

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



## Purchase of domestic consultancy services in the areas of penitentiary institutions and police oversight in the Republic of North Macedonia

The Council of Europe is currently implementing a Project on Strengthening the capacities of the penitentiary system in North Macedonia, until 31.12.2026. In that context, it is looking for Provider(s) for the provision of intellectual services - **domestic consultancy services in the areas of penitentiary institutions and police oversight**, 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 Europe<sup>1</sup>, 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 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 a natural person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Domestic consultancy services – penitentiary institutions and police oversight.** 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 10 (ten) 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 - Domestic consultancy services – penitentiary institutions and police oversight.**

<b>Type of contract ▶</b>	Framework contract
<b>Duration ▶</b>	Until 30 June 2027
<b>Deadline for submission of tenders/offers ▶</b>	<b>15 December 2023</b>
<b>Email for submission of tenders/offers ▶</b>	<b>skopje.office@coe.int</b>
<b>Email for questions ▶</b>	<b>skopje.office@coe.int</b>
<b>Expected starting date of execution ▶</b>	01 March 2024

<sup>1</sup> 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 is currently implementing a project on strengthening the capacities of the penitentiary system in North Macedonia, co-funded by the European Union and the Council of Europe under the *Horizontal Facility for the Western Balkans and Türkiye – Phase III*. The project aims at assisting the authorities in progressing further with the country's prison reform and enhancing the protection of the human rights of prisoners and detained persons. The main areas of focus include the provision of healthcare in prisons and relevant institutional capacities; establishing Prison Police intervention teams; effective communication structures and crisis management plan; pre-release preparation and post-penal support; oversight and monitoring over the police and penitentiary institutions.

The Council of Europe is looking for **up to 15 domestic Provider(s)** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project activities, with a particular expertise on penitentiary institutions and police oversight, divided in 3 lots.

This Contract is currently estimated to cover **up to 45 activities to be held by 31.12.2026**. 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 pre-selected domestic consultants will be asked to, where and to the extent applicable, communicate on regular basis, seek advice, and coordinate their work and production of deliverables with the international consultants engaged under the auspices of the project and the project team.

For information purposes only, the total budget of the project amounts to 950,000 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: Provision of healthcare in prisons	5
Lot 2: Penitentiary capacity-building	5
Lot 3: Prison and police oversight, including the External Oversight Mechanism	5

Lot 1 concerns the **provision of healthcare in prisons**, including one of more of the following areas: drafting and testing operational procedures within the prison context, as well as capacity-building on addressing pressing health issues; medical ethics for prison healthcare staff; the Suicide Prevention Strategy; prevailing prison pathologies and transmissible diseases; standardised register of injuries, as well as integrating the training modules with the professional training institute. Concerning the co-ordination with the Ministry of Health, activities will include enhancing the capacity of the Ministry and public health centres. The non-exhaustive list below enumerates the expected services in English and/or Macedonian language:

- Prepare legal opinions and expertise, comments, recommendations, reports or legal acts, by-laws, regulations and policy and strategy level documents.
- Conduct research, analysis, and needs assessments on specific activities, technical expertise for the use of tools and piloting.
- Draft training materials and deliver trainings on topics related to the abovementioned topics.
- Deliver presentations and facilitate the working sessions or roundtable, as requested by the Council of Europe.

Lot 2 concerns the **capacity-building of North Macedonia's penitentiary staff**, including one of more of the following areas: Training Strategy and programme for the penitentiary staff; Prison Police intervention

teams; pre-release and post-penal support; communication and crisis management. The list below provides the included services (not exhaustive):

- Prepare legal opinions and expertise, comments, recommendations, reports or legal acts, by-laws, regulations and policy and strategy level documents.
- Conduct research, analysis, and needs assessments on specific activities, technical expertise for the use of tools and piloting.
- Draft training materials and deliver trainings on topics related to the abovementioned topics.
- Deliver presentations and facilitate the working sessions or roundtable, as requested by the Council of Europe.

Lot 3 concerns the **prison and police oversight**, including the External Oversight Mechanism (EOM); reporting and inspection procedures; reduction of prison population; methodology of prison' visits for the external stakeholders, as well as overall transparency. The list below provides the included services (not exhaustive):

- Prepare legal opinions and expertise, comments, recommendations, reports or legal acts, by-laws, regulations and policy and strategy level documents.
- Conduct research, analysis, and needs assessments on specific activities, technical expertise for the use of tools and piloting.
- Draft training materials and deliver trainings on topics related to the abovementioned topics.
- Deliver presentations and facilitate the working sessions or roundtable, as requested by the Council of Europe.

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.

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 5 will be selected under each Lot.

### **Scope of the Framework Contract**

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 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, 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. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

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.

#### 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)<sup>2</sup>

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;

<sup>2</sup> 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;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

- 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;
- 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](http://www.sanctionsmap.eu)).

#### *Eligibility criteria*

- Advanced university degree in the relevant field according to Lot 1,2,3 requirements.
- At least 5 (five) years of professional domestic or international experience in the area(s) indicated below:
  - Lot 1: Provision of healthcare in prisons
  - Lot 2: Penitentiary capacity-building
  - Lot 3: Prison and police oversight, including the External Oversight Mechanism
- Proven experience in consultancy for domestic/international institutions on the mentioned areas
- Excellent oral and written skills both in Macedonian and English language
- Proven interpersonal skills and ability to work independently and paired with international consultants.

#### *Award criteria for all Lots*

- **Quality of the offer (90%)**, including:
  - Criterion 1: Knowledge and experience in the specific area covered by the relevant Lot (50%)
  - Criterion 2: Previous similar assignments with domestic or international organisations (20%)
  - Criterion 3: Drafting skills (20%)
- **Financial offer (10%)**.

The Council reserves the right to hold interviews with 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<sup>3</sup>** (See attached).
- A detailed **CV** (max 4 pages) demonstrating clearly that the tenderer fulfils the eligibility criteria.
- A **motivation letter** (max 2 pages) describing how the tenderer meets the criteria and demonstrating the tenderer's understanding of the international and Council of Europe standards.
- At least two examples of **previous work/deliverables**, preferably in a form of reference/links to publications, assessments, analyses, reports, studies, etc. relevant to the claimed.
- Two relevant **references**, from previous employers or clients (please indicate only the name, surname, position/occupation and phone number or e-mail – the Council of Europe reserves the right to contact the references during the selection procedure).
- A list of all owners and executive officers, for legal persons only;

**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.**

<sup>3</sup> 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.

**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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