

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

The purchase of consultancy services for the provision of **local consultancy services for Comprehensive Training and Legal Review Services Addressing Discrimination, involving both legal professionals and psychologists** for the projects “Enhancing Equality and Non-Discrimination in Georgia” and “Combating Hate Speech in Georgia”.



Contract N°9189/4960/2/2024

The Council of Europe is currently implementing a Project **“Enhancing Equality and Non-Discrimination in Georgia”**, which aims at strengthening the promotion and protection of the rights of vulnerable groups and minorities in Georgia against discrimination, hate speech and hate crime, and a project on **“Combating hate speech in Georgia”** within the third Phase of the joint programme of the European Union and the Council of Europe “Partnership for Good Governance” to promote Council of Europe and international standards in the field of promoting equality and non-discrimination and combating hate speech.

In that context, it is looking for Provider(s) for the provision of **local consultancy services** for the provision of local consultancy services for Comprehensive Training and Legal Review Services Addressing Discrimination, involving both legal professionals and psychologists for the projects “Enhancing Equality and Non-Discrimination in Georgia” and “Combating Hate Speech in Georgia” 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 €6,000 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 180 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: Tender - Legal Professionals and Psychologists**. Tenders addressed to another email address **will be rejected**.

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. **All questions shall be submitted at least 5 (five) working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions - Legal Professionals and Psychologists**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2025
Deadline for submission of tenders/offers ►	08 March 2024 23h59 (Tbilisi Time, GMT +4)
Email for submission of tenders/offers ►	antidiscrimination.georgia@coe.int
Email for questions ►	antidiscrimination.georgia@coe.int

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](#).

Expected starting date of execution	25 March 2024
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B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe is currently implementing the Projects **"Enhancing Equality and Non-Discrimination in Georgia"**, and **"Combating hate speech in Georgia"** which aim at strengthening the promotion and protection of the rights of vulnerable groups and minorities in Georgia against discrimination, hate speech and hate crime.

The overall objective of the project **"Enhancing Equality and Non-Discrimination in Georgia"** is to improve protection from and provide effective redress for discrimination and hate crimes affecting people from diverse ethnic, religious groups, and the LGBTI community.

The specific objectives are:

1. Justice system representatives provide more effective responses and victim support to hate crimes, including those targeting ethnic and religious minorities and LGBTI persons, and use collected data to propose evidence-based policies.
2. Representatives of the private sector, civil society organisations and resource officers use awareness raising tools effectively to advocate for the rights of minority groups and available redress mechanisms.

The project will work with the following partners: the Ministry of Internal Affairs, the Academy of the Ministry of Internal Affairs, the Prosecutor's Office, the Public Defender's Office, the Special Investigation Service, Courts, civil society organisations, the Coalition for Equality, the private sector, media and the Office of Resource Officers of Educational Institutions.

The project **"Combating Hate Speech in Georgia"** supports the coordination among state authorities, legal and law enforcement professionals, civil society, etc., to adapt domestic frameworks in line with international standards and apply those standards to prevent and combat hate speech in Georgia.

The project's overall objective is to improve co-operation among stakeholders to prevent and combat hate speech in Georgia, including better protection of vulnerable groups and more accessible redress mechanisms in line with European standards and best practices.

The specific objectives are:

1. Georgian institutions respond to hate speech in a systemic and co-ordinated manner involving relevant non-state stakeholders based on shared awareness of the dangers posed by hate speech and the effect it has on those targeted by it;
2. Local authorities and non-state stakeholders build common understanding of hate speech, as well of the dangers it poses those targeted in vulnerable situations and are able to respond to it through prevention and protection measures.

The project will work with the following partners: the Ministry of Internal Affairs, the Prosecutor's Office, the Public Defender's Office, the State Ministry for Reconciliation and Civic Equality, Ministry of Education, Science, Culture and Sports, including the Office of Resource Officers of Educational Institutions, local authorities and municipalities, civil society organisations.

The Council of Europe is looking for a maximum of **30 (thirty) provider(s)** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on human rights, human rights education and civic activism.

