

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of *national consultancy services on Social Rights in Georgia for the Project Further Enhancement of Social and Economic Rights in Georgia*

Contract N 3388/01012024-02

The Council of Europe is currently implementing a Project on *Further Enhancement of Social and Economic Rights in Georgia starting from 1 January 2024 until 31 December 2025*. In that context, it is looking for Providers for the provision of *national consultancy services* on social rights in Georgia 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 Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 180 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: National Consultancy Services for Social Rights in Georgia**. 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 8 (EIGHT) 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 for the Tender on National Consultancy Services for Social Rights in Georgia.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2025
Deadline for submission of tenders/offers ▶	10 September 2024 23h59 UTC+4
Email for submission of tenders/offers ▶	socialrightsgeorgia@coe.int
Email for questions ▶	APGeorgia@coe.int
Expected starting date of execution ▶	21 October 2024

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 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The socio-economic circumstances of a large percentage of the population in Georgia require continuous focus on social and economic rights. The Project builds on the results achieved under the Council of Europe's previous action and aims to enhance the protection of social rights in line with international standards and best practices.

For this reason, the project focuses on strengthening the capacities of Georgian authorities, national human rights institutions, civil society organisations, and other relevant stakeholders for better provision and promotion of social and economic rights, with a particular focus on social rights of persons with disabilities and older people.

In addition, the project aims to promote and raise awareness of social rights and the European Social Charter among target groups and the public in general, addressing, among others, the non-take-up of rights.

The Council of Europe is looking for a maximum of 30 (thirty) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on *social and economic rights*.

This Contract is currently estimated to cover up to *50 activities*, to be held by *31 December 2025*. 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 *1,000,000* 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.

Lots

The present tendering procedure aims to select Providers to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Consultancy services in the field of social and economic rights, as provided by the European Social Charter with a specific focus on one or more of the following areas: the treaty system of the European Social Charter and its monitoring mechanisms; labour rights; labour inspection	10
Lot 2: Consultancy services in the field of social and economic rights of persons with disabilities in Georgia	10
Lot 3: Consultancy services in the field of social and economic rights of older persons in Georgia	10

Lot 1 concerns consultancy services relating to: analysing laws, policies, and practices in relation to the European Social Charter with a special emphasis on labour rights; providing expertise and advice, contributing to capacity building of labour inspectors, legal professionals, public servants and other relevant target groups; preparing reports and legal opinions, developing methodologies for needs assessment and training, conducting training sessions, creating awareness materials, elaborating guidelines and recommendations, preparing activity reports, considering the gender mainstreaming in all activities.

Lot 2 concerns consultancy services relating to assessing and addressing the social and economic rights of **persons with disabilities** in Georgia. Activities include conducting needs assessments, preparing reports and legal opinions, evaluating legal acts and policies, sharing best practices, participating in events, developing regulations and guidelines, conducting trainings, creating awareness raising materials, considering the gender mainstreaming in all activities, and fulfilling additional requests from the Council of Europe.

Lot 3 concerns consultancy services relating to assessing and addressing the social and economic rights of **older persons** in Georgia. Activities include conducting needs assessments, preparing reports and legal

opinions, evaluating legal acts and policies, sharing best practices, participating in events, developing regulations and guidelines, conducting training, creating awareness materials, considering the gender mainstreaming in all activities, and fulfilling additional requests from the Council of Europe.

The Council will select the abovementioned number of Providers 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:

- Analyse and/or provide expertise of laws, drafts, strategies and policies or the situation in practice as a result of the application of those laws and policies, in light of the European Social Charter, case law of the European Committee of Social Rights and by taking account of relevant social, economic and policy considerations;
- Provide advice, opinions and expertise: assessments, needs analysis, identification of challenges; mapping of good practices, legal opinions, reports and recommendations;
- Contribute to the capacity building of project beneficiaries; tailor-made assistance, advice, training, training of trainers and other forms of support;
- Peer-to peer exchanges: participation and contribution to the organisation and to the conduct of conferences, round-tables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events, including through moderating/facilitating discussions and delivering presentations (identify challenges, propose solutions and provide arguments to resolve difficulties.
- Contribute to preparation of reports, legal opinions, comments, recommendations, etc on the implementation of the provisions of the European Social Charter.
- Contribute to the development of methodology and conduct of needs assessment on specific aspects related to the theme of the lot.
- Develop the methodology and conduct of training needs assessment, evaluation of their impact/effectiveness and development of reports/recommendations thereof on specific aspects related to the theme of the lot;
- Develop, adapt training courses (including on-line) and materials and provide trainings on specific aspects related to the theme. Conduct training sessions, prepare training materials, group work exercises, practical cases for labour inspectors, legal professionals, other relevant public servants, civil society organisations, etc.
- Contribute to development of information campaigns, awareness raising materials on specific aspects related to the theme of the lot.
- Elaborate guidelines/handbooks/recommendations;
- Develop institutional internal regulations, guidelines and information materials on specific aspects related to the theme of the lot;
- Prepare activity reports in English;
- In all assignments, including post-activity reports, consultants shall elaborate on the gender dimension and the potential impact of proposed changes on gender equality.
- Provide other deliverables related to the above as requested by the Council of Europe;

Under Lot 2:

- Develop methodology and conduct of (institutional) needs assessment on specific aspects related to social and economic rights of persons with disabilities in Georgia;
- Prepare reports, legal opinions, comments, recommendations, etc, on different aspects related to the social rights of persons with disabilities in line with the relevant international standards and the provisions of the European Social Charter;
- Assess legal acts and policy documents (draft documents) and/or practice and provision of advice (in the form of oral and/or written contributions);
- Research, study and share the best European practices related to the theme of the lot;
- Participate and contribute to the organisation and to the conduct of conferences, roundtables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events, including through moderating/facilitating discussions and delivering presentations;
- Develop institutional internal regulations, guidelines and information materials on specific aspects related to the theme of the lot;

- Develop the methodology and conduct of training needs assessment, evaluation of their impact/effectiveness and development of reports/recommendations thereof on specific aspects related to the theme of the lot;
- Develop, adapt training courses (including on-line) and materials and delivery of training activities on specific aspects related to the theme of the lot;
- Develop publications, awareness raising materials, such as leaflets, brochures, etc on specific aspects related to the theme of the lot;
- Provide other deliverables related to the above as requested by the Council of Europe.

Under Lot 3:

- Develop methodology and conduct of (institutional) needs assessment on specific aspects related to social and economic rights of Older persons in Georgia;
- Prepare reports, legal opinions, comments, recommendations, etc, on different aspects related to the social rights of older persons in line with the relevant international standards and the provisions of the European Social Charter;
- Assess legal acts and policy documents (draft documents) and/or practice and provision of advice (in the form of oral and/or written contributions);
- Research, study and sharing the best European practices related to the theme of the lot;
- Participate and contribute to the organisation and to the conduct of conferences, roundtables, seminars, trainings, working group meetings, workshops, consultation meetings and other relevant events, including through moderating/facilitating discussions and delivering presentations;
- Develop institutional internal regulations, guidelines and information materials on specific aspects related to the theme of the lot;
- Develop the methodology and conduct of training needs assessment, evaluation of their impact/effectiveness and development of reports/recommendations thereof on specific aspects related to the theme of the lot;
- Develop, adapt training courses (including on-line) and materials and delivery of training activities on specific aspects related to the theme of the lot;
- Develop publications, awareness raising materials, such as leaflets, brochures, etc on specific aspects related to the theme of the lot;
- Provide other deliverables related to the above as requested by the Council of Europe.

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.

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 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 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, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;

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.

³ 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.

- 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;
- are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure.

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

For Lot 1

- Master's degree in law, political science, social sciences, international law, international relations, international development, developmental studies, public administration, public policy, economics, sociology or any other related field;
- A minimum of five (5) years' professional experience in fields related to the objectives of the actions to be carried out in the implementation of the project;
- Proven competence or expertise (legal or policy) in one or more areas covered by the European Social Charter;
- Excellent command of English (minimum CEFR-B2 level) and Georgian (native speaker) in speaking and writing.

For Lot 2

- Master's degree in law, political science, social sciences, international law, international relations, international Development, developmental studies, public administration, public policy, economics, sociology or any other related field;
- A minimum of five (5) years' professional experience related to persons with disabilities in relation to the objectives of the actions to be carried out in the implementation of the project;
- Excellent command of English (minimum CEFR-B2 level) and Georgian (native speaker) in speaking and writing.

For Lot 3

- Master's degree in law, political science, social sciences, international law, international relations, international Development, developmental studies, public administration, public policy, economics, sociology or any other related field;
- A minimum of (5) years' professional experience related to older persons in relation to the objectives of the actions to be carried out in the implementation of the project;
- Excellent command of English (minimum CEFR-B2 level) and Georgian (native speaker) in speaking and writing.

*Award criteria***For all Lots**

- Quality of the offer (80 points), including:
 - Strong thematic expertise in the relevant professional area, knowledge of the European Social Charter, European standards and recommendations of the Council of Europe, European Committee of Social Rights and the European Court of Human Rights case law in the areas covered by this call **(10 points)**;
 - Experience working as a consultant in the field of social and economic rights **(10 points)**;
 - Relevance of the experience of the tenderer in the areas covered by this call, including previous similar assignments with international organisations; **(10 points)** Experience in needs assessment and analysis, especially in the relevant project area **(10 points)**;
 - Demonstrating capacity to contribute to Social and Economic Rights analysis and assessment at the national and international level; **(15 points)**
 - Knowledge of the national and regional context in the field of social rights and policies relevant to the areas covered by this call **(10 points)**;
 - Knowledge of the local labour code; **(15 points)**
- Financial offer **(20 points)**.

Multiple tendering is not authorised.

The Council reserves the right to hold interviews with tenderers.

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 Engagement⁴** (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria; This also applies in case of a legal entity or a consortium. They have to submit a required CV for an expert(s) that they will nominate within the framework of this tender;
- Registration documents, for legal persons only (the submission of the document is preferred to be in English. However, it will also be acceptable in Georgian);
- Motivation letter (up to 1 page);
- At least 2 (two) samples of work/deliverables (as annexes) or reference /links to publications, legal assessments/analyses, reports, studies, Training curriculum, strategy, etc. relevant to the experience the tenderer claims in the areas covered by this call; **If an applicant has an example of the sample only in Georgian, please submit a one-page summary in English.** If an applicant is a co-author, please submit only the parts developed by an applicant.
- Contact details of 3 (three) relevant referees, from among previous employers or clients (name, surname, phone number and 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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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.