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COUNCIL OF EUROPE COOPERATION PROGRAMME

TECHNICAL PAPER: PROPOSED TERMS OF REFERENCE FOR DRAFT TENDER SPECIFICATION FOR THE RESEARCH STUDIES

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A. THE PROJECT

The overall objective of TYEC is to contribute to the prevention of corruption in Turkey in accordance with European and other international standards through the implementation and extension of the Code of Conduct, and the development of anti-corruption measures. The beneficiary agency is the Turkish Council of Ethics for the Public Service.

In terms of the overall project objective, the project will, first, address the need to implement the Code through training and investigation, as well as the development of codes of ethics for other categories of officials or holders of public office. Second, in relation to the need to develop systems of monitoring the effectiveness of prevention and other anti-corruption measures, the project will support system analyses of the effectiveness of key measures implemented in recent years, such as the reform of the criminal legislation, the Public Information Act and the Code of Ethics. Drawing on the results of these analyses, the project will support the development of new proposals for further anti-corruption measures and reforms.

The main activities of the project are:

1. Legal and Technical advice to improve Working Procedures of the Council of Ethics;
2. Trainings on the application and implementation of the Code of Ethics;
3. Training on curricula development with regard to Ethics and prevention of Corruption
4. Train the Trainers on Ethics and Ethics Code implementation;
5. Training on application and implementation of the Code of Ethics at provincial levels and central levels;
6. Research studies/System analysis in identifying risk corruption areas, and recommendations for improving the systems;
7. Increase effectiveness and cooperation when promoting ethics conduct in other anti-corruption measures.

6. involves a series of research studies intended to inform the work of the project and help provide material to support its implementation. The Project specifies the output is as follows:

Output 6	At least 10 research studies are available on the risks of corruption in relation to unethical behaviour and have been discussed in public
Activity 6.1	Commission at least 10 research studies
Activity 6.2	Organise the publication and dissemination of the results of these studies
Activity 6.3	Support the Council of Ethics in the organisation of up to 5 public workshops on the results of these studies

Workshops organized by the Council of Ethics with stakeholders and public agencies have devised a number of areas of possible research, with a focus on two areas – one looking at risk corruption issues through specific institutions and one taking wider overviews. It has also been agreed to divide the 10 studies in terms of the timing of their commission to reflect these two general areas, with 6 studies being commissioned as soon as possible and 4 studies being commissioned to start later in the year.

B. RESEARCH STUDIES

B.1 Aims

The general aim of the research studies is to develop a greater understanding of various issues to do with the development of public ethics in Turkey, the drivers/inhibitors of reform, the institutions involved and the role of the media and civil society. More specifically, the research is intended to increase the knowledge and implementation of ethical issues in order to facilitate the work of the Ethics Council and the project. It will seek to identify the roles of agencies and institutions, in the public and private sectors and in civil society in addressing ethics, and to understand the dynamics of contexts and trends that may affect the future work of those dealing with public ethics.

B.2 The Research Studies

The general areas the research studies should address and the types of findings that are sought are described below. The list is not prescriptive and intending applicants are invited to suggest approaches within the general areas. Applicants – which may individuals, institutions, or consortia - may bid for more than one study.

1. Conflict of Interest in Public Administration (study to be completed in 2008)

The study will assess how the public sector deals with conflict of interest, including:

How is it defined;
What is the legal framework and is it effective;
What are the most common causes of conflict of interest;
What rules and procedures are in place for the registration and disclosure of interests;
What variations exist across the public sector or between national, regional and local governments;
What is the role of the ethics boards and disciplinary boards.
What is or should be the role of the Council of Ethics.

The study may give particular attention to the current roles and responsibilities of the Council of Ethics, how it may liaise with and interact with other agencies, such as Ethics Commissions. It may assess how Turkey approaches conflict of interest in comparison to other EU countries or to wider standards, such as those of the OECD.

2. Public Bidding and Ethics (study to be completed in 2008)

The study will review national, regional and local legislation, institutional arrangements, and procedures for capital, recurrent and maintenance (or works) public sector contracts.

