

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



### Purchase of intellectual services (local consultancy) for the implementation of the Project “Enhancing the protection of human rights of prisoners in Albania”

The Council of Europe is currently implementing and until 23 May 2022 will implement a Project on “Enhancing the protection of human rights of prisoners in Albania”, funded under the European Union/Council of Europe cooperation programme Horizontal Facility II. In that context, it is looking for local Provider(s) 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 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 **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, a self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email addresses indicated in the table below, with the following reference in subject: “Local consultancy for prisons project”**. 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 addresses indicated below with the following reference in subject: “Inquiry – local consultancy for prisons project”**.

<b>Type of contract ▶</b>	Framework contract
<b>Duration ▶</b>	Until 18 May 2021 (Renewable by tacit agreement until the end date of 23 May 2022).
<b>Deadline for submission of tenders/offers ▶</b>	<b>10 May 2020</b>
<b>Email for submission of tenders/offers ▶</b>	<b>tender.tirana@coe.int</b>
<b>Email for questions ▶</b>	<b>tender.tirana@coe.int</b>
<b>Expected starting date of execution ▶</b>	18 May 2020

<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

### Background of the Project

The Project "Enhancing the protection of human rights of prisoners in Albania" builds upon the results achieved under the first phase of the European Union/Council of Europe Horizontal Facility Programme (HF). The Horizontal Facility for Western Balkans and Turkey is a flagship cooperation instrument of the Council of Europe and European Union. Since 2016 HF has been providing tailor-made support to reform processes using a flexible and needs-oriented approach. The Project "Enhancing the protection of human rights of prisoners in Albania" aims at assisting the Albanian authorities to further enhance prison reform and the protection of the human rights of prisoners, focusing on:

- The introduction of effective human resources management and sustainable training programmes for prison administration;
- Strengthening the provision of health care to prisoners in particular to detainees with mental disorders and implementing a suicide prevention strategy;
- Designing and piloting rehabilitation and reintegration programmes for prisoners in parallel with the application of a standard risk and needs management system;
- Improving the differentiated treatment of vulnerable groups of prisoners.

The Council of Europe is looking for a maximum 35 local Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with an expertise on the field of criminal justice and probation.

This Contract is currently estimated to cover up to 60 activities, to be held by 23 May 2022. 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.

The pre-selected local consultants will be asked to, where and to the extent applicable, communicate on regular basis, seek advice and coordinate their work and production of deliverables with the international consultants engaged under the auspices of the project.

For information purposes only, the total budget of the project amounts to 640,000 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.

### 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
<i>Lot 1: Legislative and policy framework review in the penitentiary area</i>	6
<i>Lot 2: Strengthening organisational and performance capacities of the penitentiary system</i>	6
<i>Lot 3: Improvement of the provision of healthcare in prisons, particularly for prisoners with mental health problems and forensic patients</i>	6
<i>Lot 4: Rehabilitation and reintegration of prisoners through the application of Risk and Needs Assessment, individual sentence planning, reintegration programmes and development of programmes for vulnerable groups of prisoners</i>	6
<i>Lot 5: Awareness raising, gender mainstreaming and monitoring &amp; evaluation</i>	11

**Lot 1 concerns legislative and policy framework review**

*Legislative and policy expertise helps to ensure that national legislative and policy frameworks are brought in line with the recommendations of the Council of Europe. Such expert opinions make it possible for the authorities to become aware of the standards of the Council of Europe, improve the legislation and policy drafting, or correct flaws identified in practice. The expertise should also support the introduction and drafting of new modalities at the level of draft laws, by-laws, standard operative procedures, strategies and action plans in support to the increased proficiency and effectiveness of the Albanian prison service.*

