

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of international consultancy services in the field of human rights at local level in Georgia [8761/2638/6]



The Council of Europe is currently implementing the project "Strengthening participatory democracy and human rights at local level in Georgia" within the Council of Europe Action Plan for Georgia 2020-2023. In that context, it is looking for providers for the provision of international consultancy services in the field of human rights at local level to be requested by the Council on an as needed basis.

A. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €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 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 – 8761/2638/6 International consultancy services: human rights at local level in Georgia"**. 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 7 (seven) 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 - 8761/2638/6 International consultancy services: human rights at local level in Georgia"**.

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2023
Deadline for submission of tenders/offers ▶	15 November 2021
Email for submission of tenders/offers ▶	congress.cooperation@coe.int
Email for questions ▶	congress.cooperation@coe.int
Expected starting date of execution ▶	25 November 2021

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

B. EXPECTED DELIVERABLES

Background of the Project

The project "Strengthening participatory democracy and human rights at local level in Georgia" (2020-2023) aims to strengthen human rights protection and democratic public participation at local level in Georgia by strengthening institutional frameworks and by supporting local authorities and the National Association of Local Authorities of Georgia (NALAG) in their efforts to protect and promote human rights, with a particular focus on gender equality and the elimination of discrimination.

The Council of Europe is looking for a maximum of 25 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the protection and promotion of human rights at local level.

This Contract is currently estimated to cover up to 30 activities, to be held by December 2023. 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 tenderer must be either a natural person, or a legal person except consortia. Legal persons will be required to assign individual employees to perform tasks under the contract and may not subcontract or replace any employees without explicit written acceptance of the Council of Europe. Should the requested deliverables be performed by a person other than the pre-approved employees or consultants, the Council of Europe reserves the right to terminate the contract. **Tenders may be submitted for multiple lots.**

For information purposes only, the total budget of the project amounts to 900,000 Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros tax exclusive** for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

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
Lot 1: Strengthening capacities of local authorities in the implementation of human rights at local level	10
Lot 2: Providing expert support in the implementation of local initiatives on human rights	10
Lot 3: Supporting data collection for evidence-based policy making	5

Lot 1 concerns the elaboration and implementation of capacity development activities for Georgian local authorities and their National Association (NALAG) on the protection and promotion of human rights at local level, and supporting their advocacy efforts and contribution to national commitments. The topics include but are not limited to the right to equality and non-discrimination, the inclusion of underrepresented groups, gender equality, the rights of minorities, the rights of persons with disabilities, children's and youth's rights, and overall human rights obligations for local authorities in Georgia.

Lot 2 concerns the provision of tailored expert support in the implementation of local initiatives in selected municipalities, the elaboration of action plans, policies, and strategies for human rights protection and promotion at local level. Such support includes but is not limited to drafting documentation, providing evaluation, reporting, and coaching for local authorities. The thematic focus of local initiatives is on gender equality, equal opportunities, non-discrimination and the inclusion of underrepresented groups in local decision making.

Lot 3 concerns data collection and analysis to support local authorities in evidence-based policy making and budgeting for upholding human rights at local level. This includes developing methods, tools, and capacity development modules on data collection and analysis (disaggregated according to gender and other social determinants), the development and maintenance of secure databases, and data visualisation.

The Council of Europe 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, all pre-selected Providers may be asked to:

- Participate and contribute to conferences, roundtables, seminars, capacity development activities and other events, including through moderating/facilitating discussions/mentoring and delivering presentations;
- Participate in the planning cycle of capacity development activities, including drafting the concept, agenda, content, materials, exercises, methodology for delivery, evaluation questionnaires, and report on the activities;
- Coordinate with local experts and the project team and communicate on a regular basis.

Depending on the lot, they may also be asked to:

Under Lot 1:

- Contribute to the development of information and guiding materials, including learning courses (as well as e-courses), handbooks, guidelines, and manuals;
- Participate and contribute to institutional development and dialogue through working group meetings, workshops, and consultation meetings with local and national stakeholders, including through moderating/facilitating discussions and delivering presentations;
- Analyse legal and policy documents for the development of strategies and methodologies to support the advocacy efforts of local authorities and their national association;
- Develop methodologies, strategies, and conducting needs assessment on specific institutional aspects related to the topic of the lot;
- Other deliverables related to the topics above and as requested by the Council of Europe.

