



## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Purchase of consultancy services on institutional capacity and training development

Contract N°30.09.2019/1 BH 8641

The Council of Europe (CoE) is currently implementing the Project on “Supporting Parliamentary Oversight over the Execution of European Court of Human Rights (ECtHR) Judgments in Georgia.” The project will last until 31 December 2020. In this context, the CoE is looking for several Providers for the provision of consultancy services to support Georgian parliament to conduct effective oversight of the implementation of ECtHR judgments. This also will imply capacity building activities for the relevant staff members of the parliament.

#### 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 either a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: VC Project Supporting Parliamentary Oversight.** 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: VC Project Supporting Parliamentary Oversight.**

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|--|--|
| <b>Type of contract</b> ▶                          | Framework contract   |
| <b>Duration</b> ▶                                  | Until 14 December 2020   |
| <b>Deadline for submission of tenders/offers</b> ▶ | <b>31 October 2019</b>   |
| <b>Email for submission of tenders/offers</b> ▶    | <a href="mailto:DGI-HRImplementation@coe.int">DGI-HRImplementation@coe.int</a> |
| <b>Email for questions</b> ▶                       | <a href="mailto:DGI-HRImplementation@coe.int">DGI-HRImplementation@coe.int</a> |
| <b>Expected starting date of execution</b> ▶       | 15 November 2019   |

<sup>1</sup> The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1393 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

The Council of Europe (CoE) is currently implementing the Project on “Supporting Parliamentary Oversight over the Execution of ECtHR Judgments in Georgia”. The project will last until 31 December 2020.

#### Overall Objectives:

To strengthen domestic monitoring mechanisms for implementation of ECtHR judgments.

#### Specific Objectives:

- Strengthen Georgian Parliament’s capacity to conduct effective oversight of the implementation of ECtHR judgments;
- Improve cooperation with civil society and national human rights institutions;
- Reinforce reporting mechanisms for systematic dialogue between the executive and parliament.

Furthermore, the Project aims to support the parliament in its efforts to effectively exercise its oversight function in particular with regards of execution of ECtHR judgments by Georgia. In this respect focus will be placed to advance capacity of operational staff of the Parliament’s relevant committees i.e. Legal, Human Rights and Civic Integration to collect and analyse the relevant information for effective monitoring of the execution of judgments by MPs, develop toolkits and methodology for monitoring and execution of the ECtHR judgments. The Project will contribute to improve reporting mechanisms that systematize dialogue between the executive and parliament; parliament and nongovernmental organizations. Additional assistance will be provided to strengthen capacity of relevant structures of the parliament to assess compliance of national legislation with European Convention on Human Rights (ECHR) standards as well as an update and adaptation of the HELP courses in direct relation to implementation of the ECHR.

In this context, the CoE is looking for maximum number of **10 (ten)** Providers/consultants to assess current needs, internal mechanisms, methodology and practices on parliamentary oversight on execution of the ECtHR judgments by the government and deliver capacity building activities for the staff of the parliament on implementation of ECHR standards at national level.

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.

**For institutional capacity development** consultants are expected to assess current legislation and institutional needs, propose the relevant methodology, carry out the needs assessment mission, provide recommendations for institutional setup and reforms, provide support for the drafting of the necessary regulations, participate in consultation meeting or make presentation during meetings, workshops, round-tables on the topics and provide advice and develop methodological tools and management of human rights-related aspects of the work of parliament.

**For capacity development** consultants are expected to propose tailored programme according to the training needs of specific target groups. All training seminars shall be interactive and based on adult learning techniques and open education meeting the CoE standards in terms of quality. All capacity building activities shall be implemented using the HELP methodology and resources so it is expected that the consultants are familiar with them. Trainings shall be planned on the basis of the ECHR and the ECtHR case law in respect of Georgia. Depending on the needs, the consultants are expected to participate and coordinate working group meetings, to develop course outlines and training courses, to develop e-courses, to develop and adapt training materials to a national context or to the specific needs of a group of professionals, to ensure the quality of training materials, to provide methodological advice on delivery of adult training, prepare and make presentations during the workshops, seminars, study visits and round-tables.

