

## TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



### Purchase of intellectual services (local consultancy) in the areas of protection of rights persons deprived of liberty, police and prison management, healthcare service including mental health, rehabilitation and resocialisation, probation and related it systems in Armenia

The Council of Europe is currently implementing and until 31/12/2026 Projects "Further strengthening the Probation Service in Armenia" (BH9286) and "Further Strengthening the Protection of the Rights of Persons Deprived of Liberty" (BH9285). In that context, it is looking for a Provider(s) for the provision of intellectual services in the areas protection of rights persons deprived of liberty, police and prison management, healthcare service including mental health, rehabilitation and resocialisation, probation and related it systems in Armenia 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 €6,000 for intellectual services) and €171,000 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: Tender – Purchase of intellectual services in Armenia.** 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 - Purchase of intellectual services in Armenia.**

Type of contract ►	Framework contract
Duration ►	Until complete execution of the obligations of the parties (See Article 2 of the Act of Engagement)
Deadline for submission of tenders/offers ►	<b>06 March 2025 23h59 Yerevan time</b>
Email for submission of tenders/offers ►	<a href="mailto:policeprisons.projects@coe.int">policeprisons.projects@coe.int</a>
Email for questions ►	<a href="mailto:policeprisons.projects@coe.int">policeprisons.projects@coe.int</a>
Expected starting date of execution ►	<b>25 March 2025</b>

<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 currently implements Projects "Further strengthening the Probation Service in Armenia" and "Further Strengthening the Protection of the Rights of Persons Deprived of Liberty" launched in January 2023. The work related to prisons, probation is an integral part of the overall work of the Council of Europe related to human rights, democracy and the rule of law, the three pillars of the *raison d'être* of the Organisation, in accordance with its Statute. The main objective of mentioned Projects is to help Armenian authorities to improve national legislation and practice related to the work of the execution of penal sanctions and measures. The envisaged changes will ensure full compliance of the Armenian legislation and practice with standards of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules, Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules, other CM Recommendations in prison and probation and case law of the European Court of Human Rights.

The Council of Europe is looking for a maximum of 72 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the projects with a particular expertise on probation, penitentiary, including prison healthcare, police from the national perspective.

This Contract is currently estimated to cover up to 100, to be held by 31 December 2026. 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 "Further strengthening the Probation Service in Armenia" amounts to 500,000 Euros and the budget of the project "Further Strengthening the Protection of the Rights of Persons Deprived of Liberty" amounts to 600,000 Euros and the total amount of the object of present tender **shall not exceed 171,000 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 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 - Protection of rights of persons deprived of liberty: effective remedies, police and prison management, training and administration	20
Lot 2 - Provision of healthcare services (including mental health) in prisons	15
Lot 3 – Probation	15
Lot 4 - Rehabilitation and resocialisation of prisoners, offenders, and probationers	15
Lot 5 - IT systems in prison and probation	7

Lot 1 concerns protection of rights persons deprived of liberty, police and prison management, training and administration

*Consultancy services in one or more of the following areas: support prison and police reform processes, including legislative framework, strategies and action plans, modern prison management, dynamic security, prison regimes, classification, prison human resources, initial and continuous training of prison staff, safeguards against ill-treatment, the regulatory framework and data protection of individuals deprived of their liberty, effective remedies (judicial and non-judicial) for the persons deprived of liberty, etc.*

Lot 2 concerns provision of healthcare services (including mental health) in prisons

*Consultancy services in one or more of the following areas: Organisation and provision of healthcare (including mental healthcare) in prisons; initial and continuous training of medical staff, confidentiality, technical specificities of medical equipment and telemedicine, etc.*

Lot 3 concerns probation

*Consultancy services in one or more of the following areas: institutional development of the probation services, including legislative framework, strategies and action plans, alternative measures to imprisonment, probation tasks, integrated approach to offender management, pre-release reports, pre-sentence reports, risk and needs assessment, mediation, electronic monitoring, performance management for probation service, initial and continuous training of probation officers, inter-agency and inter-disciplinary cooperation, etc.*

