's standards in the field of anti-discrimination and protection of minority rights are enshrined in Article 14 and Protocol No. 12 to the European Convention on Human Rights (ECHR) and the relevant case law of the European Court of Human Rights (ECtHR); the General Policy Recommendations of the European Commission against Racism and Intolerance (ECRI); the Framework Convention for the Protection of National Minorities (FCNM); and the European Charter for Regional or Minority Languages (ECRML).

ECRI monitors the situation in the field of racism and intolerance in all Council of Europe member states and draws up reports with country-specific recommendations. The Advisory Committee on the FCNM and the Expert Committee of the ECRML evaluate the situation in their respective fields based on the reports submitted by the governments.

The execution of judgments of the European Court of Human Rights concerning discrimination matters in Georgia is still pending: *Identoba and others vs Georgia* (homophobic attacks), *Gldani Congregation and Begheluri and Others* (religiously motivated attacks). ECRI's fourth monitoring report on Georgia published on 1 March 2016 focused on legislative issues, hate speech, violence, and integration policies and requested the Georgian authorities to take action in a number of areas and made a series of specific recommendations. The Advisory Committee published its third opinion on Georgia on 5 September 2019 and made a number of recommendations to the authorities to improve further the implementation of the FCNM.

#### *1.6 Expected project results*

If the Council of Europe provides policy makers, professionals and civil society with expertise and technical assistance on international standards and best European practices pertaining to antidiscrimination, hate speech and hate crimes, then national stakeholders in Georgia will be more aware of the need, thus more willing, inclined and more technically capable to align legislation in Georgia with European standards.

Therefore, through this project the Council of Europe aims to provide expertise, build competences, advocate and raise awareness among policy makers, legal and law enforcement agencies and civil society organisations to enable them to:

- further align national legislation and bylaws on anti-discrimination, hate crimes and hate speech and monitoring mechanism in accordance with European standards;
- contribute to its effective implementation;
- increase public awareness and appreciation for the laws' contribution towards democracy, human rights, peace and prosperity in Georgian society.

#### *1.7 Main project activities*

- Provision of expertise on legislative changes and disaggregated data collection
- Partner coordination meetings
- Drafting/strengthening training manuals and codes
- Training courses
- Awareness-raising activities

## 2. Monitoring of project activities

### 2.1 Monitoring objectives

The Provider will provide expertise for the collection and analysis of data and the development of monitoring methodology in view of the project activities.

A selection of project activities should be monitored to assess the quality of the outputs and to show progress in achieving outcomes and ultimately results that may lead to change and impact. The monitoring data analysis is to be used to adjust and adapt the project where necessary, and feed into the interim and final evaluation.

### 2.2 Monitoring methodology

The provider is to suggest concept for a complete monitoring and evaluation system, including regular monitoring of project outputs and outcomes by the Project team, which can then feed into the mid-term and final evaluations. The monitoring methodology should be gender sensitive.

### 2.3 Monitoring deliverables

Advise and support project team on collection of monitoring data for project activities. Provide a written analytical summary of the data collected by the project staff at the end of each six-month period, with a short video conference to discuss the analysis and future data collection.	Apr-June 2020
	Jul-Dec 2020
	Jan-Jun 2021
	Jul-Dec 2021

The Provider is to suggest and provide appropriate tools to monitor the selected activities. The Provider will receive the data collected by the Project team before/during/after the activity and at the end of the six-month period the Provider will collate the data into a short analytical written report which will be discussed, along with future data collection proposals, during a short meeting via video conference.

## 3. Evaluation of the Project

### 3.1 The purpose and scope of the evaluation

The mid-term evaluation shall aim to assess progress made in the achievement of the project's objectives and will focus on the implementation period from February 2018 to November 2019.

The final evaluation shall assess:

1. Has the Project been implemented as planned, what obstacles were faced and how were they addressed during implementation?
2. What results were achieved by the Project? Has the Project helped Georgia to move towards necessary reforms and practices in line with the Council of Europe's standards?
3. What lessons can be learned from the way in which the Council of Europe managed the implementation of the Project?

