

TENDER FILE / TERMS OF REFERENCE (Restricted consultation procedure / Framework Contract)

Purchase of local consultancy on psychological impact of discrimination

Contract N° 8547/07062019

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing the cooperation project "Fight against discrimination, hate crimes and hate speech in Georgia". The project aims to contribute to ensuring that the legal framework is in place and institutions and key stakeholders implement policies tackling discrimination, racism, and hate speech in Georgia, and increase public awareness and appreciation for the laws' contribution towards democracy, human rights, peace and prosperity in Georgian society. 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 restricted consultation procedure. **In accordance with Rule 1333 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, 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: CONSULTANCY_PSYCHOLOGY**. 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 (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_CONSULTANCY_PSYCHOLOGY**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2021
Deadline for submission of tenders/offers ►	27 June 2019
Email for submission of tenders/offers ►	tenders.antidiscrimination@coe.int
Email for questions ►	Nino.Kheladze@coe.int
Expected starting date of execution ►	01 July 2019

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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe is implementing the cooperation project "Fight against discrimination, hate crimes and hate speech in Georgia" which aims to provide expertise, build competences, advocate and raise awareness among policy makers, legal and law enforcement agencies and civil society organisations to enable them to:

- fully align national legislation and bylaws on anti-discrimination, hate crimes and hate speech and monitoring mechanism (in particular ECtHR, ECRI and FCNM) in accordance with European standards;
- ensure its effective implementation;
- increase public appreciation for the laws' contribution towards democracy, human rights, peace and prosperity in Georgian society.

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

- support in setting up a mechanism for data collection covering discrimination, hate crime and hate speech;
- 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 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.

For information purposes only, 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
- Participate as a speaker in workshops, roundtables, information sessions and working group meetings
- Prepare activity reports in English

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 daily 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 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 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 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

² 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.

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;
- 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

- Master's Degree in psychology, social sciences or related fields
- Excellent knowledge of local context in the field of human rights and current situation
- At least 3 years of professional experience of working with different vulnerable groups including and not limited to victims of discrimination;
- Excellent analytical, training and drafting skills
- A financial offer not exceeding the exclusion level set out in the Act of Engagement

Award criteria

- Quality of the offer (80 %), including:
 - Relevant experience in the area of equality including previous similar assignments with international organisations
 - Research, analytical, training and writing skills
 - Previous cooperation experience with Council of Europe
 - Knowledge of Georgian context
- Financial offer (20 %).

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

Multiple tendering is not authorised.

F. 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;
- Motivation letter demonstrating the necessary and relevant experience and education of the applicant;
- 2 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.

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.

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.

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.