

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of local consultancy services in the area of healthcare for persons deprived of their liberty.

Contract N° VC2538-8835-06-01-2023-LSTC



The Council of Europe is currently implementing and until 30 September 2025 a Project on "Improvement of the treatment of persons deprived of liberty". In that context, it is looking for Provider(s) for the provision of local consultancy services in the area of healthcare for persons deprived of their liberty 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 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 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 - VC2538-8835-06-01-2023-LSTC**. 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 - VC2538-8835-06-01-2023-LSTC**

Type of contract ▶	Framework contract
Duration ▶	Until 30 September 2025
Deadline for submission of tenders/offers ▶	10 June 2024
Email for submission of tenders/offers ▶	Mhci.pristina@coe.int
Email for questions ▶	mhci.pristina@coe.int
Expected starting date of execution ▶	20 June 2023

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](#).

B. EXPECTED DELIVERABLES

Background of the Project

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

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

The Council of Europe is looking for a maximum of 10 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on healthcare (with a special focus on mental health) provision in prisons, psychiatric hospitals during involuntary hospitalization and social welfare institutions for persons with mental health disabilities, as well as database developers.

This Contract is currently estimated to cover up to 35 remaining activities, to be held by 30 September 2025. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total budget of the project amounts to 920 000 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: Policy, legal, institutional, and operational guidance on treatment of persons with mental disorder/s deprived of their liberty, in line with Council of Europe standards and best practices	5
Lot 2: Capacity building on treatment of persons deprived of their liberty with mental disabilities, in line with Council of Europe standards and best practices	5

* All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United National Security Council Resolution 1244 and without prejudice to the status of Kosovo.

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

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

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

Scope of the Framework Contract

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

Under Lot 1:

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

Under Lot 2:

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

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract 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.

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;

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.

- 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;

Eligibility criteria

- University degree in medicine, psychiatry, psychology, law, social studies, healthcare and mental healthcare management, human rights, political studies, or other related fields;
- At least 3 (three) years of professional experience at the local level in Kosovo* in one or more areas covered by the respective lot(s);
- Excellent knowledge of oral and written Albanian and/or Serbian language (at the minimum C1 level of the Common European Framework of Reference for Languages);
- Good knowledge of oral and written English language (at the minimum B1 level of the Common European Framework of Reference for Languages).

Award criteria

- Quality of the offer (70%), including:
 - *Criterion 1:* Thematic expertise in the relevant areas covered by the lot(s) (40%);
 - *Criterion 2:* Previous similar assignments with international organisations (20%);
 - *Criterion 3:* Knowledge of the local and/or regional context in the areas covered by the lot(s) (10%).
- Financial offer (30%).

The Council reserves the right to hold interviews with tenderers.

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.

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

- **One completed and signed copy of the Act of Engagement⁴** (See attached);
- A short motivation letter demonstrating the tenderer's understanding of the Council of Europe needs and describing how the tenderer meets the eligibility and award criteria above (1 page maximum);
- Three relevant references, from previous employers or clients (name, surname, phone number or e-mail).
- For legal persons only:
 - Registration documents (in English or Albanian/Serbian);
 - Detailed CV(s), preferably in Europass Format, of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the eligibility criteria (2 pages maximum);
 - At least one but not more than two examples (per person, in English or Albanian/Serbian) of previous work/deliverables of person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the eligibility criteria above: reference/links to publications, legal assessments/analyses, reports, studies, training curricula, training modules etc. relevant to the experience the tenderer claims and the lots the tenderer is applying to.
- For natural persons only:
 - Detailed CV(s), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (2 pages maximum);
 - Not more than two examples of previous work/deliverables (in English or Albanian/Serbian), demonstrating clearly that the tenderer fulfils the eligibility criteria: reference/links to publications, legal assessments/analyses, reports, studies, training curricula, training modules etc. relevant to the experience the tenderer claims and the lots the tenderer is applying to.

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.

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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.