The ultimate beneficiaries of this evaluation are the donors of the Project, the Danish Neighbourhood Programme in Georgia (DANEP) as well as stakeholders and partners. The primary beneficiary is the Council of Europe as the implementer of the Project.

### 3.2 Timeframe for the evaluation

Interim evaluation report	28 February 2020
A comprehensive monitoring and evaluation concept	31 March 2020
Final evaluation report	01 Feb 2022

### 3.3 Evaluation Criteria and Questions

The evaluation questions will be based on the five criteria endorsed by the OECD-DAC<sup>4</sup>: relevance, impact, effectiveness, efficiency and sustainability as well as three additional criteria: Council of Europe coherence/complementarity, added value and visibility. An indicative list of the questions is provided below. The evaluation questions will be further refined by the Provider.

#### Relevance

- For the mid-term evaluation: is the project is still relevant for Georgia's needs and does the project design need to be amended? Is the project design gender and diversity sensitive?

#### Effectiveness

- How did the Council of Europe contribute to tangible improvements across the areas covered by the Project compared to predefined expected results in the log frame?
- What were the reasons for achievement and/or lack of?

#### Efficiency

- How efficient was the Project architecture, processes, and mechanisms in addressing the different areas of intervention? What possibly hampered its efficiency? For the mid-term evaluation: how can these processes be further enhanced to increase efficiency?
- Is the Project log frame gender biased or gender neutral? Are women and girls specifically targeted in the activities of the Project and their needs identified and addressed in the areas covered by the project?

#### Impact

- To what extent has the Project contributed to aligning legislation and bylaws on anti-discrimination, hate crimes and hate speech and monitoring mechanism in accordance with European standards, and contributed to their effective implementation?
- To what extent has the project increased public awareness of the laws' contribution towards democracy, human rights, peace and prosperity in Georgian society?
- Has the Project had a different impact for men and women, and vulnerable groups, including religious and ethnic minorities and the LGBTI community?

<sup>4</sup> Organisation for Economic Co-operation and Development – Development Assistance Committee (OECD-DAC). Definitions of the five OECD-DAC evaluation criteria can be found at the following address:  
<http://www.oecd.org/dac/evaluationofdevelopmentprogrammes/daccriteriaforevaluatingdevelopmentassistance.htm>

### *Sustainability and ownership*

- To which extent are the outcomes of the Project likely to continue producing effects after the end of its funding?
- To which extent are NGOs being involved in the Project implementation process?
- What are the factors that hampered the impact and sustainability of the assistance?

### *Coherence and complementarity*

- To what extent are the activities implemented within the Project coherent with those implemented in other sectors of the Council of Europe and the Council of Europe Action Plan on Georgia, as also other international organisations and national actors, including the national human right action plan?
- To what extent were coordination mechanisms established and how have they contributed to coherence and efficiency of the project implementation?
- Is the Council of Europe sufficiently coordinating with donors to ensure complementarity of the assistance, both in the capitals/headquarters and in the field?
- Is the Project complementary to other modalities of intervention, policies/measures implemented by the EU or other partners in Georgia or is there any duplication? Whether that is so, what would be the reason?

### *Added Value*

- What is the added value resulting from the Project interventions, compared to what could be achieved by Georgia without such interventions from the Council of Europe?
- Does Georgia consider that cooperation with the Council of Europe provides an added value and promotes a long term, strategic approach?

### *Visibility and communication*

- Is there a sufficient information flow on the Project within the Council of Europe? With national authorities?
- Are national authorities aware of the Project? Are they satisfied with the level of coordination?
- To which extent has the Council of Europe visibility been ensured in the Project implementation?