The study may want to consider preventative measures throughout the lifecycle of a contract, procurement planning and the decision to procure, including the preparation of operational-technical requirements; organisation and allocation of public procurement through open procedures (unless there are exceptional circumstances justifying alternative procedures) and the completion of contract; and closure of the contracts through post-award performance and payment.

It will identify risks, weaknesses and vulnerabilities in each area and in each type of contract. It will make proposals for the improvement of procedures, to minimise the

possibility of corruption, including the use of e-government and other means of transparency, ethical conduct of those involved in procurement, the responsibilities of the private sector, and possible sanctions (including voiding of contracts, debarment, integrity pacts and so on). It may wish to compare and contrast Turkish procedures against international standards, such as the UNCITRAL Model Law, matters regarding personnel responsible for procurement, such as risk management, audit trails and record-keeping, specific appointments processes, specific codes of conduct and training requirements, and the role of inspectorates and audit.

The study will identify those areas and procedures where the Council of Ethics may have a particular impact in terms of guidance, training and review.

3. Planning at Local Level (study to be completed in 2008)

The study will look at the legislative, institutional and procedural arrangements for dealing with planning applications and development at local level. It will consider such issues as the impact of planning on land values, on the policing of illegal building, on the development of area plans, on the relationship between developers, planners and politicians.

The study will consider the expertise of the local public officials involved in planning, the pressures on planning procedures, the potential for corruption, the nature of ethical guidance and procedures for local public officials, and the procedures for the publicity, review and appeal of decisions.

The study may consider the relationships between local, regional and national planning authorities, and the relationship between local public officials and the citizens in the planning process.

The study may consider the wider environmental and conservation issues associated with planning at local levels. It may make recommendations for the improved ethical conduct of local public officials and the improved corporate social responsibility of individuals and companies involved in planning.

4. Ethical Conduct in Law Enforcement (study to be completed in 2008)

The study may wish to review the literature on law enforcement misconduct and corruption as a framework to compare and contrast the Turkish context. It may explore the types of misconduct and corruption involving the Turkish law enforcement agencies and review what training and other means are currently used to instil ethical behaviour and deal with breaches.

The study will consider how far the nature of policing and the culture of the agencies provide the opportunities for misconduct and what measures could be taken to address this.

The study will review the role of codes and related procedures and requirements in law enforcement agencies and compare them to the Interpol Code of Conduct and other procedural and institutional measures used to address misconduct and corruption.

5. Ethical Conduct in the Health Services (study to be completed in 2008)

The study will provide the opportunity to assess the ethical conduct of those within the health services and the relation between the health services and its suppliers, particularly the pharmaceutical industry.

The study may wish to review the separation of responsibilities and interests between the Ministry of Health, its subordinate units, state and private supplies of healthcare products, healthcare professionals and the public and any conflict of interest is managed.

The study will explore the role and responsibilities of health professionals, their professional standards, and the potential for misconduct and corruption. It will consider the ethical framework surrounding the system of delivery of, use of, and payment for, pharmaceutical products.

The study may review how national and international private sector companies approach their roles and responsibilities in terms of ethical contracting and relations with public officials and health professionals.

6. Ethical Standards and the Title/Land Registry (study to be completed in 2008)

The study provides the opportunity to study in detail the legal, institutional and procedural aspects of a single ministry. The study will explore the complexities of service delivery and the risks and vulnerabilities associated with it. It will be able to explore possible reforms that will address the provision of a more efficient public service, particularly using modern technology, while also seeking to design out the opportunity and incentive for misconduct.

The study may wish to interview public officials about their work and the role of ethics in guiding their decision-making and other processes.

The study should give the Council on Ethics guidance on perceptions of the role and importance of ethics, of an awareness and understanding of the Code, among a range of public officials.