Lot 4 concerns rehabilitation and resocialisation of prisoners, offenders, and probationers

*Consultancy services in one or more of the following areas: progressive change of regimes in prison, risk and needs assessment (prison and probation), individual sentence planning, rehabilitation and reintegration programmes and treatment of vulnerable groups of inmates and probationers, vocational training, occupational therapy and education, treatment and pre and post-release programs for specific categories of inmates and probations, pre and post-release coordination, cross-section approach and inter institutional cooperation, etc.*

Lot 5 concerns IT systems in prison and probation (software and hardware)

*Consultancy services in one or more of the following areas: development and update of IT systems and infrastructure (in prisons, probation) and tools to facilitate case management processing, electronic data in prisons (data base) and probation service, telemedicine, re/designing collaboration platforms and e-learning tools, etc.*

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:

- Draft assessment study in order to identify legislative and policy gaps, and practical shortcomings in the system and further discuss, verify and provide recommendations for legislative, institutional and capacity building improvements.
- Participate and provide written contributions to working group drafting sessions for development of specific documents on given topics, including and not limited to secondary legislation and by-laws that regulate penitentiary area in the country.
- Prepare other legal opinions, legal expertise, guidelines, regulations, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force).
- Participate in round table/workshop/conference discussions to present the findings and recommendations of assessment study and/or working group sessions, including through moderating/facilitating discussions.
- Deliver training on specific topics and based on developed training materials.
- Check and ensure quality assurance of developed documents, materials, action plans and other outputs;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe, etc.

Under Lot 2:

- Prepare legal opinions, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);
- Conduct needs assessment on specific activities (lato sensu – training needs, treatment programmes, provision of health care in prisons, including mental health care etc) and documents (lato sensu – strategies, policy documents, curricula, guidelines, laws, technical specificities, etc) as well as in relation to the medical equipment;
- Provide technical expertise for development/use of specific tools;
- Provide expertise and guidance and written contributions on pilot initiatives;

- Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics;
- Draft of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines, treatment programmes
- Deliver training/provide coaching and mentoring on specific topics and based on developed training materials;
- Facilitate and/or deliver presentations to the conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe, etc.

#### Under Lot 3:

- Prepare legal opinions, legal expertise, comments, recommendations, reports, on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);
- Conduct needs assessment on specific activities (lato sensu – training needs, risk and needs etc.) and documents (lato sensu – curricula, guidelines, laws etc);
- Provide technical expertise for development/use of specific tools;
- Provide expertise and written contributions on pilot initiatives;
- Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics;
- Draft of strategies, action plans, policy documents, briefs on specific topics;
- Draft/review of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines;
- Deliver trainings/provide coaching and mentoring on specific topics and based on developed training materials;
- Deliver presentations to the conferences, round-tables, seminars, trainings, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe, etc.

#### Under Lot 4:

- Prepare legal opinions, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);
- Conduct needs assessment on specific activities (lato sensu – training needs, risk and needs, treatment programmes, etc.) and documents (lato sensu – curricula, risk and needs assessment tools, guidelines, laws etc);
- Provide technical expertise for development/use of specific tools;
- Provide expertise and written contributions on pilot initiatives;
- Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics.
- Draft of strategies, action plans, policy documents on specific topics;
- Draft training curricula, training modules and training materials, manuals, treatment programmes, risk and needs, guidebooks, operational guideline, guidelines ;
- Deliver trainings on specific topics and based on developed training materials, treatment and risk and needs programmes;
- Deliver presentations to the conferences, round-tables, seminars, training sessions, workshops, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions;
- Provide expertise and written contributions on pilot initiatives;
- Development of Terms of References for NGOs in delivering treatment and reintegration programs in prisons and probation service;
- Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe, etc.

