



CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF PENITENTIARY

2021A060

Object of the procurement procedure ►	PROVISION OF CONSULTANCY SERVICES IN THE AREA OF PENITENTIARY
Project ►	Improving the juvenile justice system and strengthening the education and training of penitentiary staff
Organisation and buying entity ►	Council of Europe Directorate General Human Rights and Rule of Law Action against Crime Department Criminal Law Co-operation Unit (CLCU)
Type of contract ►	Framework Contract
Duration ►	Until 31 August 2023
Expected starting date ►	08 November 2021
Tender Notice Issuance date ►	08 October 2021
Deadline for tendering ►	29 October 2021

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

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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 F 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 CONSULTANCY SERVICES IN THE AREA OF PENITENTIARY

2021A060

A. BACKGROUND

The Council of Europe is currently implementing a Project on "Improving the juvenile justice system and strengthening the education and training of penitentiary staff" (Component 2: Penitentiary system and HR reform of prison staff). The project addresses long-standing issues concerning the lack of organised education and training of prison staff and the improvement of prisoners' treatment. The project will support the introduction of a modern risk and needs assessment tool, as well as the development of key training and research entities that will allow the increase of the professionalism of prison staff within the Slovenian Prison Administration

The Council of Europe is looking for a maximum of 15 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on penitentiary reforms. More in particular, the Contract will cover the following **thematic areas**:

- ✓ Better treatment and reintegration of prisoners;
- ✓ Improved risk and needs assessment by the prison treatment department;
- ✓ Increased professionalism and capacities of prison staff;
- ✓ Institution building and enhanced training capacities of the prison administration and prison staff;
- ✓ Development of human resources policy within the Slovenian Prison Administration.

This Contract is currently estimated to cover up to 25 activities, to be held by 31.08.2023. 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 Component 2: Penitentiary system and human resources reform of prison staff within the project "Improving the juvenile justice system and strengthening the education and training of penitentiary staff" amounts to 700.000 Euros and the total amount of the object of present tender should in principle not exceed 56.000 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. SCOPE OF THE FRAMEWORK CONTRACT

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

- 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, treatment programmes, provision of health care in prisons, including mental health care etc) and documents (lato sensu – strategies, policy documents, curricula, guidelines, 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 of strategies, action plans, policy documents on specific topics

- Draft of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines, treatment programmes;
- Deliver training on specific topics and based on developed training materials;
- Deliver presentations to 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

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).]

C. 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 D below) the number and the total price of units ordered.

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

D. 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 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.

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 Service 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 quote¹ (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.

E. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

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 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 F):

- University degree in the relevant field (law/social sciences/psychology/political science or human rights/management/ prison studies/human resources);
- At least 5 (five) years of professional experience in one or more of the following areas: prison management, prison training, risk assessment, review and comment on legislation and internal regulations, human resources development within prison administration, working for better reintegration and treatment of prisoners.
- Excellent oral and written English (Level C1-C2).

Award criteria

¹ 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.

² 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;
- 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).

- Quality of the offer (90%), including:
 - Criterion 1: Thematic expertise and professional experience in the relevant area, including the knowledge of the standards and recommendations of the Council of Europe in the areas covered by this call (50%);
 - Criterion 2: Previous similar assignments with international organisations (20%);
 - Criterion 3: Knowledge of the national and/or regional context in the areas covered by this call (20%);
- Financial offer (10%).

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- **One copy** of the Act of Engagement;³
- A list of all owners and executive officers, for legal persons only;
- A detailed **CV**, demonstrating clearly that the tenderer fulfils the eligibility criteria (3 pages maximum);
- A **Motivation letter** describing how the tenderer meets the eligibility and award criteria above and demonstrating the tenderer's understanding of the Council of Europe standards (2 pages maximum);
- 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 experience the tenderer claims (in English);
3 (three) 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.

All documents shall be submitted in English, failure to do so the Council reserves the right to exclude the tenderer. 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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³ 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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF CONSULTANCY SERVICES IN THE AREA OF PENITENTIARY 2021AO60

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE
Directorate General Human Rights and Rule of Law
Action against Crime Department
Criminal Law Co-operation Unit (CLCU)

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, Moscow, 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.⁴

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.

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. 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 29 October 2021, by 23:59 CET, as received by the Council at cdm@coe.int.

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.

* * *

⁴ 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:

- **A scanned copy of the Act of Engagement;**⁵
 - A list of all owners and executive officers, for legal persons only;
 - A detailed **CV**, demonstrating clearly that the tenderer fulfils the eligibility criteria (3 pages maximum);
 - A **Motivation letter** describing how the tenderer meets the eligibility and award criteria above and demonstrating the tenderer's understanding of the Council of Europe standards (2 pages maximum);
 - 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 experience the tenderer claims (in English);
3 (three) 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).
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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. Tenders submitted to another e-mail account will be excluded from the procedure;

The deadline for the submission of tenders is 29 October 2021, by 23:59 CET, as received by the Council at cdm@coe.int.

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.