**Lot 2 concerns strengthening organisational and performance capacities of the penitentiary system**

*Professional education and training are the most important elements to improve capacities of beneficiary institutions and to strengthen relevant competencies. Staff increased knowledge through in-house training programmes is an indispensable long-term sustainable solution. Recruitment and career advancement of both prison police and civil staff should be made according to certain verifiable and objective criteria to prevent corruption, improve tenure of staff in the prison system and offer incentives for career development. Expertise under this lot has as its target audience prison staff, support to the Ministry of Justice and the prison administration to build the necessary methodological infrastructure and curricula to be capable to offer induction and continuous training on job-related needs, and establish a consolidated human resource management with solid career path strategies for the prison administration.*

**Lot 3 concerns the improvement of the provision of healthcare in prisons, particularly for prisoners with mental health problems and forensic patients.**

*Providing routine and preventive professional medical care within the prison service, with due access to diagnostic and therapeutic measures has proven particularly difficult for the Albanian prison service. According to the case law of the European Court of Human Rights (ECtHR) continued detention without appropriate medical supervision and adequate health care can constitute inhuman and degrading treatment in violation of Article 3 of the ECHR (prohibition of torture). Expertise under this lot aims to reveal the main concerns in the mental health care system of the penitentiary institutions in Albania, review the current practices and the relevant national legislation, and assist Albanian authorities to identify the necessary measures to improve mental health in prison, to provide know-how on European standards and expertise on dedicated rehabilitating programmes instead of the pharmacological approach.*

**Lot 4 concerns rehabilitation and reintegration of prisoners through the application of Risk and Need Assessment (RNA), individual sentence planning and rehabilitation programmes and development of programmes for vulnerable groups of prisoners.**

*Risk and Need Assessment (RNA) is aimed to be used by the whole prison service in Albania in order to assist decision-making in a manner that fosters rehabilitation through appropriate and targeted interventions decreasing thus the risk of reoffending. A needs-based RNA will also help to identify the needs and prospects prisoners have for themselves in view of their return to society. The latter, can serve as the basis for individual sentence planning, and together with the provision of vocational programmes it can aid prisoners in developing the necessary thinking and employment skills, manage emotions, addictions, interpersonal relationships, etc. Based on the RNA, reintegration and vocational programmes will be developed and piloted in a number of prisoners in Albania. Pre-release interventions will also be considered in light of prisoners' reintegration into society. Expertise under this lot will require the revision of the current practices of the prison service and the establishment, testing and implementation of new methodologies which when applied consistently and without interruption constitute a successful rehabilitation cycle for prisoners, and subsequently an effective prison service. Special programmes should be designed to help vulnerable groups such as women and violent prisoners, while exploring areas of inter-institutional cooperation. A prison service which takes into consideration special needs and provides tailored programmes for vulnerable groups while informing every inmate on their rights is one to aspire to. Survey design, focus groups preparation and other feedback collecting methodologies will be also in focus under this lot to gather baseline and impact assessment information.*

**Lot 5 concerns awareness raising, gender mainstreaming and monitoring & evaluation.**

*Under this Lot, the project will reach out key institutions, professionals and civil society actors by means of awareness-raising activities. Development of a successful prison service requires a synergy with external partners such as different institutions, stakeholders and civil society actors. At present, civil society is providing a meaningful role in providing free legal aid to prisoners who fulfil the criteria set by the national legislation to benefit from these services. The significance of engaging legal and medical professionals in endorsing a professional prison service and providing supplementary services can only strengthen the protection of human rights of prisoners. Under the same lot, the project aims to ensure gender perspective throughout the activities,*

*including integration of principles of gender equality and their mainstreaming in policy documents, project documentation and standard operative procedures. This Lot should also guarantee proper monitoring and evaluation under the project through data collection, design of surveys, focus groups preparation, baseline and impact assessment of planned pilot programmes.*

