**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of (national) consultancy services in the area of Protection of Human Rights of the Juvenile and Adult detainees in Georgia**

The Council of Europe is currently implementing until 30 June 2021 a Project on “Juvenile and adult detainees support” (JADES). In that context, it is looking for Provider(s) for the provision of consultancy services in the area of the protection of the rights of the detainees, support TO the juvenile victims and/or offenders and development of the monitoring and complaint mechanisms,to be requested by the Council on an as needed basis.

1. 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[[1]](#footnote-1), 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 a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: JADES national short-term consultants”.** 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 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- JADES national short-term consultants”**

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| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until 30 June 2021 |
| **Deadline for submission of tenders/offers ►** | **10 January 2021** |
| **Email for submission of tenders/offers ►** | PolicePrisons.Projects@coe.int |
| **Email for questions ►** | PolicePrisons.Projects@coe.int |
| **Expected starting date of execution ►** | 20 January 2021 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe implements the project on **“Juvenile and adult detainees support” in Georgia (JADES)** as of 1 July 2019**.** The project supports the alignment of the country’s criminal justice system, including police and detention facilities, with the Council of Europe standards and recommendations.

The project aims at assisting the Georgian authorities in the process of enhancing human rights protection of the detainees and the juvenile victims and/or offenders in line with the Council of Europe standards, in particular those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

JADES focuses on three outcomes:

* Outcome 1: improved detention system in line with European standards and best practices,
* Outcome 2: protection of the rights of the juvenile offenders and the juvenile victims of the offences,
* Outcome 3: effective monitoring system and the complaint mechanisms.

**This tender concerns all three outcomes** of the project – The main intervention areas will cover inter alia regulatory framework, institutional and practical implementation levels and the capacity building activities.

The implementation uses different types of activities, including inter alia provision of legal/technical expertise, organisation of high-level consultations, conferences, working group meetings, drafting sessions, roundtables, as well as delivery of training courses and other capacity building activities, developing reports, studies, researches and training materials necessary for the delivery of the outcomes of the project.

The Council of Europe is looking for a total of 16 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise **on the management of the temporary detention isolators, protecting the victim juveniles and the juvenile offenders, support the development of the monitoring tools, as well as complaint mechanisms**.

This Contract is currently estimated to cover up to 25 activities, to be held by **30 June 2021**. 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 **€610000** 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:

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| Lots | Maximum number of Providers to be selected |
| **Lot 1 –** Regulatory framework for ensuring the effective investigation and protection of the human rights, including the rights of the juvenile victims/offenders by the Ministry of Internal Affairs and the Service of State Inspector | 8 |
| **Lot 2** – Capacity building of the staff of the relevant institutions to protect the basic human rights of the detainees and the juvenile victims/offenders, including the management of healthcare and mental health care treatment  | 8 |

**Lot 1 concerns:** management of the temporary detention isolators (TDIs) and other relevant institutions of the Ministry of Internal Affairs (MIA), namely the Human Rights Protection and Investigation Quality Monitoring Department; support the institutional strengthening of the Service of State Inspector and the Public defender’s office to ensure effective application of the complaint mechanism; development of the regulatory framework for enhanced management and functioning of the institutions, improved treatment of detainees, juveniles convicted of a crime and juveniles who are victims, thus ensuring the protection of their basic human rights and fundamental freedoms; conducting relevant researches, needs assessment; drafting policy documents, including strategic documents and action plans, and other activities as requested.

**Lot 2 concerns:** developing training programmesand training curricula for the MIA personnel; delivering trainings on the relevant topics for the project, including human rights protection and other related issues, effective investigation skills, conducting interviews with juveniles, applying the new management methodology of the TDIs; functioning of the monitoring and complaint mechanisms; capacity building of the medical staff of the MIA, including healthcare management, mental health care; medical ethics etc. Participation in and contribution to various capacity building activities, conferences, working group meetings, seminars and other relevant activities.

The Council of Europe will select the above-mentioned 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 provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference).

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| Under Lot 1:  |
| * *Prepare legal opinions, legal expertise, guidelines, regulations, comments, recommendataions, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);*
* *Conduct research and needs assessment on specific activities (lato sensu – operation of the temporary detention isolators, identification of the existing gaps, operation of the human rights department of the MoI, etc.); provide recommendations and documents (lato sensu – curricula, guidelines, risk and needs assesement tools, etc);*
* *Provide technical expertise for development/use of specific tools;*
* *Provide expertise and written contributions;*
* *Participate and provide written contributions to working group drafting sessions for development of specfic documents and materials on given topics;*
* *Draft strategies, action plans, policy documents on specific topics;*
* *Deliver presentations on specific topics when needed;*
* *Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe;*
* *Check and ensure quality assurance of developed documents, materials, action plans and other outputs;*
* *Oversee the development of the deliverables under this component, coordinate with other short-term consultans, provide expertise, advice and revisions.*
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| Under Lot 2:  |
| * *Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, etc.;*
* *Deliver trainings on specifc topics (lato sensu – human rights protection in closed institutions, health care (including mental healthcare) management, effective investigation skills, conducting interviews with juveniles, application in practice of the new management methodology of the TDIs, functioning of the monitoring and compaint mechanisms etc.) and based on developed training materials;*
* *Contribute to the thematic conferences, workshops, designed to raise the capacity of the MoI staff;*
* *Deliver presentations to the conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;*
* *Provide written contribution, technical advice and expertise for procurement of necessary equipment on specific needs;*
* *Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe;*
* *Check and ensure quality assurance of developed documents, materials, action plans and other outputs;*
* *Oversee the development of the deliverables under this component, coordinate with other short-term consultans, provide expertise, advice and revisions.*
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The above lists under both Lots are not considered exhaustive. The Council of Europe 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 F. 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).

1. FEES

Tenderers are invited to indicate the lot or lots they apply for (see Section A of the Act of Engagement) and their unit fees, in the form of a daily rate, for each lot they apply for, by completing 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.

1. 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 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 quote[[2]](#footnote-2) (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.

1. 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]](#footnote-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;
* 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 or are likely to be in a situation of conflict of interests.

*Eligibility criteria*

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|  | - University degree in the relevant field (law/political studies or human rights/ social studies/ management/ psychology/ healthcare management and other related fields);- At least 5 (five) years of professional experience in one or more of the thematic areas of the project: Police, human rights and safeguards against ill-treatment in police custody, treatment of juvenile offenders, support to juvenile victims, complaint mechanisms, monitoring detention, healthcare management in penitentiary or other closed institutions.- Excellent oral and written Georgian and English languages. |

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| ***Award criteria*** |
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| * Quality of the offer (80%), including:
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|  | **- Criterion 1:** Professional experience in the fields of expertise covered by this tender, including: Length of experience; Proven track record of practical achievements in the given field; * **- Criterion 2:** Quality of sample deliverables produced by the tenderer, including: Draft material recently produced by the tenderer in English; and/or Training outlines or training methodologies employed by the tenderer in English and Georgian; and/or previous training development and provision experience;
* **- Criterion 3**: Knowledge of the national and/or regional context in the areas covered by this call.
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| * Financial offer (20%).
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The Council of Europe reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

1. DOCUMENTS TO BE PROVIDED
* Two completed and signed copy of the **Act of Engagement[[4]](#footnote-4)** (See attached);
* Registration documents for sole proprietorships only;
* A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only
* A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria; (4 pages maximum);
* A 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);
* At least two examples of the previous work/deliverables’ reference/links to publications, legal assessments/analyses, reports, studies, etc. relevant to the experience the tenderer claims (in English);
* Three relevant references, from 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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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
3. The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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 above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)