

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

### Purchase of consultancy services on developing continuous training (permanent learning) system of the police officers for the MIA Academy of Georgia **Contract N° BH9192\_10/07/2024**



The Council of Europe is currently implementing a Project on “Enhancing Human Rights Compliant Approaches in Law Enforcement Institutions in Georgia” until 31 December 2025. In that context, it is looking for Provider(s) for the provision of consultancy services on developing continuous training (permanent learning) system of the police officers for the MIA Academy of Georgia. (see Section A of the Act of Engagement).

#### 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 180 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 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 – BH9192\_10/07/2024.** 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 – BH9192\_10/07/2024**

<b>Type of contract ▶</b>	Framework contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	<b>10 July 2024 23h59 CET</b>
<b>Email for submission of tenders/offers ▶</b>	<a href="mailto:PolicePrisons.Projects@coe.int">PolicePrisons.Projects@coe.int</a>
<b>Email for questions ▶</b>	<a href="mailto:PolicePrisons.Projects@coe.int">PolicePrisons.Projects@coe.int</a>
<b>Expected starting date of execution ▶</b>	<b>01 August 2024</b>

<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

Currently, until 31 December 2025, CPDL implements the project "Enhancing Human Rights Compliant Approach in Law Enforcement Institutions in Georgia", which aims at enhancing the protection of the citizens in Georgia by the law enforcement institutions, which further improves the performance of their duties in line with the Council of Europe standards and best practices. It will support national authorities in advancing how the police and related agencies operate by focusing on three main groups: (i) the Ministry of Internal Affairs (MIA); (ii) the Special Investigation Service responsible for looking into police misconduct; and (iii) the Public Defender's Office, National Prevention Mechanism, and civil society organisations.

It will enhance the professional and operational capacities of main target groups, i.e. police services and their officers, as well as national independent monitoring and investigation mechanisms (Office of Public Defender and the Special Investigation Service) and relevant staff members to prevent police misconduct while performing their duties and to carry out effective investigations into allegations or other indications of ill-treatment, disproportionate use of force and other human rights violations, in line with Council of Europe standards and best European practices.

The Council of Europe is looking for a maximum of 3 Providers in order to support the implementation of the project with a particular expertise on adult education, professional training, institutional design and curriculum development, law enforcement training and education.

This Contract is currently estimated to cover up to 5 activities to be held by 31 December 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 1,100,000 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.

### Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide intellectual consultancy services required to support MIA Academy in developing the continuous training (permanent learning) system of the police officers, such as:

- Draft analytical reports (needs assessments, gap analysis, etc.)
- Research and draft comparative studies/reports on police training systems in selected countries
- Provide technical expertise for development/use of educational programmes, training catalogues, etc.
- Participate in assessment missions, workshops, round tables, conferences, etc.
- Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines;
- Deliver trainings on specific topics and based on developed training materials;
- Deliver presentations to working groups, 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, etc.

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.

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:

- 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.

<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.

## 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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- 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.

### *Eligibility criteria*

- At least 3 years of experience in adult education, professional training, institutional design and curriculum development, law enforcement training and education, or other relevant fields;
- Proven record of working experience with national and/or international organisations in relevant field;
- Excellent knowledge of English language (minimum C1 level)

### *Award criteria*

- Quality of the offer (70%), including:
  - **Criterion 1:** Thematic expertise in the relevant areas covered by the tender file (70%)
- Financial offer (30%).

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

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<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.

- **A completed and signed copy of the Act of Engagement<sup>4</sup>** (See attached);
- Detailed CV(s), preferably in Europass Format, of all person(s), allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the criteria above (4 pages maximum, per person).
- Registration documents, for legal persons only;
- Not more than two examples (per person) of previous work/deliverables of person(s) allocated to the execution of the contract, demonstrating clearly that the respective person fulfils the criteria above: copies of or links to publications, legal assessments/analyses, reports, studies, training curricula, training modules etc
- 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 (3 pages maximum).

**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.