

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of *National Consultancy services under the project Strengthening Protection of Social and Economic Rights in Georgia* Contract N° 8764/29092021-01



The Council of Europe is currently implementing a *Project on Strengthening protection of social and economic rights in Georgia* until August 2022. In that context, it is looking for Provider(s) for the provision of *national consultancy services* 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 €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 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: National Consultancy Services_Social and Economic Rights in Georgia**. 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 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 for the Tender_Social and Economic Rights in Georgia**.

Type of contract ▶	Framework contract
Duration ▶	Until 31 August 2022
Deadline for submission of tenders/offers ▶	24 October 2021
Email for submission of tenders/offers ▶	Gvantsa.kereselidze@coe.int
Email for questions ▶	Tamar.nozadze@coe.int
Expected starting date of execution ▶	15 November 2021

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

Brief description of the Project

Social rights are core European values enshrined in number of formal commitments undertaken by the Council of Europe member States, including Georgia. Respect for and the promotion of social rights is essential in attaining sustainable democracy in Georgia. One of the priority areas for co-operation between the Council of Europe and Georgia under [the Council of Europe Action Plan for Georgia 2020-2023](#) adopted on 5 November 2019, is enhancing the respect of social rights in Georgia.

Georgia ratified the Revised European Social Charter (Charter) on 22 August 2005, accepting 63 of the Revised Charter's 98 paragraphs, but it has yet to accept several important provisions. It has not yet ratified the Additional Protocol providing for a system of collective complaints.

The overall objective of the Project's action is to enhance capacities of Georgian authorities in delivering social rights and social services, as well as to contribute to the alignment of the Georgian legislations (specifically in the area of labour rights) to the European standards. Furthermore, the other objectives of the Project are to promote acceptance of new provisions of the Charter (targeted to enhancing occupational safety and access to medical and social security), to contribute to the enhancement of the quality of the country reports and consolidate the capacities of the Ombudsperson's office in monitoring the observance of social rights and submitting alternative reports to the ECSR.

The Council of Europe is looking for 27 (twenty-seven) Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on *economic and social rights; capacity enhancement; expertise in editorial and legal proofreading*.

This Contract is currently estimated to cover up to *30 activities*, to be held by *31 August 2022*. 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 *350,000* 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: Consultancy services on economic and social rights (with a primary focus on Labour rights), particularly rights guaranteed under the European Social Charter.	10
Lot 2: Consultancy in providing capacity enhancement activities (development of training materials, provision of trainings) on different aspects of social rights, particularly rights guaranteed under the European Social Charter	10
Lot 3: Consultancy services with expertise in editorial and/or legal proofreading to-from Georgian and English Languages	7

Lot 1 concerns *consultancy services relating to:*

- Assessment of legal acts and policy documents (draft documents and documents in force) and/or practice and provision of advice (in the form of an oral and/or written advice), preparation of legal opinions, comments, recommendations, reports etc.;
- Development of methodology and conduct of needs assessment and baseline studies on specific aspects related to the theme of the lot;
- Development of methodology on collecting/processing (disaggregated) data on the impact of social policies (particularly considering the gender perspective)

- Participation and contribution to the conferences, round-tables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations;
- Development of institutional internal regulations, guidelines and information materials on specific aspects related to the theme of the lot;
- Provision of expert support to promote acceptance of new provisions of the Charter (targeted to enhancing occupational safety and access to medical and social security).
- Provision of expert support to Enhance the quality of the country reports and consolidation of the capacities of the Ombudsperson's office in monitoring the observance of social rights and submitting alternative reports to the ECSR.
- Provision of other deliverables as related to the above and as requested by the Council of Europe.

Lot 2 concerns *consultancy services relating to:*

- Enhancing the capacities of Georgian authorities in delivering social rights and social services
- Capacity building activities for Labour inspectors and other Project's beneficiaries
- Development of training materials/textbook on the Charter and relevant European standards
- Series of training activities (including ToT programmes) on issues pertaining to the novelties under the changes in the social rights policy and legal framework on central and regional levels
- The development of guidelines, handbooks or compilation of recommendations
- Trainings/capacity enhancement (including HELP program) activities on ESC, ECSR case law and relevant international standards

Lot 3 concerns *consultancy services relating to:*

- Editing and/or proofreading in/from the Georgian and/or English languages of documents produced, translated, and used for the project activities (e.g. guidelines, reports, policy papers, legislation recommendations, etc.).

