

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of consultancy services (national consultants) in the area of prison healthcare in Georgia

**Contract N° VC2997-8830-28/06/2022-NSTC**



The Council of Europe is implementing a project on "[Enhancing Healthcare Provision in Georgia's Penitentiary System](#)" (voluntary contribution) until 31<sup>st</sup> December 2023. In that context, it is looking for Provider(s) for the provision of consultancy services (national consultants) in the area of healthcare in the penitentiary and probation system with special focus on mental healthcare, substance-use related services, harm reduction approaches, suicide prevention, and monitoring of healthcare provision, 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 €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 a natural person or a duly registered company under sole proprietorship of a natural person, or equivalent.

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 – Prison Healthcare in Georgia – National Consultants"**. 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 6 (six) 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 – Prison Healthcare in Georgia – National Consultants"**.

|                                             |                                       |
|---------------------------------------------|---------------------------------------|
| Type of contract ►                          | Framework contract                    |
| Duration ►                                  | Until 31 December 2023                |
| Deadline for submission of tenders/offers ► | <b>28 June 2022</b>                   |
| Email for submission of tenders/offers ►    | <b>PolicePrisons.Projects@coe.int</b> |
| Email for questions ►                       | <b>PolicePrisons.Projects@coe.int</b> |
| Expected starting date of execution ►       | 18 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 Council of Europe is currently implementing a project entitled "Enhancing Healthcare Provision in Georgia's Penitentiary System". The Project aims to enhance the mental health and protect the human rights of offenders by improving the access, quality of provision and organisation of mental healthcare services (i.e. psychiatric care and psychological assistance), substance-use related services and other relevant therapeutic and rehabilitation activities. The primary stakeholders of the project are the Ministry of Justice of Georgia (MoJ) through its agencies: Special Penitentiary Service (SPS), National Agency for Crime Prevention, Enforcement of Non-Custodial Sentences and Probation (National Probation Agency - NPA), Training centre of Justice (TCJ), Vocational Education and Training Center for Inmates (VETCI); and the Public Defender's Office (PDO), National Prevention Mechanism (NPM), and relevant civil society organisations.

The project will assist stakeholders in further developing appropriate policies and strengthening capacities to ensure equivalence and continuity of healthcare for prisoners and probationers, in line with Council of Europe standards and best practices. The project is built on the Council of Europe's programme of activities and strategy as well as the Council of Europe Action Plan for Georgia 2020-2023.

To implement the project, the Council of Europe will implement a wide variety of activities, including but not limited to the following: assessment of legal and policy frameworks; expert reviews; technical papers; drafting of policies and action plans; providing training courses, workshops and study visits, printing publications and information materials, peer-to-peer exchange and other learning opportunities for the target groups, as well as on-site counselling to advise and follow-up on the implementation of recommended actions.

It will facilitate the dialogue between the relevant stakeholders to ensure a joint national approach to managing mental healthcare and well-being of offenders and the use of multi-disciplinary and holistic methods. All outcomes and activities will apply the human rights approach, including gender and youth mainstreaming.

The Council of Europe is looking for up to 30 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on healthcare in penitentiary and probation systems, with a special focus on mental healthcare, enhanced quality of care for people in vulnerable situations (such as women, juveniles, persons with disabilities, people who use drugs, LGBTQI people), substance-use related treatment and services, harm reduction approaches, suicide prevention, and monitoring the provision of healthcare.

This Contract is currently estimated to cover up to 50 activities, to be held by 31 December 2023. 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 600,000 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 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: Policy, legal and operational guidance on mental health and well-being of offenders, in line with Council of Europe standards and best practices | 15                                         |
| Lot 2: Capacity building on mental health and well-being of offenders, in line with Council of Europe standards and best practices                      | 15                                         |

**Lot 1 concerns** the contribution and/or direct provision of deliverables from the Council of Europe and other international standards' perspective on the development/update of policy and regulatory framework on

healthcare in penitentiary and probation system, in line with Council of Europe standards and best European practices, including mental healthcare management and conditions of detention of people with mental health problems, suicide prevention, rights of persons in vulnerable situations (such as persons with disabilities, juveniles, women, LGBTQI people), use of force, principles of equality and non-discrimination (including issues relating to gender, age, disabilities, etc.), monitoring provision of healthcare services.

