

## TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### Purchase of intellectual services for implementation of the project “Preventing and Combating Violence against Women and Domestic Violence in Georgia”

The Council of Europe is currently implementing a Project on “Preventing and Combating Violence against Women and Domestic Violence in Georgia”. The Project will end on 30 September 2019. In that context, it is looking for Provider(s) (local consultants) for the provision of intellectual services 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 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, 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: Restricted Consultation\_ Preventing and Combating VAW/DV\_Local\_Experts**. 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\_Restricted consultation\_ Preventing and Combating VAW/DV\_Local\_Experts**

Type of contract ►	Framework contract
Duration ►	Until 30 September 2019
Deadline for submission of tenders/offers ►	14 February 2019
Email for submission of tenders/offers ►	<a href="mailto:sara.haapalainen@coe.int">sara.haapalainen@coe.int</a> , <a href="mailto:tea.machaidze@coe.int">tea.machaidze@coe.int</a>
Email for questions ►	<a href="mailto:tea.machaidze@coe.int">tea.machaidze@coe.int</a>
Expected starting date of execution ►	21 February 2019

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

## B. EXPECTED DELIVERABLES

### Background of the Project

The consultancy services are to be delivered in the framework of the Project “Preventing and Combating Violence against Women and Domestic Violence in Georgia”.

The project aims at strengthening the capacity of key stakeholders involved in preventing and combating violence against women and domestic violence and protecting the victims. The Council of Europe focuses on providing the latest information and knowledge about the relevant European standards, in particular, the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter the Istanbul Convention), and its implications for national policy and legal frameworks. The project takes an awareness raising and knowledge-based approach to combating violence against women and domestic violence with the aim build capacity of the Georgian professionals, authorities and NGOs to implement European standards, in particular the Istanbul Convention, in Georgia.

Duration of the Project: February 2018 – 30 September 2019.

Women benefit from a more effective response to and protection against all forms of violence including sexual violence. and focuses on the following areas:

- To improve the knowledge of officials and CSOs on applying international and national standards, including the Istanbul Convention, related to violence against women and domestic violence
- To improve the capacity and knowledge-base of legal professionals (prosecutors, judges) on violence against women and domestic violence and European standards such as the Istanbul Convention through trainings and exchanges of best practices.
- To raise general awareness on violence against women and domestic violence in line with European standards, in particular, the Istanbul Convention

### Project National Partners

The key project partners are the Public Defender's office (the PDO), the General Prosecutor's Office (the GPO), the Supreme Court (the SC). Additionally, the Council of Europe co-operates with different state institutions (the Ministry of Internal Affairs (MIA), Inter-Agency Commission on Gender Equality, Violence against Women (VAW) and Domestic Violence (DV), non-governmental organisations and international and donor organisations working in the field of combating violence against women and domestic violence.

Within the framework of the Project the below listed outputs are expected:

- The representatives of officials and CSOs are trained on the Istanbul Convention, including on data collection and multi-agency co-operation approach to combat violence against women and domestic violence;
- Thematic research on gaps in the implementation of the Istanbul Convention conducted;
- Implementation of trainings and peer-to-peer exchanges to law enforcement professionals on violence against women and domestic violence;
- Trainings and peer-to-peer exchanges facilitated on violence against women and domestic violence through HELP (Human Rights Education for Legal Professionals or other means;
- Awareness raised on the Istanbul Convention and its standards through events and dissemination of relevant materials.

### Expected types of deliverables

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

LOTs	Maximum number of Providers to be selected
<b>LOT 1</b> The listed activities should be carried out by the selected national consultant (lead researcher) together with other national consultant(s) to support the PDO, during the mentioned tentative period: <ul style="list-style-type: none"> <li>• Develop a methodology for the research on gaps in the implementation of the Istanbul Convention with the specific focus on identifying gaps in the current practice of criminal investigations, prosecutions and convictions of various forms of violence against women and</li> </ul>	3

