

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

### Purchase of local consultancy on psychological impact of discrimination

**Contract N° 8824/12042022**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing a Project "Promoting the Effective Protection of Equality and Non-Discrimination in Georgia", which aims at strengthening the promotion and protection of the rights of vulnerable groups and minorities in Georgia against discrimination, hate speech and hate crime. In that context, it is looking for Provider(s) for the provision of local consultancy to build activities and provide expertise regarding psychological aspects of discriminatory behaviour as well as its psychological impact 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 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 - Psychologist**. 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 - Psychologist**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2022
Deadline for submission of tenders/offers ▶	<b>16 May 2022 11:00 AM (Tbilisi local time)</b>
Email for submission of tenders/offers ▶	<b>antidiscrimination.georgia@coe.int</b>
Email for questions ▶	antidiscrimination.georgia@coe.int
Expected starting date of execution ▶	20 May 2022

<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 the Project "Promoting the Effective Protection of Equality and Non-Discrimination in Georgia", which aims at strengthening the promotion and protection of the rights of vulnerable groups and minorities in Georgia against discrimination, hate speech and hate crime. The project will work with National Human Rights Institution (PDO) and other key stakeholders (businesses, national and ethnic, religious and other minority communities and Resource Officers of Educational Institutions) to ensure their engagement in promoting equality and countering hate speech and law enforcement service to ensure effective investigation and prosecution of discrimination and hate crimes.

The project will increase the capacity of members of vulnerable and minority groups including national, ethnic and religious minorities, LGBTQI+ persons to make full use of their rights and participate in the Georgian society. In order to reach this goal, the project will provide:

- support in setting up a mechanism for hate crime data analysis;
- training of professionals and exchange of practices on anti-discrimination, hate speech and hate crime policies and relevant CoE standards;
- expertise in legislative review of the criminal, civil and administrative legislative framework regarding anti-discrimination, hate crime and hate speech in line with the recommendations of the European Commission against Racism and Intolerance and other Council of Europe standards;
- awareness-raising activities about human rights and anti-discrimination policy and their importance for securing democracy, peace and prosperity in the Georgian society

The Council of Europe is looking for maximum number of 6 (six) Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on psychological aspects of discrimination.

The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

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:

- Conduct trainings for various groups on psychological impact of discrimination, including preparation of training materials (in written form) not limited to curricula, agenda, pre and post-tests, case studies and presentations
- Review of different documents in the light of psychological aspects and provide written comments/recommendations
- Participate as a speaker in workshops, roundtables, information sessions and working group meetings
- Provision of other deliverables as related to the above and as requested by the Council of Europe
- Prepare activity reports in English.
- In all assignments, including the post activity reports, as a rule the consultant(s) shall elaborate on gender dimension and possible impact of proposed action on gender equality.

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:

- 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*

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<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.

(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.

#### *Eligibility criteria*

- Master's Degree in psychology, social sciences or related fields
- Excellent knowledge of local challenges related to discrimination of various minority groups
- Minimum 3 (three) years of professional experience of working with different vulnerable groups including and not limited to victims of discrimination
- A minimum of 5 (five) years of experience in provision of trainings on psychological impact of discrimination
- Excellent analytical, training and drafting skills
- Excellent command of English and Georgian in speaking and writing.

#### *Award criteria*

- Quality of the offer (80 %), including:
  - Strong background in psychology, social work, working with victims of discrimination (30%)
  - Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations and/or Council of Europe; ; experience in provision of trainings (including training materials) on psychological impact of discrimination; experience of the revision of documents from the glance of psychological aspects (40%)
  - Excellent knowledge of English and Georgian languages (10%)
- Financial offer (20 %).

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;

<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.

- Motivation letter demonstrating the necessary and relevant experience and education of the applicant;
- Two pieces of work that demonstrate relevance of candidate's background.

**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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