

# TENDER FILE / TERMS OF REFERENCE

## (Competitive bidding procedure / Framework Contract)

Purchase of Consultancy Services on Institutional Capacity and Training Development

Contract No: 27.06.2022/2



The Council of Europe (CoE) is currently implementing the Project on "Strengthening Implementation Human Rights Practices and Education in Georgia" as part of the CoE Action Plan for Georgia 2020-2023. In this context, the CoE is looking for several Providers of consultancy services to deliver legal expertise and capacity building activities for national educational and training institutions on the European Convention on Human Rights (ECHR) and its implementation at domestic level. The CoE, under this tender procedure, is also looking for providers to deliver capacity building activities to support Georgian parliament in conducting effective oversight for implementation of the European Court of Human Rights (ECtHR) judgments in respect of Georgia.

### 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). The selection of tenderers will be made according to 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 consortium of natural and/or legal person.

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 - Purchase of consultancy services on legislative expertise and capacity development.** 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 - Tender - Purchase of consultancy services on legislative expertise and capacity development.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2023
Deadline for submission of tenders/offers ▶	<b>12 July 2022</b>
Email for submission of tenders/offers ▶	<a href="mailto:dgi-coordination@coe.int">dgi-coordination@coe.int</a>
Email for questions ▶	Levan.meskhordze@coe.int
Expected starting date of execution ▶	25 July 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 (CoE) is currently implementing the Project on "Strengthening Implementation Human Rights Practices and Education in Georgia" as part of the CoE Action Plan for Georgia 2020-2023. It will last until 31 December 2023.

Overall objective:

- Improving national application of the human rights standards and enhancement of oversight over the execution of the European Court of Human Rights (ECtHR) judgments

Specific objectives:

- Improving the capacity of the Parliament as an oversight national mechanism for the implementation of the ECtHR judgments.
- Improving the capacity of National Training Institutions (NTIs).
- Improving the capacity of legal professionals (judges, prosecutors, lawyers and national officials) on the ECHR and its implementation at domestic level.
- Increasing qualifications of university staff in delivering knowledge, critical understanding and practical skills on how to train various European human rights standards

The Project aims to support the parliament in its efforts to effectively exercise its oversight function in particular with regards of execution of ECtHR judgments by the government. In this respect focus will be placed to advance capacity of operational staff of the Parliament's relevant committees i.e. Legal, Human Rights and Civic Integration to collect and analyse the relevant information for effective monitoring of the execution of judgments by MPs, develop toolkits and methodology for monitoring and execution of the ECtHR judgments. The Project will contribute to improve reporting mechanisms that systematize dialogue between the executive and parliament, parliament and nongovernmental organizations. Additional assistance will be provided to strengthen capacity of relevant structures of the parliament to assess compliance of national legislation with ECHR standards as well as an update and adaptation of the HELP courses in direct relation to implementation of the ECHR.

Throughout its lifespan the project will support establishing a large and competent pool of national trainers on various ECHR topics, selected on a competitive basis and taken part in a tailored training programme. The ToT will also provide the necessary pedagogical and presentation skills enhancement in addition to the extensive learning course on the human rights subjects. Thus, the national trainers pool represented by all legal professions, will serve as a permanent reference point for a variety of subjects, including on right to life, prohibition of ill-treatment right to security and liberty, fair trial standards, privacy rights, property rights, right to free assembly and movement, discriminatory practices minority rights that were especially affected by the COVID19 pandemic. The tailor-made knowledge gained at the ToT, will ensure sustainability of national training capacity on important human rights topics and serve as a ground for continuous professional development of the trainers and the NTI's in general. In order to sharpen the trainer's knowledge and skills after the ToT, further cascade capacity building activities will be organised for various groups of legal professionals.

The Project will also work with partner universities and law schools to better include human rights studies in their respective curricula. This will be achieved by introducing the methods focused on development of reading and critical analysis skills by the student, assisting in development and translation of respective high-quality materials in Georgian to be integrated in the teaching of human rights, at least in the form of auxiliary literature, organizing moot court competitions, adding comparative perspective to the studies of human rights. New or updated compulsory courses developed with the support of the project will be based on both theoretical and skills, experience-oriented approach. This will imply supporting existing clinics or establishing new ones attached to partner universities.

