

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of (National) consultancy services in the area of "Human Rights Compliant Policing in Georgia"

Contract N° 8780-13/09/2021

The Council of Europe (the Council) is currently implementing a Project on "Human Rights Compliant Policing in Georgia" (HRCPG) until 31 December 2022 (with the possibility of an extension until 31 December 2023). In that context, it is looking for Provider(s) for the provision of consultancy services to support the Georgian authorities, including the Ministry of Internal Affairs (MIA), the State Inspector's Service and the Public Defender's Office (PDO), and civil society to be requested by the Council on an as needed basis. It aims to ensure policing responsibilities are discharged in an effective and accountable manner through enhanced compliance with human rights standards and quality monitoring and investigation mechanisms. The project will address the shortcomings identified inter alia by the European Court of Human Rights, the European Committee for the Prevention of Torture (CPT) and the PDO of Georgia.

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, a legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: HRCPG National short-term consultants.** 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's 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: "QUESTIONS- HRCPG National short-term consultants"**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2022 (with the possibility of extension until 31 December 2023)
Deadline for submission of tenders/offers ►	13 September 2021
Email for submission of tenders/offers ►	policeprisons.projects@coe.int
Email for questions ►	policeprisons.projects@coe.int
Expected starting date of execution ►	27 September 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 Council of Europe project aims to provide support to the Georgian authorities in monitoring and discharging policing responsibilities in an effective and accountable manner through enhanced compliance with human rights standards.

The project will support the development of policies and regulatory measures by the medium and high-level decision-makers at the MIA that will address the shortcomings identified inter alia by the European Court of Human Rights, the CPT and Georgian's Public Defender's Office in policing.

It will enhance the professional and operational capacities of main target groups, i.e. police services and their officers as well as national independent monitoring and investigation mechanisms (Office of Public Defender and the Service of State Inspector) and relevant staff members to prevent police misconduct while performing their duties and to carry out effective investigations into allegations or other indications of ill-treatment, disproportionate use of force and other human rights violations, in line with Council of Europe standards and best European practices.

Capacity building initiatives for police services and national independent monitoring and investigation mechanisms will also focus on policing of democratic freedoms (e.g. public gatherings), principles of ethics, issues related to juveniles and other vulnerable groups, as well as a gender-sensitive approach to policing.

In addition, the project will also support the MIA in improving the rights of detained persons and their treatment in police custody, in particular those detained in Temporary Detention Isolators (TDIs). TDI staff, both medical and non-medical staff, will be the target of capacity building activities to ensure the protection of fundamental human rights, including access to adequate services, in detention facilities.

National civil society organisations will also be targeted by the projects' awareness raising actions, as their effective involvement in the external monitoring of police conduct is essential to ensure accountability and transparency of policing as well as public trust.

The project will support the beneficiaries by carrying out the following activities:

- Revision of the relevant legislation related to policing and the protection of human rights;
- Assessment and development of policy documents, strategies and action plans on preventing and fighting ill-treatment by police services;
- Development of standards for the delivery of essential services in TDIs;
- Capacity building of the police services and their staff, including training of trainers, training of the relevant staff of the Ministry of Internal Affairs, thematic workshops, seminars and other capacity building and awareness raising actions for the managers, high-ranking police officers and investigators of the MIA;
- Development of a Service Delivery Standard for the Service of State Inspector;
- Support the Service of State Inspector and the Public defender's Office in capacity building activities, including trainings, thematic workshops and the seminars, to ensure the protection of the human rights and combating ill-treatment.

This tender concerns all outcomes of the project – The main intervention areas will cover inter alia regulatory framework, institutional and practical implementation levels and the capacity building activities.

The implementation implies different types of activities, including inter alia provision of legal/technical expertise, organisation of high-level consultations, conferences, working group meetings, drafting sessions, roundtables, as well as delivery of training courses and other capacity building activities, developing reports, studies, researches and training materials necessary for the delivery of the outcomes of the project.

The Council of Europe is looking for a total of 20 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on human rights compliant policing as well as functioning of independent monitoring and investigation mechanisms in this area.

This Contract is currently estimated to cover up to 40 activities, to be held by **31 December 2022**.² This estimate is for information purposes 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 and the beneficiaries.

For information purposes only, the total budget of the project amounts to **600,000 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 – Policy and regulatory framework on policing in line with Council of Europe standards and best European practices	8
Lot 2 – Capacity building of the staff of relevant local institutions to ensure human rights safeguards are applied in line with the Council of Europe standards and best European practices in the context of policing, monitoring and investigating police misconduct	8
Lot 3 – Capacity building of the staff of relevant local institutions on the provision of high-quality standards for the delivery of healthcare services	4

Lot 1 concerns policy and regulatory framework on policing in line with Council of Europe standards and best European practices, including preventing and fighting ill-treatment by police services in the context of the use of force by police and policing democratic freedoms; safeguards against ill-treatment and high-quality standards for the delivery of essential services (including healthcare and gender-sensitive services) in police custody (including Temporary Detention Isolators); monitoring and effective investigation into indications of police misconduct and other human rights violations; gender-mainstreaming; inclusion of principles of equality and non-discrimination (including issues relating to gender, age, disabilities, etc.), rights of juveniles (victims and offenders) and other vulnerable groups; cooperation with civil society and public awareness.