7. The Shadow Economy (study to be completed in 2009)

The shadow economy (or the informal or cash economy) is often used as an indicator of corruption, or at least as evidence of a lesser developing economy or society in which exchange or cash is the basis of economic activity. Not only does this work outside the formal tax and customs framework, denying the state revenue, but it allows illicit accumulation of wealth and assets often used in influence trading and corruption. It instils an anti-state attitude and encourages covert relations between public officials and the private sector.

The study will explore how far the informal economy has decreased or increased in recent years and in which sectors it is more prevalent, and why. It may review the work of the tax and other revenue agencies and consider what threats its existence poses to an ethical environment in the public sector.

8. Professional Associations and Ethics (study to be completed in 2009)

The study would survey all those professional bodies in Turkey for their developments of Codes of Conduct, how they were constructed, implemented and enforced.

Distinctions may be made between professional and generic ethical contents, which in turn may be compared and contrasted with the Council of Ethics Code.

Questionnaires and interviews may be undertaken as to the perceptions of professional associations in complementing the work of the Council of Ethics and working toward generic themes across codes, in the provision of training and in the raising of awareness of ethical standards. Particular attention may be given to those professional associations whose members are also public officials and governed by more than one code (such as health professionals).

9. Ethics and the Customs Services (study to be completed in 2009)

The study may wish to review the literature on misconduct and corruption in the customs service, particularly the work of the World Customs Organisation (WCO), as a framework to compare and contrast the Turkish context. It may explore the types of misconduct and corruption involving the Turkish customs service. The study will be used to compare and contrast issues identified in study 4.

The study will explore the nature of recruitment, promotion, management arrangements, the management of risk, review of training and other means are currently used to instil ethical behaviour and deal with breaches.

10. Ethics, Culture, and Society (study to be completed in 2009)

The study is envisaged as possibly taking two approaches in seeking to establish the social and cultural context – ranging from where do public officials develop sustain their ethical standards to the public's perceptions of the conduct of public officials.

The study may make a broad review of the development of ethical standards in the Turkish context, how it may be developed through faith, family, education and other influences. Drawing on the extensive literature, it may wish to consider how the approach to, and view of the role of, ethics, has developed in different sectors in the public and private sectors in order to where social and cultural attitudes may complement or contradict the development of an ethical environment in the public sector.

In particular the study may be able to provide the Council on Ethics with guidance on those areas where training should reinforce ethical standards and where it may need to address areas of potential conflict (for example, in relation to family or regional ties and nepotism).

The study would also consider in details trends and attitudes expressed in public opinion polls and other quantitative surveys to assess how public perceptions of misconduct and corruption involving public officials has changed. Of particular interest are any assessments of which ministries or activities may be seen as more susceptible to abuse than others and what the public expect from public officials. Comparisons with the various articles in the Code may give the Council on Ethics guidance on perceptions of the relative importance of each.

B.3 Using the Research Studies to Further the Work of the Project

It is intended that each of the research studies will address the objectives, and do so within specific contexts. The studies should be practitioner-based in that the findings are useable in the work of the Council of Ethics and that the studies should be undertaken within a specific timeframe to support the work of the project and the

Ethics Council. Applicants will work with the Ethics Council to ensure appropriate access to data and institutions likely to be involved in their research. Applicants who win a tender and successfully complete a study (or studies) will be involved in the public presentation and dissemination of their findings under the name of the Ethics Council. These will comprise two workshops to provide the venue to compare and contrast the findings toward a more integrated approach to addressing public ethics and the prevention of corruption.

C. METHODOLOGY

The Council of Europe does not require any particular methodology but wishes intending applicants to note the following:

- The research studies should be conducted within the stated timeframe;
- The research studies must, as far as possible, be grounded in empirical work, engage as far as possible with the institutions indicated and not rely on secondary research or desk reviews;
- The research studies must involve the analysis of the regulatory framework of the respected agencies; the available statistical and other material, including previous public surveys carried out in Turkey, as well as the review of the practice regarding ethics; the analysis of mass-media materials; and sociological research of public involvement such as public opinion surveys and focus group meetings.
- Applicants should also ensure that their applications outline the appropriate methodologies that will be deployed in order to obtain a solid evidence base to underpin the credibility of the findings;
- Applications should also explain the reasons for the choice of methodology and the experience of the researcher(s) in using these;

D. TENDER REQUIREMENTS

Applicants should demonstrate that they have relevant knowledge of their field and a proven track record in both quantitative and qualitative research. They also need to have experience of carrying out effective project management and are capable of working to deadlines.