## Lots

The present tendering procedure aims to select national and international Service 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. Institutional capacity development of the Parliament of Georgia as a national oversight mechanism over the Execution of ECtHR Judgments (international consultant)	8
Lot 2. Capacity building activities for universities and NTIs on ECHR and case-law of the ECtHR (international consultant)	10

Lot 1 concerns institutional development of the parliamentary oversight mechanism. Consultants are expected to assess current legislation and institutional needs, support development of the necessary regulations and strategies, propose the relevant methodology, provide trainings for the staff of the Parliament's relevant committees i.e. Legal, Human Rights and Civic Integration on ECHR and case-law of the ECtHR, working methods and relevant rules of the CM for supervision of the execution of the ECtHR judgments, participate in consultation meeting or make presentation during meetings, workshops and roundtables. It may also cover the capacity development of operational staff of the Parliament's relevant committees to collect and analyse the relevant information for effective monitoring of the execution of judgments by MPs, develop toolkits and methodology for monitoring and execution of the ECtHR judgments.

Lots 2 focus on capacity development of educational institutions and NTIs. Consultants are expected to conduct ToTs to national professionals represented by all legal professions on various ECHR topics; the ToT shall provide the necessary pedagogical and presentation skills enhancement in addition to the learning course on the human rights subjects. ToTs shall be interactive and based on adult learning techniques and open education and shall be implemented using the HELP methodology and resources. This Lot also concern capacity building activities for universities and law schools. Consultants are expected to analyse the university curricula to ensure that ECHR and case law of the ECtHR are mainstreamed and considered while designing and implementing curricula by local educational institutions.

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. Institutional capacity development of the Parliament of Georgia as a National Oversight Mechanism over the Execution of ECtHR Judgments (INTERNATIONAL CONSULTANT):**

- Assess legislation on parliamentary oversight;
- Assess the institutional needs;
- Provide recommendations for institutional setup and reforms;
- Draft respective regulations and strategies;
- Conduct trainings for the staff of the parliament;
- Develop training materials and presentations;
- Participate in consultation meetings or make presentations during workshops and round-tables provide advice and develop methodological tools.

#### **Lot 2. Capacity building activities for universities and NTIs on ECHR and case-law of the ECtHR (INTERNATIONAL CONSULTANT):**

- Conduct ToTs for legal professionals;
- Develop training materials and presentations;
- Provide methodological advice on delivery of adult training;
- Develop/update courses in the university curricula;
- Participate and coordinate working group meetings.

In all assignments, 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 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 (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 3 (three 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*

(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***

#### **Lot 1**

- Advanced university Degree in law or human rights;
- Professional experience of 5 years or more in the topic of ECHR standards and Execution of ECtHR judgements at national level;
- Excellent knowledge of the procedural **and/or** practical aspects of national mechanisms of monitoring of implementation of human rights standards;
- Excellent knowledge of working methods and relevant rules of the Committee of Ministers (CM) for supervision of the execution of the ECtHR judgments;
- Excellent knowledge of the ECHR system and its machinery, case-law of the ECtHR;
- Excellent analytical and drafting skills;
- Excellent oral and written English.

<sup>2</sup> 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.

<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.

*Award criteria*

- Quality of the offer (90%), including:
  - Relevant experience in the area of of ECHR standards and Execution of ECtHR judgements at national level, previous similar assignments with international organisations (30%)
  - Thematic expertise with focus on procedural aspects (40%)
  - Research, analytical and writing skills (20%)
- Financial offer (10%).

**Lot 2**

- Advanced university Degree in law or human rights;
- Excellent knowledge of the ECHR system and its machinery, case-law of the ECtHR;
- Excellent knowledge of the procedural **and/or** practical aspects of application of ECHR standards and case-law of the ECtHR at national level;
- Solid experience of delivering ToTs;
- Excellent experience of designing University courses;
- Excellent analytical skills;
- Excellent oral and written English.

*Award criteria*

- Quality of the offer (90%), including:
  - Relevant experience in the area of ECHR standards and case-law of the ECtHR (30%)
  - Experience of delivering ToTs (40%)
  - Research, analytical and writing skills (20%)
- Financial offer (10%).

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**<sup>4</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A motivation letter describing how the tenderer meets the requirements of the expected types of deliverables (1 page maximum);
- At least 2 (two) examples of previous relevant work;
- Minimum two references (only phone numbers and emails).

**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 tender will not be considered.**

**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.