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

### **Scope of the Framework Contract**

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

#### **Under Lot 1:**

- *Draft assessment studies, legal opinions, comparative studies, follow up legal analysis, legal opponencies/comments to identify legislative gaps and practical shortcomings in the system and provide recommendations for legislative, institutional and capacity building improvements;*
- *Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics, including primary and secondary legislation;*
- *Propose follow up plans to assist the implementation of the Action Plan on the Development of the Prison System in Albania 2019-2022;*
- *Participate in consultation meetings and workshops with national authorities and stakeholders;*
- *Prepare other specific legal expertise, guidelines, regulations, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations to assist the authorities in improving the legislative and policy framework;*
- *Give presentations/facilitate working group meetings/workshops/roundtables etc;*
- *Check and ensure quality assurance of developed documents, materials, action plans and other outputs;*
- *Facilitate the development of the desired deliverables as above and/or as requested by the Council of Europe.*

#### **Under Lot 2:**

- *Design and deliver training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, etc. for prison staff;*
- *Review and/or adapt training materials to the needs of prison staff and to the national context;*
- *Design training needs assessment and impact monitoring methodologies;*
- *Assess human resources management policies, internal procedures, relevant legislation and practices in the field and design a merit-based recruitment and career system for both prison police and civil staff;*
- *Contribute to thematic workshops, designed to raise the capacity of beneficiary institutions;*
- *Deliver training of trainers (ToTs) and oversee the delivery of cascade trainings delivered by national trainers;*
- *Give presentations during workshops, seminars, study visits and round-tables, including through moderating/facilitating discussions;*
- *Check and ensure quality assurance of developed documents, materials, instruments and other outputs;*
- *Facilitate the development of the desired deliverables as above and/or as requested by the Council of Europe.*

#### **Under Lot 3:**

- *Participate in needs assessment missions and prepare reports or roadmaps for action with specific recommendations on improving the health care system in prisons;*
- *Provide practical advice on improving the pertinent legislation, inter-institutional cooperation, strategies on attracting professionals, the design of policies, strategies and action plans;*
- *Prepare standard operating procedures and protocols in providing mental health care within the prison facilities and prison hospitals in line with European standards;*

- *Conduct specific skill-based training sessions on suicide prevention and other rehabilitating programmes for prisoners with mental health problems;*
- *Assist the authorities in identifying shortcomings and responsive measures to address deficiencies in the provision of mental healthcare for forensic patients;*
- *Prepare and make presentations during workshops, seminars, study visits and round-tables, including through moderating/facilitating discussions;*
- *Check and ensure quality assurance of developed documents, materials, instruments and other outputs;*
- *Facilitate the development of the desired deliverables as above and/or as requested by the Council of Europe.*

#### Under Lot 4:

- *Participate in needs assessment missions and identify the state of play in relation to RNA, individual sentence planning, rehabilitation programmes, vocational training, daily programmes, education possibilities and qualifications, employment and payment of prisoners;*
- *Provide specialised advice and/or training on the application of these instruments/programmes;*
- *Review and consolidate the instruments related to prisoners' rehabilitation and reintegration cycle;*
- *Develop methods on how to introduce these practices to the prison service in Albania;*
- *Monitor the progress of pilots and submit progress/impact reports on the results achieved in the pilots with recommendations on revision of outputs;*
- *Develop user and training manuals in line with CoE and international standards for the practical application of RNA, individual sentence planning, rehabilitation programmes, pre-release plans;*
- *Prepare and conduct specific skill-based training sessions, ToTs to ensure application of RNA and other tools;*
- *Oversee cascade trainings and provide recommendations on improving the delivery of such trainings (build in house capacities for the prison service);*
- *Give presentations/facilitate working group meetings/workshops/roundtables/conferences and assist in setting up piloting programmes for newly introduced methodologies;*
- *Check and ensure quality assurance of developed documents, materials, instruments and other outputs;*
- *Conduct a survey to evaluate awareness of prisoners on their rights, prison administration acceptable behavior, services in prison and access to these services;*
- *Contribute in designing tailored educational and training possibilities for prisoners in light of their individual rehabilitation and reintegration paths;*
- *Help developing relevant instruments to regulate employment in prison and employment of prisoners by third parties together with feasible payment modalities/draft by- laws, regulations, etc;*
- *Design and deliver tailored programmes for vulnerable groups in prison;*
- *Facilitate the development of the desired deliverables as above and/or as requested by the Council of Europe.*

