**CALL FOR TENDERS**

for the provision of international consultancy services in the area of healthcare for persons deprived of their liberty in kosovo[[1]](#footnote-1)

**2022/AO/74**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | International consultancy services |
| **Project ►** | Improvement of the treatment of persons deprived of their liberty |
| **Organisation and buying entity ►** | Council of Europe  Directorate General on Human Rights and Rule of Law |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 30 September 2025 |
| **Expected starting date ►** | 01 February 2023 |
| **Tender Notice Issuance date ►** | 23 November 2022 |
| **Deadline for tendering ►** | 19 December 2022 |

**TABLE OF CONTENTS**

This Tender File contains:

* [**The TERMS OF REFERENCE** 3](#_Toc445392375)

The TERMS OF REFERENCE describe what will be expected from the selected Providers.

* [**The TENDER RULES** 6](#_Toc445392376)

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

* **The ACT OF ENGAGEMENT** **(See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

**HOW DOES A FRAMEWORK CONTRACT WORK?**

**Stage 1:**

**Selection** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

**Stage 2:**

**Order(s)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**Execution** as from the date of signature of each Order, unless the Order concerned provides otherwise.

**HOW TO SUBMIT A TENDER?**

**Step 1:** Read the **TENDER FILE**

**Step 2:** Complete the **ACT OF ENGAGEMENT** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

**CALL FOR TENDERS**

**for the provision of international consultancy services in the area of healthcare for persons deprived of their liberty in kosovo[[2]](#footnote-2)**

**2022/AO/74**

1. **Background**

The Council of Europe implements the Project “Improvement of the treatment of persons deprived of their liberty” in Kosovo\* until 30 September 2025. The project aims to further strengthen the protection of the rights of convicted persons, with a focus on the provision of healthcare in prison, as well as the rights of patients detained during involuntary psychiatric hospitalisation, and persons with mental disabilities placed in special social welfare institutions. Its aim will be accomplished through the following measures: (i) strengthening co-operation and increasing consistency and co-ordination of approaches of all relevant stakeholders so as to improve the health care provided to all persons who are de facto and de jure deprived of their liberty, including convicted persons, patients involuntarily committed to psychiatric hospitalisation and persons with mental disabilities placed in social welfare institutions; (ii) further enhancing the professional performance of the Prison Healthcare Department (PHD) within the Ministry of Health through capacity-building measures, by establishing relevant protocols and strengthening safeguards against ill-treatment; (iii) reviewing legislation and policies regulating involuntary psychiatric hospitalisation in light of CoE standards and assessing and revising procedures and information provided to patients on their rights; and (iv) strengthening the protection of the human rights of detained patients with mental disabilities and facilitating their rehabilitation and reintegration into society.

By achieving the above-mentioned objectives, the project will further enhance the knowledge and skills of medical and non-medical staff in prisons, other closed institutions and relevant stakeholders, to strengthen the safeguards against ill-treatment in line with CoE standards and European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommendations. It will develop an efficient working methodology and encourage sustainable co-operation, with an overall aim to ensure the protection of the human rights of persons deprived of their liberty, with focus on convicted persons and patients with mental disabilities.

The Council of Europe is looking for a maximum of 40 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on healthcare (with a special focus on mental health) provision in prisons, psychiatric hospitals during involuntary hospitalization and social welfare institutions for persons with mental health disabilities.

This Contract is currently estimated to cover up to 70 activities, to be held by 30.09.2025. 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.

For information purposes only, the total budget of the project amounts to 850 000 Euros and the total amount of the object of present tender should in principle not exceed 63000 Euros 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.

1. **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, legal, institutional, and operational guidance on treatment of persons with mental disorder/s deprived of their liberty, in line with Council of Europe standards and best practices | 20 |
| Lot 2: Capacity building on treatment of persons deprived of their liberty with mental disabilities, in line with Council of Europe standards and best practices | 20 |

**Lot 1 concerns** the contribution to and/or direct provision of deliverables from the Council of Europe and other international standards’ perspective on the development/update of policy, regulatory, institutional and operational frameworks on treatment of persons with mental health disability in prisons, psychiatric hospitals during involuntary hospitalization and social welfare institutions for persons with mental health disabilities, in line with Council of Europe standards and best European practices. This includes, but is not limited to, heath care protocols and guidelines on treatment of persons with mental disabilities, tools for psychological assessments and individual treatment/care plans, safeguards against ill-treatment with focus on prisoners with mental health disorders, occupational therapy guidelines and tools, legislation regarding involuntary hospitalisation and treatment, rehabilitation and reintegration tools and programs, etc.

**Lot 2 concerns** the contribution to and/or direct provision of deliverables from the Council of Europe and other international standards’ perspective on building capacities towards the implementation heath care protocols and guidelines on treatment of persons with mental disabilities, tools for psychological assessments and individual treatment/care plans, safeguards against ill-treatment with focus on prisoners with mental health disorders, occupational therapy guidelines and tools, legislation regarding involuntary hospitalisation and treatment, rehabilitation and reintegration tools and programs.

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).

