

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of consultancy services in the areas of prison management, rehabilitation of offenders, probation, provision of health care (including mental health care) in prisons and treatment of patients in psychiatric institutions (including forensic patients)

Contract N° BH8768/2021/...

The Council of Europe is currently implementing the Project on *"Strengthening the prison and probation reforms, provision of health care and treatment of patients in closed institutions in the Republic of Moldova"* (hereinafter *"the Project"*). In that context, it is looking for Provider(s) for *the provision of consultancy services in the areas of prison management, rehabilitation of offenders, probation, provision of health care (including mental health care) in prisons and treatment of patients in psychiatric institutions (including forensic patients)* 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 €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.

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 – SPPRH_RM_CBP_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 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 - SPPRH_RM_CBP_national consultants**

Type of contract ►	Framework contract
Duration ►	Until 29 February 2024
Deadline for submission of tenders/offers ►	07 June 2021
Email for submission of tenders/offers ►	PolicePrisons.Projects@coe.int
Email for questions ►	Ana.ROTARI@coe.int
Expected starting date of execution ►	28 June 2021

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

On 01 March 2021 the Council of Europe (CoE) has started a new 36-months Project – “**Strengthening the prison and probation reforms, provision of health care and treatment of patients in closed institutions in the Republic of Moldova**”, financed through the Council of Europe Action Plan for the Republic of Moldova for 2021-2024. The Project represents a continuation of the Component II of the Programme “Promoting a human right compliant criminal justice system in Republic of Moldova” (hereinafter “HRCCJ Programme”) and builds on the achievements of previous CoE Action Plans for the Republic of Moldova, notably, on the results of the projects implemented between 2015 and 2020: the HRCCJ Programme (March 2018 – February 2021), the Project “*Support of the Criminal Justice Reforms in the Republic of Moldova*” (2015 – 2018) as well as on the achievements of the *Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM)* activities in country completed in June 2017.

The Project aims at supporting the enhancement of the prison management practices, the improvement of the quality of the provision of health care to inmates (including mental health care), supporting the probation in raising its profile, promoting the value of community sanctions and measures among all actors of the criminal justice system and strengthening of treatment programmes and protocols for patients in psychiatric establishments (including forensic patients).

The Project will contribute to achieving the following **Outcomes**:

OUTCOME 1: Management of prisons is further improved to better support the prisoners’ rehabilitation

OUTCOME 2: Quality of the provision and organisation of health care services (including mental health care) for inmates are further enhanced in line with European standards

OUTCOME 3: Strengthened institutional capacity of Probation Service and multidisciplinary cooperation with other actors through more effective implementation of community sanctions and measures in support of offenders’ social reintegration

OUTCOME 4: Strengthened treatment of patients in psychiatric establishments (including forensic patients) in line with European standards

The Project activities will involve prison, probation, psychiatric institutions staff and forensic medical experts in a comprehensive and systematic manner and provide competence building and competence verification measures across these parts of the criminal justice system. Cross sector inter-institutional coordination will be in place to make sure all justice chain actors are aware of, understand and correctly implement the changes in the system.

The Council of Europe is looking for up to *25 Provider(s)* (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the areas of *prison management, rehabilitation of offenders, probation, provision of health care (including mental health care) in prisons and treatment of patients in psychiatric institutions (including forensic patients)*.

This Contract is currently estimated to cover up to *80 activities*, to be held by *29 February 2024*. 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 *1,200,000 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: prison management and administration	5
Lot 2: rehabilitation of prisoners and offenders	5
Lot 3: provision of health care services (including mental health care) in prisons	5
Lot 4: probation	5
Lot 5: treatment of patients in psychiatric establishments (including forensic patients)	5

Lot 1 concerns consultancy services in one or more of the following areas: prison management, including management and reorganisation of tasks in chosen pilot prisons, prison regimes; dynamic security, interpersonal communication skills, conflict prevention, pro-social modelling, working with vulnerable groups of prisoners; prevention of inter-prisoner violence; preventing the spread of subculture; training for working with juveniles; prison human resources development, prison staff performance management; initial and continuous training of the prison staff; competency-based training; professional development of prison management and leadership; capacity of the prison training centre to deliver competency-based training.