domestic violence (VAW/DV) in Georgia; <ul style="list-style-type: none"> <li>• Guide the research on gaps in the implementation of the Istanbul Convention with the specific focus on identifying gaps in the current practice of criminal investigations, prosecutions and convictions of various forms of VAW/DV in Georgia based on the methodology developed;</li> <li>• Conduct a presentation related to the research;</li> </ul>	
<b>LOT 2</b> The listed activities should be carried out by the selected national consultant(s) together with and in the lead of national consultant (lead researcher) to support the PDO, during the mentioned tentative period:  <ul style="list-style-type: none"> <li>• Conduct the research on gaps in the implementation of the Istanbul Convention, with the specific focus on national practices of criminal investigations, prosecutions and convictions of various forms of VAW/DV in Georgia, based on the methodology developed;</li> <li>• Participate in the presentation related to the research.</li> </ul>	3
<b>LOT 3</b> The listed activities should be carried out by the selected national consultant(s) together with and in the lead of an international consultant to support the Inter-Agency Commission on Gender Equality, Violence against Women (VAW) and Domestic Violence (DV) in preparations of the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) monitoring process, during the mentioned tentative period: <ul style="list-style-type: none"> <li>• Support piloting the Council of Europe methodology and tools for mapping support services for victims of violence against women;</li> <li>• Assess the current situation in Georgia and support collecting data relevant for GREVIO report</li> </ul>	3
<b>LOT4</b> The listed activities should be carried out by the selected national consultant(s) together with an international consultant(s) to support the GPO; the MIA and the judiciary during the mentioned tentative period: <ul style="list-style-type: none"> <li>• Prepare and conduct joint trainings for judges and prosecutors/investigators in regions on the Istanbul Convention and relevant case law of the European Court of Human Rights (ECtHR), including multi-agency co-operation on combating violence against women and domestic violence;</li> <li>• Plan, prepare and facilitate a workshop of legal professionals (investigators, prosecutors, judges) to discuss current practices and existing challenges in dealing with cases of violence against women and domestic violence;</li> <li>• Support the GPO in the revision of Prosecution Guidelines on Violence against Women and Domestic Violence based on the recommendations of the Council of Europe international expert and outcomes of consultations with other legal professionals (investigators and judges).</li> </ul>	3
<b>LOT5</b> <ul style="list-style-type: none"> <li>• National tutor for a developed online HELP (Human Rights Education for Legal Professionals) course for legal professionals on violence against women and domestic violence</li> </ul>	3
<b>LOT6</b> Proof-read the Georgian translations of the publications on the Istanbul Convention, the documents and handbooks developed by the project on the topic of combating violence against women and domestic violence	3

The Council of Europe is looking for **maximum of 3 Provider(s) per LOT 1–6** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on preventing and combating violence against women and domestic violence in Georgia.

This Contract is currently estimated to cover up to ten activities, to be held by 30 September 2019. 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 265 000 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:

- Preparing training modules and training materials
- Conducting trainings/workshops
- Participating at the events (workshops, conferences, meetings etc.)
- Drafting analytical reports (assessments, gap analysis etc.)
- Reviewing and proof-reading materials, handbooks, 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 (unless agreed otherwise in the Order Form following the 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 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 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);

<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.

- 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;
- 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*

##### LOT 1–6

- University Degree in Law, Social Science or other relevant field;
- Excellent knowledge of Council of Europe standards in the area of preventing and combating violence against women and domestic violence, including the Istanbul Convention;
- Professional experience in developing research/study methodologies and conducting researches/studies in the thematic area (lot 1-2);
- Professional experience in developing trainings, courses and learning materials for professionals and/or conducting trainings in the thematic area (lot 4 and 6);
- Excellent oral and written English and Georgian

##### LOT 6

- University Degree in Law, Social Science or other relevant field and/or professional experience in editing, proof-reading in the thematic area relevant to the project
- Excellent oral and written English and Georgian

#### *Award criteria*

##### LOTS 1–6

- Quality of the offer (**90%**), including:
  - Thematic expertise in the field related to the scope of the project
  - Writing and language skills
- 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);

<sup>3</sup> 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.

<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.

- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- Examples of previous professional work relevant to the scope of the Project, if any
- 2 (two) referees' contact details

**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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