

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Purchase of consultancy services in the area of penitentiary – national consultants in Slovenia



The Council of Europe is currently implementing and until 31 August 2023 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) in Slovenia. In that context, it is looking for Providers for the provision of consultancy services (national consultants) 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 €5,000 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 consortium of natural and/or legal 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: Tender - Purchase of consultancy services in the area of penitentiary – national consultants in Slovenia.** 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 7 (seven) 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 - Purchase of consultancy services in the area of penitentiary – national consultants in Slovenia.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 August 2023
Deadline for submission of tenders/offers ▶	<b>10 November 2021</b>
Email for submission of tenders/offers ▶	policeprisons.projects@coe.int
Email for questions ▶	policeprisons.projects@coe.int
Expected starting date of execution ▶	15 November 2021

<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 "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 10 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 15 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 the project amounts to 700.000 (Component II) 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.

### Scope of the Framework Contract

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

- 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, roundtables, 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 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 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 quote<sup>2</sup> (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

<sup>2</sup> It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive .

### **Signature of orders**

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

### **E. ASSESSMENT**

#### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)<sup>3</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;
- 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](http://www.sanctionsmap.eu)).

#### *Eligibility criteria*

- University degree in the relevant field (law/social sciences/psychology/political science or human rights/management/ prison studies/human resources);
- At least 3 (three) 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 of Slovenian (C2) and English (C1) language.

#### *Award criteria*

- Quality of the offer (90%), including:

<sup>3</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).

- Criterion 1: Knowledge of the national and/or regional context in the areas covered by this call (60%);
  - Criterion 2: 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 (20%);
  - Criterion 3: Previous similar assignments with international organisations (10%).
- Financial offer (10%).

The Council reserves the right to hold interviews with eligible tenderers.]

Multiple tendering is not authorised.

#### F. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

#### G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, for legal persons only;
- 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 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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<sup>4</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.