The consultant(s) are specifically expected to elaborate on gender dimension and report on possible impact of the particular activity on gender equality in post activity reports.

The tender procedure and is divided into following lots:

### Scope of the Framework Contract

| Lots ▼   | Maximum number of Providers to be selected ▼ |
|--|--|
| <p><b>Lot 1. Institutional capacity development</b></p> <ul style="list-style-type: none"> <li>• Propose the relevant methodology for assessment of institutional needs</li> <li>• Carry out the needs assessment missions</li> <li>• Provide recommendations for institutional setup and reforms</li> <li>• Provide support for the drafting of the necessary regulations</li> <li>• Participate in the consultation meeting or make presentation during the meetings, workshops, round-tables on the specific topics; provide recommendations and develop methodological tools</li> <li>• Make presentations during the working group meetings, workshops, roundtables or conferences</li> </ul> | 4  |
| <p><b>Lot 2. Capacity building activities for the staff of the parliament</b></p> <ol style="list-style-type: none"> <li>1) On ECHR and case-law of the ECtHR;</li> <li>2) On working methods of the CM for supervision of the execution of the ECtHR judgments;</li> <li>3) On basic principles for parliamentary supervision of international human rights standards: <ul style="list-style-type: none"> <li>➤ Conduct trainings for staff of the parliament</li> <li>➤ Develop training materials and presentations</li> <li>➤ Participate in the workshops</li> </ul> </li> </ol>  | 6  |

The Council will select the abovementioned number of Providers, provided enough tenderers 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). Consultants may submit a tender for one, several or all Lots subject to the fulfilment of the criteria listed in the Tender Rules for the Lots concerned. The Provider can apply for Lot listed in the Act of Engagement (See Section A – Terms of reference).

The above list of expected deliverables 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 this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

##### **Pooling**

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

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

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 3 (three) 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;

<sup>2</sup> It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply an extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are or are likely to be in a situation of conflict of interests.

### ***Eligibility criteria***

#### **Lot 1**

- Advanced university Degree in law or human rights;
- Professional experience of 5 years or more in the topic of ECHR standards and Execution of ECtHR judgments at national level;
- Excellent knowledge of the procedural **and/or** practical aspects of national mechanisms of monitoring of implementation of human rights standards;
- Excellent knowledge of the ECHR system and its machinery, case-law of the ECtHR;
- Excellent analytical and drafting skills;
- Excellent oral and written English;
- A financial offer not exceeding the exclusion level set out in the Act of Engagement.

#### *Award criteria*

- Quality of the offer (90%), including:
  - Relevant experience in the area of of ECHR standards and Execution of ECtHR judgments at national level, previous similar assignments with international organisations (30%)
  - Thematic expertise with focus on procedural aspects (40%)
  - Research, analytical and writing skills (20%)
- Financial offer (10%).

#### **Lot 2**

- Advanced university Degree in law or human rights;
- Excellent knowledge of the procedural **and/or** practical aspects of application of ECHR standards and case-law of the ECtHR at national level;
- Excellent knowledge of the ECHR system and its machinery, case-law of the ECtHR;
- Excellent analytical and drafting skills;
- Excellent oral and written English;
- A financial offer not exceeding the exclusion level set out in the Act of Engagement.

#### *Award criteria*

- Quality of the offer (90%), including:
  - Relevant experience in the area of implementation of ECHR standards at national level including previous similar assignments with international organisations (30%)
  - Thematic expertise with focus on procedural aspects (40%)
  - Research, analytical and writing skills (20%)
- Financial offer (10%)

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;
- A motivation letter describing how the tenderer meets the requirements of the expected types of deliverables (1 page maximum);
- At least 2 (two) examples of previous relevant work;
- Minimum two references (only phone numbers and emails).

**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.