Lot 2 concerns consultancy services in one or more of the following areas: progressive change of regimes in prison; integrated approach to offender management; risk and needs assessment tool (for prison and probation); individual sentence planning; resocialisation programmes for juveniles and women; treatment of vulnerable groups of prisoners.

Lot 3 concerns consultancy services in one or more of the following areas: organisation of health-care (including mental health care) in prisons; functioning of the Prison Medical Service in prisons; ethics for medical staff in prison; training and professional development of multidisciplinary teams in prison (medical and non-medical prison staff); development of a Prison Health Care training course; mental health care, suicide and self-harm prevention; developing technical specifications for medical equipment and devices, procurement of medical equipment and devices.

Lot 4 concerns consultancy services in one or more of the following areas: institutional development of the probation service; probation tasks; alternative measures to imprisonment, initial and continuous training of probation officers; integrated approach to offender management; pre-sentence reports, electronic monitoring (evaluation of needs, procurement and administration).

Lot 5 concerns consultancy services in one or more of the following areas: treatment of patients in psychiatric establishments (including forensic patients); treatment programmes and protocols for patients in psychiatric establishments; safeguards during treatment for patients; psycho-social programmes and protocols, including psycho-social rehabilitation programme for patients (counselling, family reintegration; employment, etc.); risk and needs assessment tools and devising individual plans, including criteria for their evaluation; continuity of medical and social care in the community; training of prison staff on working with forensic patients.

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).

Tenderers may tender for one, several or all lot(s).

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference) and as described under the non-exhaustive list below:

Lot 1: prison management and administration	<ul style="list-style-type: none"> - 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, piloting models of prison management 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 strategies, action plans, policy documents on specific topics; - Draft standard operational procedures; - Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines; - Deliver trainings on specific topics and based on developed training materials; - 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; - Support international short term consultants with documents (legislation, rules, modules and any relevant document) and written advice on the Moldovan background on specific topics.
Lot 2: rehabilitation of prisoners and offenders	<ul style="list-style-type: none"> - 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, protocols, 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 strategies, action plans, policy documents on specific topics; - Draft treatment programmes, risk and needs; - Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines; - Deliver treatment and risk and needs programmes; - Deliver trainings on specific topics and based on developed training materials; - 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 written contribution, technical advice and expertise for procurement of necessary equipment on specific needs; - Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe; - Support international short term consultants with documents (legislation, rules, modules and any relevant document) and written advice on the Moldovan background on specific topics.

Lot 3: provision of health care services (including mental health care) in prisons	<ul style="list-style-type: none"> - 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 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 strategies, action plans, policy documents on specific topics; - Draft treatment programmes, standard operational procedures; - Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines; - Deliver trainings on specific topics and based on developed training materials; - 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 written contribution, technical advice and expertise for procurement of necessary equipment on specific needs; - Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe; - Support international short term consultants with documents (legislation, rules, modules and any relevant document) and written advice on the Moldovan background on specific topics.
Lot 4: probation	<ul style="list-style-type: none"> - 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 strategies, action plans, policy documents on specific topics; - Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines; - Deliver trainings on specific topics and based on developed training materials; - 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 written contribution, technical advice and expertise for procurement of necessary equipment and furniture on specific needs; - Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe; - Support international short term consultants with documents (legislation, rules, modules and any relevant document) and written advice on the Moldovan background on specific topics.

<p>Lot 5: treatment of patients in psychiatric establishments (including forensic patients)</p>	<ul style="list-style-type: none"> - <i>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);</i> - <i>Conduct needs assessment on specific activities (lato sensu – training needs, risk and needs, treatment of patients in psychiatric institutions (including forensic patients), psycho-social rehabilitation, etc.) and documents (lato sensu – risk and needs assessment tools, programmes, protocols, etc.);</i> - <i>Provide technical expertise for development/use of specific tools;</i> - <i>Provide expertise and written contributions on pilot initiatives;</i> - <i>Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics;</i> - <i>Draft strategies, action plans, policy documents on specific topics;</i> - <i>Draft treatment programmes, standard operational procedures;</i> - <i>Draft training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines;</i> - <i>Deliver trainings on specific topics and based on developed training materials;</i> - <i>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;</i> - <i>Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe;</i> - <i>Support international short term consultants with documents (legislation, rules, modules and any relevant document) and written advice on the Moldovan background on specific topics.</i>
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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 G. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).