1. **SCOPE OF THE FRAMEWORK CONTRACT**

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

Under Lot 1:

* *Prepare/Assist in preparing legal opinions, legal expertise, guidelines, regulations, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);*
* *Draft strategies, action plans, policy and guidance documents, guidelines on specific topics;*
* *Provide technical expertise for the development/use of specific tools;*
* *Provide expertise and written contributions on pilot initiatives;*
* *Participate and provide written contributions to working group drafting sessions for the development of specific documents and materials on given topics;*
* *Conduct research and needs assessment on specific topics and activities, provide recommendations and documents (lato sensu – guidelines, risk and needs assessment tools, etc.);*
* *Deliver presentations to the thematic conferences, round-tables, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;*
* *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;*
* *Provide quality assurance of developed documents, materials, action plans and other outputs.*

Under Lot 2:

* *Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, awareness raising materials and other relevant information documents;*
* *Conduct research and needs assessment on specific activities, provide recommendations and documents (lato sensu – curricula, guidelines, risk and needs assessment tools, etc.);*
* *Deliver training on specific topics and based on developed training materials;*
* *Contribute to the thematic conferences, workshops, designed to raise the capacity/awareness of the project’s targeted groups and project beneficiaries and civil society;*
* *Deliver presentations to the thematic conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;*
* *Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe;*
* *Coordinate with other short-term consultans, provide expertise, advice and revisions*
* *Provide quality assurance 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.

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.

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).

1. **FEES**

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of the Act of Engagement. These fees are final and not subject to review.

The Council will indicate on each Order Form (see Section E below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract

1. **HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)**

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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.

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider for the relevant lot 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[[3]](#footnote-3) (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 Service 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.

1. **ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations) [[4]](#footnote-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;
* are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;

*Eligibility criteria*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

* University degree in medicine, psychiatry, psychology, law, social studies, healthcare and mental healthcare management, human rights, political studies, or other related fields;
* At least 3 (three) years of professional experience in one or more of the following areas with a focus on European and international standards: provision of healthcare (with a special focus on mental health) in prisons, psychiatric hospitals during involuntary hospitalization and social welfare institutions for persons with mental health disabilities, working with human rights and safeguards against ill-treatment in penitentiary institutions, occupational therapy, psychological assessments and individual treatment/care plans, rehabiliation and reintergration tools and programs.
* Excellent knowledge of oral and written English language (at the minimum C1 level of the Common European Framework of Reference for Languages).

*Award criteria*

* Quality of the offer (70%), 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 (40%);
  + *Criterion 2:* Proven track record of achievements in the given field, including length of experience and previous similar assignments with international organisations (20%);
  + *Criterion 3:* Knowledge of the local and/or regional context in the areas covered by this call (10%).
* Financial offer (30%).

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

1. **DOCUMENTS TO BE PROVIDED**

* **One** **completed and signed copy of the Act of Engagement**.[[5]](#footnote-5)
* A short 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);
* Three relevant references, from previous employers or clients (name, surname, phone number or e-mail).
* For legal persons only:
  + Registration documents;
  + Detailed CV(s), preferably in Europass Format, of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
  + Not more than two examples (per person) of previous work/deliverables of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum): reference/links to publications, legal assessments/analyses, reports, studies, training curricula, training modules etc. relevant to the experience the tenderer claims and the lots the tenderer is applying to (in English);
* For natural persons only:
  + Detailed CV(s), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
  + Not more than two examples of previous work/deliverables, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum): reference/links to publications, legal assessments/analyses, reports, studies, training curricula, training modules etc. relevant to the experience the tenderer claims and the lots the tenderer is applying to (in English).

**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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**for the provision of INTERNATIONAL CONSULTANCY SERVICES IN THE AREA OF HEALTHCARE FOR PERSONS DEPRIVED OF THEIR LIBERTY IN KOSOVO[[6]](#footnote-6)**

**2022/AO/74**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

Directorate General on Human Rights and Rule of Law (DG1), Police, Detention, Drugs and Addictions Department

* 1. **Background**

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.[[7]](#footnote-7)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 120 calendar days as from the closing date for their submission.

**ARTICLE 3 – DURATION OF THE CONTRACT**

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

**ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE**

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

**ARTICLE 5 – Content of the tender file**

The tender file is composed of:

* Technical specifications/Terms of reference;
* Tender rules;
* An Act of Engagement, including the Legal Conditions of the contract.

**ARTICLE 6 – LEGAL FORM OF TENDERERS**

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: [PolicePrisons.Projects@coe.int](mailto:PolicePrisons.Projects@coe.int)

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **electronically.**

**Electronic copies** shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with reference no. **2022AO74** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 19 December 2022 by 23:59 CET.

**ARTICLE 10 – ASSESSMENT OF TENDERS**

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

**ARTICLE 11 – NEGOTIATIONS**

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

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**

* **One** **completed and signed copy of the Act of Engagement**.
* A short 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).
* Three relevant references, from previous employers or clients (name, surname, phone number or e-mail).
* For legal persons only:
  + Registration documents.
  + Detailed CV(s), preferably in Europass Format, of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum).
  + Not more than two examples (per person) of previous work/deliverables of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum): reference/links to publications, legal assessments/analyses, reports, studies, training curricula, training modules etc. relevant to the experience the tenderer claims and the lots the tenderer is applying to (in English).
* For natural persons only:
  + Detailed CV(s), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum).
  + Not more than two examples of previous work/deliverables, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum): reference/links to publications, legal assessments/analyses, reports, studies, training curricula, training modules etc. relevant to the experience the tenderer claims and the lots the tenderer is applying to (in English).

1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **electronically.**

Electronic copies shall be sent only to [cdm@coe.int](mailto:cdm@coe.int) with reference no. **2022AO74** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 19 December 2022 by 23:59 CET.

1. *All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United National Security Council Resolution 1244 and without prejudice to the status of Kosovo.* [↑](#footnote-ref-1)
2. *All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United National Security Council Resolution 1244 and without prejudice to the status of Kosovo.* [↑](#footnote-ref-2)
3. It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part. [↑](#footnote-ref-3)
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 requirements listed above under “exclusion criteria” are met;
   * A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.

   [↑](#footnote-ref-4)
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. [↑](#footnote-ref-5)
6. All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United National Security Council Resolution 1244 and without prejudice to the status of Kosovo. [↑](#footnote-ref-6)
7. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-7)