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:

- Analysis and/or expertise of laws, drafts, strategies and policies or the situation in practice as a result of the application of those laws and policies, in light of the European Social Charter, case law of the European Committee of Social Rights and by taking account of relevant social, economic and policy considerations;
- Provide advice, opinions and expertise: assessments, needs analysis, identification of challenges; mapping of good practices, legal opinions, reports and recommendations;
- Contribute to the capacity building of project beneficiaries; tailor-made assistance, advice, training, training of trainers and other forms of support;
- Peer-to peer exchanges: Participation and contribution to the organisation and to the conduct of conferences, round-tables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events, including through moderating/facilitating discussions and delivering presentations (identify challenges, propose solutions and provide arguments to resolve difficulties.
- Contribute to preparation of reports, legal opinions, comments, recommendations, etc on the implementation of the provisions of the European Social Charter.
- Contribute to the development of methodology and conduct of needs assessment on specific aspects related to the theme of the lot.

- Provision of other deliverables related to the above as requested by the Council of Europe;

Under Lot 2:

- Development of the methodology and conduct of training needs assessment, evaluation of their impact/effectiveness and development of reports/recommendations thereof on specific aspects related to the theme of the lot;
- Development, adaptation of training courses (including on-line) and materials and provision of trainings on specific aspects related to the theme.
- Conducting training sessions, preparing training materials, group work exercises, practical cases etc.
- Contribute to development of information campaigns, awareness raising materials on specific aspects related to the theme of the lot.
- Elaboration of guidelines/handbooks/recommendations;
- Development of institutional internal regulations, guidelines and information materials on specific aspects related to the theme of the lot;
- Provision of other deliverables related to the above as requested by the Council of Europe;

Under Lot 3:

- Provision of legal proofreading and/or language check (Georgian) of the translated Digest of the case law of the European Committee of Social Rights and its Appendix;
- Editing and/or proofreading in the Georgian and/or English languages the newly developed, adapted, translated guidelines, reports, policy papers, legislation recommendations, handbooks, etc.
- Provision of other deliverables related to the above 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 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 or Georgian, as specified in each Order Form (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/her 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;
- 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;

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.

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.

- 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.

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):

For Lot 1 and 2

- Graduate university degree in law, political science, social sciences, International law, International relations or a related field;
- At least five (5) years' professional experience in fields related to the objectives of the actions to be carried out in the implementation of the project (acquaintance with the international context is an advantage);

For Lot 3

- University degree and/or equivalent in Georgian language and/or related field for editing in Georgian;
- At least 3 years of experience as an editor
- At least B2 level of English for editing in Georgian
- At least 3 years of proved experience in editing preferably legal documents, legislations, handbooks;
- Very good level of English (at least level C1 of the Common European Framework of Reference for Languages oral and written – provide certificate if available) for editing in English;

Award criteria

For Lot 1 and 2

- Quality of the offer (90%), including:
 - Thematic expertise in the relevant professional area, knowledge of the European Social Charter, European standards and recommendations of the Council of Europe, European Committee of Social Rights and European Court of Human Rights case law in the areas covered by this call (30%);
 - Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations; experience in needs assessment and analysis, especially in the relevant project area; demonstrating capacity to contribute to Social and Economic Rights analysis and assessment at the National and International level; experience working as a consultant in the field of social and economic rights; (40%);
 - Knowledge of the national and regional context in the field of the social rights and policies relevant to the areas covered by this call; knowledge of the local labour code (20%).
- Financial offer ([10]%).

For Lot 3

- Quality of the offer (90%), including:
 - University degree as above (30%);
 - Experience in editing (40%)
 - Proven experience of published texts edited by the applicant; Experience of editing text related to project relevant matters; Excellent knowledge of the Georgian language and a very good knowledge of English (at least level C1 of the Common European Framework of Reference for Languages oral and written) (20%);
- 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**⁴ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- Motivation letter (up to 1 page);
- At least 2 (two) samples of work/deliverables reference/links to publications, legal assessments/analyses, reports, studies, etc. relevant to the experience the tenderer claims in the areas covered by this call; (For Lot 3 would be examples of edited works);
- Contact details of 3 (three) relevant referees, from among previous employers or clients (name, surname, phone number or e-mail).

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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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.