C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers for the relevant lot the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 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

Tenders proposing a fee above the exclusion level will be entirely and automatically excluded from the tender procedure. Tenders are obliged to indicate fees for all deliverables within the Lot(s) they apply for.

Tenderers shall be excluded from participating in the tender procedure if they:

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 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.

- 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 are likely to be in a situation of conflict of interests.

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):

Under LOT 1:

- University degree in the relevant field (law/political studies or human rights /social studies/prison studies/ management/ human resources);
- At least 3 (three) years of professional experience in one or more of the following areas: prison management, including management and reorganisation of tasks, prison regimes, dynamic security, interpersonal communication skills, conflict prevention, pro-social modelling, working with vulnerable groups of prisoners; prevention of inter-prisoner violence, preventing the spread of subculture, working with juvenile prisoners/offenders, prison human resources development, prison staff performance management, initial and continuous training of the prison staff, competency-based training, professional development of prison management and leadership, development of the capacities of prison training centre to deliver competency-based training, review and comment on legislation and internal regulations;
- Excellent oral and written English.

Under LOT 2:

- University degree in the relevant field (psychology/ general medicine/psychiatry/prison studies/law/social sciences/political science or human rights);
- At least 3 (three) years of professional experience in one or more of the following areas: progressive change of regimes in prison, integrated approach to offender management, risk and needs assessment tools (prison and/or probation), individual sentence planning for prisoners, resocialisation programmes and treatment of vulnerable groups of prisoners, review and comment on legislation and internal regulations;
- Excellent oral and written English.

Under LOT 3:

- University degree in the relevant field (medicine/psychiatry/psychology/law/social studies and human rights/management of health care)
- At least 3 (three) years of professional experience in one or more of the following areas: organisation of health-care (including mental health care) in prisons, functioning of the Prison Medical Service in prisons, ethics for medical staff in prison, training and professional development of multidisciplinary teams in prison (medical and non-medical prison staff), mental health care, suicide and self-harm prevention, development of a Prison Health Care training course, development of technical specifications of medical equipment and devices, procurement of medical equipment and devices, review and comment on legislation and internal regulations;

- Excellent oral and written English.

Under LOT 4:

- University degree in the relevant field (law/social sciences/psychology/political science or human rights/management /human resources);
- At least 3 (three) years of professional experience in one or more of the following areas: institutional development of the probation service, probation tasks, alternative measures to imprisonment, initial and continuous training of probation officers, integrated approach to offender management, pre-sentence reports, electronic monitoring (evaluation of needs, procurement and administration), review and comment on legislation and internal regulations;
- Excellent oral and written English.

Under LOT 5:

- University degree in the relevant field (medicine/psychiatry/psychology/law/social studies and human rights/management of health care)
- At least 3 (three) years of professional experience in one or more of the following areas: treatment of patients in psychiatric establishments (including forensic patients), treatment and protocols for patients in psychiatric establishments (including for forensic patients), safeguards during treatment for patients, psycho-social rehabilitation programmes and protocols, risk and needs assessment tools and devising individual plans, medical and social care in the community, training of prison staff on working with forensic patients, review and comment on legislation and internal regulations;
- Excellent oral and written English.

Award criteria

- *Criterion 1:* Financial offer (10%)

Quality of the offer (90%), including:

- *Criterion 2:* Thematic expertise in the relevant area covered by this call (40%);
- *Criterion 3:* Previous similar assignments with international organisations (10%);
- *Criterion 4:* Knowledge of the national and/or regional context in the areas covered by this call (40%).

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**⁴ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A Motivation letter demonstrating the tenderer's understanding of the Council of Europe needs and describing how the tenderer meets the requirements described under the scope of the contract above (1 page maximum);

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 must be sent in one single PDF file. All scanned documents / attachments should also be .pdf files. The file should be submitted in one e-mail, with attachments not exceeding 5 MB.

- 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 (both in English and Romanian) produced by the tenderer;
- 3 (three) relevant referees contact details (name, surname, job title, organisation; phone number and e-mail).

All documents shall be submitted in *English, unless explicitly stated otherwise above*. If any of the documents listed above are missing or not submitted in English, 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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