



CALL FOR TENDERS

FOR THE PROVISION OF LOCAL CONSULTANCY SERVICES IN THE AREA OF PENITENTIARY IN UKRAINE

2024/AO/15

Object of the procurement procedure ▶	Provision of local consultancy services in the area of penitentiary in Ukraine, as divided into 3 lots: Lot 1: Prison management and staff education Lot 2: Rehabilitation of prisoners and offenders Lot 3: Treatment of people with substance use disorders in custodial settings
Project ▶	Towards More Humane Detention Conditions and Reduced Reoffending in Ukraine (DECOPRIS)
Organisation and buying entity ▶	Council of Europe Office in Ukraine Click here to enter text
Type of contract ▶	Framework Contract
Duration ▶	Until 17 December 2026
Expected starting date ▶	22 April 2024
Tender Notice Issuance date ▶	05 March 2024
Deadline for tendering ▶	26 March 2024 23h59 CET

TABLE OF CONTENTS

This Tender File contains:

- **The TERMS OF REFERENCE** 3
The TERMS OF REFERENCE describe what will be expected from the selected Providers.
- **The TENDER RULES** 10
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** and collect the required **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 LOCAL CONSULTANCY IN THE AREA OF PENITENTIARY 2024/AO/15

A. BACKGROUND

VC Project "Towards More Humane Detention Conditions and Reduced Reoffending in Ukraine" (DECOPRIS) aims to enhance the protection of prisoners' rights by way of improving the quality of prison management and rehabilitation of prisoners in Ukraine, in line with the findings of the Council of Europe's (CPT, ECtHR, CM) and national monitoring bodies (Ombudsperson).

Implemented under the auspices of the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026, the Project will address the objectives of 'continued support to the authorities in building modern prison and probation systems with a focus on shifting from punitive to rehabilitative approaches in the context of war and post-war recovery period' and 'assist Ukrainian authorities in the implementation of comprehensive drug treatment provisions in temporary pre-trial detention facilities and prisons in crisis situation'.

The Contract will cover DECOPRIS needs in local consultancy services for activities to implement the project objectives. It is currently estimated to cover up to 80 activities for the duration of the project, to be held by 17.12.2026¹. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

The 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 local expertise on the provision of consultancy services in the area of penitentiary in Ukraine, divided into 3 Lots.

For information purposes only, the total budget of the project amounts to 2,500,000.00 Euros and the total amount of the object of present tender should in principle not exceed 150,000 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.

B. 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: Prison management and staff education	15 consultants
Lot 2: Rehabilitation of prisoners and offenders	15 consultants
Lot 3: Treatment of people with substance use disorders in custodial settings	10 consultants

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 Or beyond this date in case of project duration extension.

C. SCOPE OF THE FRAMEWORK CONTRACT

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

<p>Lot 1: Prison management, training and administration</p> <p>(15 consultants)</p>	<p>Consultancy services in one or more of the following areas: support prison reform processes, including legislative framework, strategies and action plans, modern prison management, including management and re/organisation of tasks in chosen pilot prisons, case management, dynamic security, prevention of inter-prisoner violence, prison regimes, classification, prison human resources, prison staff performance management, initial and continuous training of prison staff and developing capacities of prison training centres / training providers, enhancing professional staff capacities to deliver on the prison reform objectives, prison house rules, combatting impunity, prevention of ill-treatment, prison oversight and inspection, code of ethics, means of restraint and use of force, crisis management and contingency planning, etc.</p> <p>The indicative list of expected deliverables under Lot 1 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> - Prepare legal opinions, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy and strategy level documents (drafts and in force); - Conduct needs assessment on specific activities (lato sensu – training needs, piloting models of prison management etc.) and documents (lato sensu – curricula, guidelines, Human Resource policies, laws etc); - Provide technical expertise for development/use of specific tools, - Provide expertise and written contributions on pilot initiatives; - Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics, - Draft strategies, action plans, policy documents on specific topics; - Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines; - Deliver trainings on specific topics and based on developed training materials; - Deliver presentations to working groups, 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, etc.
<p>Lot 2: Rehabilitation of prisoners and offenders</p> <p>(15 consultants)</p>	<p>Consultancy services in one or more of the following areas: progressive change of regimes in prison, risk and needs assessment (prison and probation), individual sentence planning, rehabilitation and reintegration programmes (development, piloting, delivering, training) and treatment of vulnerable groups of prisoners and offenders, vocational training, occupational therapy and education, preventing professional burn-out, psycho-social assistance, treatment and pre-release programs for specific categories of prisoners and offenders, institutional reforms, developing programs with NGOs, pre- and post-release coordination, cross-section approach and inter institutional cooperation, etc.</p> <p>The indicative list of expected deliverables under Lot 2 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> - Prepare legal opinions, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force); - Conduct needs assessment on specific activities (lato sensu – training needs, risk and needs, treatment programmes, rehabilitation programmes etc.) and documents (lato sensu – curricula, risk and needs assessment tools, guidelines, psychological manuals, laws etc); - Provide technical expertise for development/use of specific tools;