#### Under Lot 5:

- *Design the content of the materials for national campaigns on prisoner rights, services, access to services and ethical behavior of prison staff;*
- *Conceptualise and implement a campaign on the importance of health care in prisons and free legal aid with students of the law faculties, medical faculties, civil society organisations, school of advocates and other national authorities;*
- *Participate in public lectures/ media events on the importance of human rights in prisons;*
- *Prepare short audio-visual materials to raise awareness on vulnerable groups in prison and special needs/treatment of these groups;*
- *Assist project team and authorities in mainstreaming gender perspective and integration of gender equality principles into policy documents, project documentation, training materials and standard operative procedures;*

- *Impact evaluation of pilot programmes in selective penitentiary facilities, including design of baseline surveys, data collection, evaluation of results and development of recommendation to scale them up;*
- *Monitoring and evaluation at the project level;*
- *Facilitate the development of the desired deliverables as above and/or as requested by the Council of Europe.*

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 for the lot concerned.

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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 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 for 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<sup>2</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>3</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;
- 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*

Lot 1:

- University Degree in law (preferable), public policy, political sciences or related fields;
- At least 3 (three) years of relevant professional experience, including provision of legislative/policy analysis;
- Excellent oral and written Albanian and English.

Lot 2:

- University Degree in public policy, human resources, law or related fields;
- At least 3 (three) years of relevant professional experience, including development of initial and continuous training curricula, courses, materials and delivery of trainings for professionals;
- Excellent oral and written Albanian and English.

<sup>2</sup> It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

<sup>3</sup> 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 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).

## Lot 3:

- University Degree in psychology, psychiatry, medical degree, law, public policy, or related fields;
- At least 3 (three) years of relevant professional experience;
- Excellent oral and written Albanian and English.

## Lot 4:

- University Degree in psychology, social work, law, public policy, political sciences, social sciences or related fields;
- At least 3 (three) years of relevant professional experience, including assistance or involvement in areas related to risk and needs assessment, individual sentence planning, reintegration/rehabilitation and vocational programmes;
- Excellent oral and written Albanian and English.

## Lot 5:

- University Degree in media, economics, statistics/research, social sciences, law, monitoring and evaluation, gender mainstreaming or other relevant fields;
- At least 3 (three) years of professional experience in one or more areas of organising awareness raising campaigns, building cooperation platforms between different institutions, professions and civil society organisation, gender analysis, monitoring and evaluation of technical cooperation projects;
- Excellent oral and written Albanian and English.

*Award criteria:*

- Quality of the offer (80%), including:
  - Criterion 1: Thematic expertise in the relevant area, including the knowledge of the standards and recommendations of the Council of Europe in the areas covered by this call (50%);
  - Criterion 2: Previous similar assignments with international organisations (20%);
  - Criterion 3: Understanding of the national context in the areas covered by this call (10%);
- Financial offer (20%).

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

Multiple tendering is not authorised.

## 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

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (See attached);
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria. Where the tenderer is a legal person, this shall include the CV of the person(s) who will be assigned to carry out the work;
- A detailed Motivation letter highlighting the relevant experience for each Lot that the tenderer is applying for, and demonstrating the tenderer's understanding of the Council of Europe standards and of the national context, describing how the tenderer meets the award criteria above (2 pages maximum);
- At least two (2) examples of previous relevant work (draft legal act, legal opinion, presentation, training module, research paper, etc.);
- Three referees' contact details (contacts, including phone number and e-mail address);
- A scanned copy of all registration documents, for legal persons only;
- A scanned copy of all valid photographic proof of identity (e.g. passport);
- A declaration of the status of employment, especially if the consultant is a civil servant or public official.

<sup>4</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.



**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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