The evaluation questions and methodology for this assignment may need to be further elaborated by the Provider. The Provider may suggest additional sub questions and should indicate success criteria, relevant indicators and the sources for the indicators/methodology for gathering necessary evidence. The sub questions break down the overall questions into more manageable issues, and allow for a structured and logical response to the higher-level questions

## *3.4 Evaluation methodology*

Apart from comparing actual results to initially planned ones, to the possible extent looking at relevant indicators set out at the design stage, the assessment of impact has to provide concrete quantitative indications of the impact brought about by Council of Europe assistance, to the extent possible. This means also that when comparing the impact, it should be taken into account the average costs and efforts incurred to achieve that level of impact.

The evaluation methodology will include documents review, surveys and semi-structured interviews with the Council of Europe staff in Strasbourg (via videoconference) and Georgia, as well as co-operation partners in Georgia and the donor.

The evaluation will rely on data collected as part of the monitoring exercise led by the Provider. Further information on the Project activities' implementation, available in the Project Management IT tool of the Council of Europe and collected by the Project staff (such as media/social media outreach) will be made available. The Provider is to propose other means of collecting information such as, but not limited to, focus groups, questionnaires, online surveys.

## *3.5 Evaluation deliverables*

All reports are to be prepared in English. An evaluation workplan including tentative schedule and logistical arrangements should be prepared and agreed with the Project team.

An interim report and final report would each be 20-30 pages in length excluding annexes. A tentative outline of these reports could include the following:

- Executive Summary
- Introduction
  - o Purpose of the evaluation
  - o Description of the objectives of the evaluation
  - o Evaluation methodology
  - o Difficulties encountered during the evaluation
- Findings
  - o Findings related to evaluation questions
  - o Additional relevant findings
- Conclusions
- Recommendations
- Lessons learnt
- Annexes (including list of interviews, questionnaires and documents reviewed, such as reports etc.)

#### **4. Other considerations**

##### *4.1 Location of assignment*

The desk research will be performed at the Provider's office. The field research will take place in Georgia.

##### *4.2 Budget*

The maximum budget for the monitoring and evaluation of the project, covering all the deliverables to be achieved by the contractor as listed above, is EUR 30 000. The allocated budget includes consultancy fees, travel and subsistence for field interviews, interpretation and translation costs, if any.

##### *4.3 Reports*

All the reports and expected outputs shall be produced in English, using the appropriate style and structuring the text in a clear and concise way. All draft reports will be submitted to the project management in electronic form by e-mail and in a format compatible with MS Office software. The Council of Europe reserves the right to request the necessary additional revisions of the reports in order to reach an appropriate outcome and quality control requirements.

The final report should be usable for publication.

##### *4.4 Risk and assumptions*

Risks and assumptions cannot be listed exhaustively. It is assumed that services within both the Council of Europe and the implementing authorities of the beneficiaries accept the evaluation as an integral part of the programme/project cycle management and are committed to provide the necessary information, and will subsequently act on recommendations and findings, as well as provide the follow-up information to the Council of Europe.

The following are additional relevant assumptions for the above evaluations:

- Access to requested documentation and information on the programmes is ensured by the Council of Europe, national authorities and the project beneficiaries;
- The Council of Europe staff and implementing parties are regularly informed on objectives and methods of this evaluation, in order to ensure their full cooperation.

In the event that one or several of the above assumptions prove to be untrue, the Provider should immediately inform the Project management. The Provider will also report in advance any limitations to the evaluations due to insufficient collaboration from key stakeholders.

##### *4.5 Conflict of interests*

The Provider must be strictly neutral. Conflicts of interests must be avoided. The expert(s) carrying out the evaluation shall have no involvement with the project subject of this exercise. More specifically, the expert(s) must fulfil the following criterion:

- No previous involvement in programming and/or implementation of Council of Europe assistance which will be evaluated as part of this evaluation.
- No previous or current involvement with project stakeholders.

The Council requests the signed objectivity confidentiality and conflict of interest declaration to be submitted before the evaluation is launched.

During all contacts with stakeholders, the Provider will clearly identify themselves as independent consultants and not as an official representative of the Council of Europe.