	<ul style="list-style-type: none"> - Provide expertise and written contributions on pilot initiatives; - Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics. - Draft strategies, action plans, policy documents on specific topics; - Draft training curricula, training modules and training materials, manuals, treatment programmes, rehabilitation programmes, risk and needs, guidebooks, operational guideline, guidelines ; - Deliver trainings on specific topics and based on developed training materials, treatment and risk and needs programmes; - Deliver presentations to the conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions; - Develop Terms of reference for NGOs in delivering treatment and reintegration programs in prisons; - Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe, etc.
<p>Lot 3: (10 consultants)</p>	<p>Consultancy services in one or more of the following areas <i>in the field of treatment of substance use disorders</i>:</p> <p>risk and needs assessment related to substance use and addictions (prison and probation), treatment planning and individual case management, development of standard operational procedures related to organising treatment and rehabilitation, design of rehabilitation and reintegration programmes for people with substance use disorders (development, piloting, delivering, training), introduction and improvement of treatment interventions (medical, psychosocial, preventive), development/management of pre-release and re-entry programmes for prisoners with substance use disorders, evaluation of quality and effectiveness of treatment interventions, collaboration with NGOs and people with lived experience, inter-institutional cooperation, cross-section approach, etc.</p> <p>The indicative list of expected deliverables under Lot 3 is as follows (not exhaustive):</p> <ul style="list-style-type: none"> - Conduct risk and needs assessment on specific interventions related to substance use disorders (lato sensu – training needs, treatment programmes, rehabilitation programmes, etc.); - Draft analytical reports, opinions, recommendations, literature reviews, comparative analysis, etc. based on existing needs and conditions as well as legal and administrative frameworks; - Provide technical expertise for development/use of specific tools/ programmes, collect, select and assess material in support of the design and delivery of drug treatment services; - Provide expertise and written contributions, materials on pilot initiatives, existing and planned drug treatment interventions; - Draft strategies, action plans, policy documents, technical specification documents related to treatment and rehabilitation of people with substance use disorders; - Design specific tools such as training curricula, modules and training materials, training of trainers programmes, manuals, guidebooks, operational guidelines, protocols relating to treatment and rehabilitation of people with addictions; - Deliver trainings on drugs and addictions based on developed training materials, treatment and risk and needs programmes; - Deliver written contributions/presentations on drugs and addictions at 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, etc.

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).

D. 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. Travel within Ukraine and subsistence allowances will be covered separately in line with article 4.4. of the Act of Engagement. 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.

E. 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 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;

² 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.

- 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.

F. ASSESSMENT

Exclusion criteria (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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.
- 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

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 at least one of the fields below or other related fields:
 - law
 - social sciences
 - political sciences or human rights
 - prison studies

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 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.

- prison management
 - human resources
 - medicine
 - psychology
 - psychiatry
 - addictology
 - management of health care
 - or other relevant field
- At least 3 (three) years of specific professional experience at national level in Ukraine in one or more of the areas covered by the Lots;
 - Excellent knowledge of oral and written Ukrainian language (at the minimum C1 level of the Common European Framework of Reference for Languages)
 - - Good oral and written English (at the minimum B1 level of the Common European Framework of Reference for Languages).

Award criteria for Lots 1-3:

- Quality of the offer (80%), including:
 - Criterion 1: Thematic expertise in the relevant areas as per the Lots above, including the knowledge of the standards and recommendations of the Council of Europe in the areas covered by the respective Lot (40%);
 - Criterion 2: Knowledge of Ukrainian national context in the areas covered by the Lots (30%)
 - Criterion 2: Previous similar assignments with international organisations (10%);
- Financial offer (20%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- **One completed and signed copy of the Act of Engagement.**⁴
- 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, and indicating the types of competences (based on expected deliverables described above) possessed under the specific lot (2 pages maximum).
- Three relevant references, from previous employers or clients (name, surname, phone number or e-mail).
- For legal persons only:
 - Registration documents (in English or Ukrainian).
 - Detailed CV(s), preferably in Europass Format, of person(s), allocated to the execution of the contract, demonstrating clearly that they fulfil the eligibility criteria (2 pages maximum).
 - At least one and not more than two examples (per person, in English or Ukrainian) of previous work/deliverables of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the criteria above: copies of or 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.
- For natural persons only:

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.

- Detailed CV(s), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (2 pages maximum).
- At least one and not more than two examples of previous work/deliverables (in English or Ukrainian), demonstrating clearly that the tenderer fulfils the criteria above: copies of or 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.

All documents shall be submitted in English (apart from those where alternative language is provided as option as well), 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 LOCAL CONSULTANCY SERVICES IN THE AREA OF PENITENTIARY IN UKRAINE

2024/AO/15

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Council of Europe Office in Ukraine, VC Project "Towards More Humane Detention Conditions and Reduced Reoffending in Ukraine" (DECOPRIS)

1.2 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.⁵

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

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 180 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

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 with reference no. **2024AO15** 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 26 March 2024 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.

* * *

⁵ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

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 and indicating the types of competences (based on expected deliverables described above) possessed under the specific lot (2 pages maximum).
- Three relevant references, from previous employers or clients (name, surname, phone number or e-mail).
- For legal persons only:
 - Registration documents (in English or Ukrainian).
 - Detailed CV(s), preferably in Europass Format, of person(s), allocated to the execution of the contract, demonstrating clearly that they fulfil the eligibility criteria (2 pages maximum).
 - At least one and not more than two examples (per person, in English or Ukrainian) of previous work/deliverables of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the criteria above : copies of or 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.
- For natural persons only:
 - Detailed CV(s), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (2 pages maximum).
 - At least one and not more than two examples of previous work/deliverables (in English or Ukrainian), demonstrating clearly that the tenderer fulfils the criteria above : copies of or 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.

2) HOW TO SEND TENDERS?

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

Electronic copies shall be sent only to cdm@coe.int with reference no. **2024A015** 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 26 March 2024 by 23:59 CET.