The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

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: Conduct comprehensive training sessions/researchs focused on the psychological aspects of discrimination;	10
Lot 2: Undertake thorough review of legislation and policies for alignment with antidiscrimination standards, and provide comprehensive training, guidance and analytical research conducted by legal and policy professionals .	20

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

Scope of the Framework Contract

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

Under Lot 1:

- Conduct training sessions for various groups on the psychological impact of discrimination, including the preparation of written training materials such as curricula, agendas, pre- and post-tests, case studies, and presentations.
- Review various documents considering psychological aspects and provide written comments/recommendations.
- Participate as a speaker in workshops, roundtables, information sessions, and working group meetings.
- Provide other deliverables related to the above tasks as requested by the Council of Europe.
- Prepare activity reports in English.
- In all assignments, including post-activity reports, the consultant(s) shall elaborate on the gender dimension and the potential impact of proposed actions on gender equality.

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.

Under Lot 2:

- Conduct analysis of legal acts, by-laws, (draft) codes of ethics, decisions of the Constitutional Court and common courts, as well as national and institutional policies in relation to equality, non-discrimination and hate crimes.
- Conduct comparative analysis of similar legislation and policies in other countries.
- Provide legal expertise on specific issues and propose changes, recommendations, or drafts of internal policies.
- Participate in consultation meetings with national authorities, private companies, and PDO.
- Make presentations during working group meetings, workshops, roundtables, or conferences.
- In all assignments, including post-activity reports, consultants shall elaborate on the gender dimension and the potential impact of proposed changes on gender equality.
- Conduct analysis of the internal equality policies of private companies.
- Conduct comparative analysis of similar policies in other companies, preferably best practice companies outside Georgia.
- Conduct trainings on the ECHR, ECRI and national standards on equality, nondiscrimination and hate crimes.

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 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);
- 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;
- are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;

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.

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.

- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu).

Eligibility criteria

Lot 1

- Master's Degree in psychology, social sciences or related fields;
- Excellent knowledge of local challenges related to discrimination of various minority groups;
- Minimum 3 (three) years of professional experience of working with different vulnerable groups including and not limited to victims of discrimination;
- A minimum of 5 (five) years of experience in provision of trainings on psychological impact of discrimination;
- Excellent analytical, training and drafting skills;
- Excellent command of English and Georgian in speaking and writing (B2 Level).

Lot 2

- Master's Degree in Law or Human Rights;
- Excellent knowledge of local context in the field of human rights as well as antidiscrimination, hate crime and hate speech standards;
- At least 5 (five) years of professional experience in human rights and antidiscrimination related issues;
- A minimum of 5 (five) years of experience in provision of trainings on ECHR, ECRI and national standards on equality, non-discrimination and hate crimes;
- Excellent analytical and drafting skills;
- Excellent knowledge of the ECHR system and its machinery, case law of ECtHR in relation to equality, non-discrimination and hate crimes;
- Excellent command of English and Georgian in speaking and writing (C1 Level).

Award criteria

Lot 1

• Quality of the offer (80 %), including:

- Strong background in psychology, social work, working with victims of discrimination **(30%)**
- Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations and/or Council of Europe; Experience in provision of trainings (including training materials) on psychological impact of discrimination; Experience of the revision of documents from the glance of psychological aspects **(40%)**

• Financial offer (20%)

Lot 2

• Quality of the offer (80%), including:

- Strong background in the area of the topics of fight against discrimination, hate crimes and hate speech; knowledge of relevant European and Council of Europe Standards, especially the standards of the European Commission against Racism and Intolerance (ECRI), FCNM and ECtHR; Strong background in reviewing and/or elaborating of equality policies; knowledge of the issues of equality and non-discrimination of minorities **(30 %)**
- Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations and/or Council of Europe; experience in human rights and antidiscrimination related issues **(40%)**

• 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 Engagement⁴** (See attached);
- A detailed **CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- **Registration documents, for legal persons only;**
- **Motivation letter demonstrating the necessary and relevant experience and education of the applicant;**

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.