Under Lot 2:

- Provide guidance and advice in the assessment of regulations, strategies, policy documents and/or practice in selected local municipalities, prepare comments, recommendations, reports;
- Contribute to the development and implementation of a baseline needs assessment for each selected local municipality on human rights at local level;
- Support the development of gender-sensitive monitoring and evaluation plans;
- Undertake field visits to selected municipalities and submit evaluation report(s) highlighting results and proposing follow-up actions;
- Develop tools, methodologies, strategies, on specific thematic areas related to the topic of the local initiatives;
- Other deliverables related to the topics above and as requested by the Council of Europe.

Under Lot 3

- Contribute to the development of information and guiding materials, including handbooks, guidelines, and manuals;
- Support on-the-job coaching to the local elected representatives and municipal staff in collecting, processing, and analysing data;
- Train the trainers for enhanced collection, processing, and analysis of data;
- Other deliverables related to the topics above and 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.

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 quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);

² 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.

- 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)³

Tenderers shall be excluded from participating in the tender procedure if they:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
- have been involved in mismanagement of the Council of Europe funds or public funds;
- are or appear to be in a situation of conflict of interest.

Eligibility criteria

Lot 1

- Advanced degree (Master's or PhD) in social sciences, political sciences, law, human rights or relevant disciplines;
- A minimum of 5 (five) years of experience in working on human rights, including topics such as the Human Rights Based Approach (HRBA), gender equality, non-discrimination, rights of vulnerable and underrepresented groups, rights of persons with disabilities, children's rights, social and economic rights) at the public, non-governmental and/or international organisations;
- A minimum of 3 (three) years of experience in delivering trainings in human rights for different target groups;
- Professional experience in drafting tools, manuals, guidelines, handbooks and similar knowledge materials in the field of human rights;
- Experience in mainstreaming human rights in decision making, including at local level, would be a strong asset;
- Good understanding of the Georgian context and work experience in South Caucasus would be an asset;
- Working knowledge of Georgian would be an asset;
- Excellent command of English in speaking and writing.

Lot 2

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

- An extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

- Advanced degree (Master's or PhD) in social sciences, political sciences, law, human rights or relevant disciplines;
- A minimum of 5 (five) years of experience in technical cooperation role to guide the development and implementation of local initiatives, including local government action plans, regulations, policies, strategies on gender equality and equal opportunities, non-discrimination and inclusion of underrepresented groups, local democracy;
- Demonstrated experience in mainstreaming human rights principles, including equality and non-discrimination in local decision making would be a strong asset;
- Excellent knowledge of international standards on human rights and/or local democracy;
- Good understanding of the Georgian context and work experience in South Caucasus would be an asset;
- Working knowledge of Georgian would be an asset;
- Excellent command of English in speaking and writing.

Lot 3

- University degree in statistics, social policy, sociology, business management, economics or relevant disciplines;
- A minimum of 5 (five) years of experience in the field of quantitative and qualitative data collection and analysis methods, techniques, procedures, and data communication;
- Demonstrated experience in quantitative and qualitative data collection and analysis related to human rights and/or gender equality in different sectors would be a strong asset;
- Demonstrated experience in delivering capacity development activities on data collection, analysis, visualisation;
- Experience with capacity development for public authorities would be a strong asset;
- Proficiency in database development and data visualisation;
- Good understanding of the Georgian context and work experience in South Caucasus would be an asset;
- Working knowledge of Georgian would be an asset;
- Excellent command of English in speaking and writing.

Award criteria

- Quality of the offer (80%), including:
 - Thematic knowledge and expertise in areas described under the lot(s) for which tenderer is applying (30%);
 - Relevant experience for the duties described under the lot(s) for which tenderer is applying (30%);
 - Specific skills and capacities (20%), including:
 - Research, analysis, writing and reporting skills;
 - Communication and public presentation skills;
 - Adaptability and teamwork skills;
 - Knowledge of political situation and institutional setting of Georgia is considered an asset.
- 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**⁴ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria. For legal persons proposing more than one expert, the CV of each proposed expert is to be provided;
- Motivation letter in English, highlighting the specific area of expertise of the tenderer;
- Samples of previous work relevant to the lot(s) for which the tenderer is applying, in English. For legal persons proposing more than one expert, a sample of previous work of each proposed expert is to be provided;
- Three referees' contact details (including phone number and e-mail address);
- Registration documents, for legal persons only.

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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⁴ 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.