#### Under Lot 5:

- Participate in needs assessment mission and prepare a report;
- Prepare Terms of References for both, the update of the software and/or the provision of hardware;

- Provide technical advice and/or assessment report on the tender bids and the final product(s) delivered by the tender winner(s);
- Provide technical expertise for the development/use of software for IT systems, collaboration platforms, etc;
- Prepare and deliver trainings on specific topics for the use/implementation of the IT systems (including hardware and software) and tools;
- Submit impact reports on the use of new IT systems and tools by prison and probation staff with recommendations on further application;
- Check and ensure quality assurance of developed documents, materials, action plans and other outputs;
- Working sessions to advise software/hardware development and collaboration platform utilisation;
- Consultancy sessions to inform the policy makers on the IT systems.

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.

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 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*

(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;
- 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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.
- are subject to restrictive measures applied by the United Nations Security Council or the European Union. In the case of legal persons, the restrictive measures imposed on the tenderer's owner(s) or executives will also exclude the tenderer from participating in this tender procedure.

<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.
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

### *Eligibility criteria*

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

- A university degree in:
  - Lot 1, 2, 3, 4: Law, Social Sciences, Political Sciences or Human Rights, Police Studies, Prison Management, Human Resources, Medicine, Psychology, Psychiatry, Management of health care or other related field;
  - Lot 5: IT studies or other related field;
- At least 3 (three) years of professional experience in the area covered by the Lot(s) for which the bidder is bidding for;
- Excellent oral and written Armenian (mother-tongue level) and English (at least B1 level under CEFR<sup>4</sup> framework).

### *Award criteria*

Lots 1-4:

- Quality of the offer (90points), including:
  - Criterion 1: Knowledge of the national context in the areas covered by this call (40 points)
  - Criterion 2: Thematic expertise in the relevant area covered by the respective Lot (40 points)
  - Criterion 3: Previous similar assignments with international organisations and/or public institutions (10 points);
- Financial offer (10 points).

Lot 5:

- Quality of the offer (90 points), including:
  - Criterion 1: Specific expertise in the relevant area covered by the Lot, including knowledge and skills on development and management of IT software, with focus on related IT systems (70 points);
  - Criterion 2: Previous similar assignments with international organisations or national criminal justice systems (20 points );
- Financial offer (10 points).

The Council reserves the right to hold interviews with 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>5</sup>** (See attached);
- **For natural persons only:** a detailed CV, preferably in Europass format, demonstrating clearly that the tenderer fulfils the eligibility criteria. **For legal persons only:** a detailed CV, preferably in Europass Format, of each natural person allocated to the execution of the contract demonstrating clearly that they fulfil the eligibility criteria. **For consortia only:** a detailed CV, preferably in Europass Format, of all consortium members clearly demonstrating that they satisfy the eligibility criteria;

<sup>4</sup> The Common European Framework of Reference for Languages.

<sup>5</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.

- Registration documents, for legal persons only (in Armenian with a translation into English certified by the tenderer);
- A detailed Motivation letter highlighting the relevant experience for each Lot that the tenderer is applying for;
- At least two (2) examples of previous relevant work (draft legal act, legal opinion, presentation, training module, research paper, etc. in English or Armenian) for each Lot that the tenderer is applying for; in addition, for Lot 5 – 2-3 pages paper describing IT samples of work from the last two years;
- For Lot 1-4 at least two samples of previous written work (draft legal act, legal opinion, presentation, training module, research paper, etc.) specific to the lot(s) for which the tenderer is applying. For Lot 5 – two-three pages paper describing IT samples of work from the last two years. If the original documents are not in English, they should be accompanied with a summary in English. The samples should be attributable to the tenderer applying, or to each natural person allocated to the execution of the contract (for legal persons only), or to each consortium member (for consortia only)
- Three referees' contact details (contacts, including phone number and e-mail address);
- A list of all owners and executive officers, for legal persons only.

**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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