Lot 2 concerns capacity building of the staff of relevant local institutions to ensure human rights safeguards are applied in line with the Council of Europe standards and best European practices in the context of policing (including a gender and juvenile sensitive approach, standards and principles regarding the use of force and policing democratic freedoms, ethics, safeguards against ill-treatment of persons in police custody, issues relevant to persons with disabilities) as well as monitoring and investigating into allegations or other indications of police misconduct and other human rights violations.

Lot 3 concerns capacity building of the staff of relevant local institutions on the provision of high-quality standards for the delivery of healthcare services, including health care management, medical ethics, mental health care services adapted to vulnerable groups, and documentation of injuries.

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).

² The estimated number of activities may be increased and will likely increase to an estimate of 65 activities for the total period of the project, if extension until 31 December 2023 is approved and implemented.

Scope of the Framework Contract

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

Under Lot 1:

- *Prepare (draft and review) legal opinions, legal expertise, guidelines, regulations, comments, recommendations, strategies, action plans, analytical reports (on legal acts, by-laws, institutional internal rules and regulations) and policy documents (drafts and in force);*
- *Conduct research and risks and needs assessments on specific activities (lato sensu – operation of the temporary detention isolators, identification of the existing gaps, operation of the human rights department of the MIA, etc.);*
- *Provide technical expertise for the development/use of specific tools;*
- *Participate at events (working groups, conferences or any other meeting), prepare and deliver presentations and provide activity reports and other written contributions on given topics;*
- *Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe;*
- *Coordinate with other short-term consultants, provide expertise, advice and revisions;*
- *Check and ensure the quality (including copy-editing, proofreading, formatting) of developed documents, materials, action plans and other outputs.*

Under Lot 2:

- *Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, etc.;*
- *Deliver training courses on specific topics and based on developed training materials;*
- *Contribute to the thematic conferences and workshops designed to raise the capacity of targeted groups and project beneficiaries and civil society;*
- *Contribute to the conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, by delivering presentations, moderating/facilitating discussions, reporting;*
- *Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe;*
- *Coordinate with other short-term consultants, provide expertise, advice and revisions;*
- *Check and ensure the quality (including copy-editing, proofreading, formatting) of developed documents, materials, action plans and other outputs.*

Under Lot 3:

- *Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, etc.;*
- *Deliver trainings on specific topics and based on developed training materials;*
- *Contribute to the thematic conferences and workshops designed to raise the capacity of targeted groups and project beneficiaries and civil society;*
- *Contribute to the conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, by delivering presentations, moderating/facilitating discussions, reporting;*
- *Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe;*
- *Coordinate with other short-term consultants, provide expertise, advice and revisions;*
- *Check and ensure quality (including copy-editing, proofreading, formatting) of developed documents, materials, action plans and other outputs.*

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 CV/s 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, in the form of daily rates, 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 quote³ (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)⁴

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

- University degree in the relevant field (law/political studies or human rights/ social studies/ management/ psychology/ health care management/mental health and other related fields);
- At least 5 (five) years of professional experience in one or more of the thematic areas of the Project: Police, Policing of democratic freedoms, Police use of force, human rights and safeguards against ill-treatment in police custody, independent investigation and complaint mechanisms, monitoring mechanisms, treatment of juvenile offenders, support to juvenile victims, gender-sensitive police services, police treatment of persons with disabilities and other vulnerable groups, police ethics, healthcare management in detention, mental health care.
- Very good knowledge of English language (Minimum B1 level according to the Common European Framework of Reference for Languages).

³ 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.

⁴ 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.

Award criteria

- Quality of the offer 70%, including:
 - **Criterion 1:** Professional experience in the fields of expertise covered by this tender, including: Length of experience; Proven track record of practical achievements in the given field. (30%)
 - **Criterion 2:** Quality of sample deliverables produced by the tenderer. (20%)
 - **Criterion 3:** Knowledge of the national context, as well as Council of Europe standards in the areas covered by this call. (20%)
- Financial offer (30%)

The Council of Europe 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**⁵ (See attached);
- Registration documents, for legal persons only;
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
- For legal persons only, a detailed CV of the staff member(s) appointed to provide the deliverables (4 pages maximum);
- A motivation letter demonstrating the tenderer's understanding of the Council of Europe needs and describing how the tenderer meets the eligibility and award criteria above (1 page maximum);
- At least two examples/samples of the previous work/deliverables' reference/links to publications, legal assessments/analyses, reports, studies, etc. relevant to the experience the tenderer claims (in English);
- 3 (Three) relevant references, from previous employers or clients (name, surname, phone number or e-mail)

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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⁵ 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.