Intending applicants will be assessed under the standard Council of Europe procurement procedures.

Each tender should contain the following information:

- a) background information on the researcher(s), research team and/or proposing
- b) organization or consortia;
- c) the names of all researchers and their experience (please attach relevant CVs);
- d) a description of the research methods to be used;
- e) consideration of any ethical issues arising;
- f) a delivery timetable;
- g) full contact details;
- h) name and contact details for two referees;
- i) price of research with a breakdown of major elements including VAT and (if daily rates j) are used) the number of days, the rate and the annual salary from which this derives, k) likely expenses, any institutional overhead included in the price;
- l) a list of (similar) projects undertaken by the bidder/organization/consortia;
- m) a statement that only the researchers named in the proposal will undertake the work;

- n) a statement that the research will be original and that all copyright will be vested in the o) Ethics Council and the project;
- p) details of the account for payment to be made;
- q) confirmation that all claims will be made in accordance with Council of Europe r)procedures and will be supported with relevant documentation.

E. TENDER ASSESSMENTS

All tenders will be checked for provision of the requirements and then evaluated by a panel comprising:

- One member of the Ethics Council;
- CoE (the resident advisor);
- One delegate from the European Commission.

The procedure should be carried out according to the Council of Europe procurement rules.

F. COMPLETION OF THE STUDIES

Once a tender has been successful the researchers will meet with members of the Secretariat of the Ethics Council and the project to discuss the proposed work and timetable. A contract will be drafted between the Council of Europe and the successful tenders in cooperation with the Ethics council. All successful tenders will be required to submit a statement of progress and an interim report approximately half way during the agreed timescale. A draft report will be submitted within 4 weeks of completion of the tender for comments before final submission. The Council of Europe retains the right to reject any submission that fails to adhere to the stated work plan and timescale; it also reserves the right to reject a final report if, in the opinion of the Ethics Council and the resident advisor, it fails to achieve and appropriate standard or is unsuitable for use by the Ethics Council or the project.

Upon the completion of studies (by group), two public workshops will be held to announce, evaluate and discuss the outcome of the studies.

Each study should submit one final copy of the report in hard copy and on CD-ROM.

It is expected that the interim and final reports will be submitted in Turkish and English.

G. TIMESCALE FOR THE WORK

The proposals for the evaluation, the award and the completion of the research studies is as follows:

All Studies

Deadline for tenders: 30 May 2008

First Set of 6 Studies

Contract offered and research started: 30 June 2008

Draft of report: 31st October 2008

Final report completed: 30 November 2008

Second Set of 4 studies

Contract offered and research started: 1st January 2009

Draft of report: 31st May 2009

Final report completed: 30th June 2009

H. COST

The cost of each study will be from 10,000 to 12,000 euros. It will include all direct and indirect costs associated with study, no supplementary claims will be considered. The funds will be dispensed as follows:

- 50% upon the signature of the contract
- 50% upon the delivery and acceptance

The procedures for claiming and the required documentation will be as follows:

I. COPYRIGHT

The study and all submitted supporting material will be the copyright of the Council of Ethics and the use of such material will be the sole responsibility of the Council of Ethics. Due acknowledgement will, however, be given for the material and authors/institutions may be able to publish such material on their websites or in academic publications with the prior agreement of the Ethics Council.

J. CLOSING DATE

The closing date for tenders:Applications should be submitted to:

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Each bid include 1 original and 4 copies and should be in a sealed envelope marked externally - 'Research Study, Council of Ethics' with the name of the researcher and/or institution. A copy should also be emailed to:

XX XX

The hard copy and e-mail must both be sent by the closing date.

K. CONTACT DETAILS

If you would like to discuss this tender in more detail, please contact:

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