**Lot 2 concerns** the contribution and/or direct provision of deliverables from the Council of Europe and other international standards' perspective on building capacities towards the implementation of human rights safeguards in the context of healthcare provision in penitentiary and probation system, including healthcare management, medical ethics, mental healthcare services, suicide prevention, substance-use related treatment and services, needs of groups in vulnerable situations (such as persons with disabilities, juveniles, women, LGBTQI people), standards and principles regarding the use of force, monitoring the delivery of healthcare services in penitentiary institutions, investigation of allegations or other indications of human rights violations in penitentiary and probation system and documentation of injuries, awareness-raising of offenders on available healthcare services.

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:

- *Prepare/Assist in preparing 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);*
- *Draft strategies, action plans, policy and guidance documents, guidelines on specific topics;*
- *Provide technical expertise for the development/use of specific tools;*
- *Provide expertise and written contributions on pilot initiatives;*
- *Participate and provide written contributions to working group drafting sessions for the development of specific documents and materials on given topics;*
- *Conduct research and needs assessment on specific topics and activities, provide recommendations and documents (lato sensu – guidelines, risk and needs assessment tools, etc.);*
- *Deliver presentations to the thematic conferences, round-tables, 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;*
- *Coordinate with other short-term consultants, provide expertise, advice and revisions;*
- *Provide quality assurance of developed documents, materials, action plans and other outputs.*

Under Lot 2:

- *Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, awareness raising materials and other relevant information documents;*
- *Conduct research and needs assessment on specific activities, provide recommendations and documents (lato sensu – curricula, guidelines, risk and needs assessment tools, etc.);*
- *Deliver training on specific topics and based on developed training materials;*
- *Contribute to the thematic conferences, workshops, designed to raise the capacity/awareness of the project's targeted groups and project beneficiaries and civil society;*
- *Deliver presentations to the thematic 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;*
- *Coordinate with other short-term consultants, provide expertise, advice and revisions*
- *Provide quality assurance of developed documents, materials, action plans and other outputs.*

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 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 .

<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.

## 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 (applicable for both lot 1 and lot 2)***

- University degree in medicine, psychiatry, psychology, law, social studies, healthcare and mental healthcare management, human rights, political studies, or other related fields;
- At least 3 (three) years of professional experience in one or more of the following areas with a focus on European and other international standards: provision of healthcare in penitentiary and probation system, provision of mental healthcare in penitentiary and probation system, suicide prevention, provision of human rights or healthcare-related training to medical and/or non-medical staff of penitentiary institutions and probation, human rights and safeguards against ill-treatment in penitentiary institutions, ethics for medical staff in prisons, women's rights within the penitentiary and probation system, gender sensitive aspects to addressing inequalities, discrimination and gender-based violence, treatment of persons with disabilities and other vulnerable groups in prisons, support to victims, complaint mechanisms, documenting injuries, monitoring places of deprivation of liberty.
- Good knowledge of oral and written English language (at the minimum A2 level of the Common European Framework of Reference for Languages).

### *Award criteria*

- Quality of the offer (70%), including:
  - *Criterion 1:* Thematic expertise in the relevant area, including the knowledge of the standards and recommendations of the Council of Europe in the areas covered by this call (30%);
  - *Criterion 2:* Previous similar assignments with international organisations (10%);
  - *Criterion 3:* Knowledge of the national context in the areas covered by this call (30%);
- Financial offer (30%).

<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.

The Council reserves the right to hold interviews with eligible 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>4</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria (4 pages maximum);
- Registration documents, for legal persons only;
- A short motivation letter demonstrating the tenderer's understanding of the Council of Europe needs and describing how the tenderer meets the eligibility and award criteria above (1 page maximum);
- At least two examples of the previous work/deliverables: reference/links to publications, legal assessments/analyses, reports, studies, etc. relevant to the experience the tenderer claims and the lots the tenderer is applying to (in English)<sup>5</sup>;
- Three relevant references, from previous employers or clients (name, surname, phone number or 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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<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.

<sup>5</sup> In case a written sample document is prepared in a language other than English, the document can be submitted in the original language, accompanied with a comprehensive, but brief (up to 2 page), summary in English.