

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

Purchase of consultancy services Contract N° BH8733/2020/10

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing until 31 December 2021 the Project "Strengthening the Kosovo* Institutions in Fight against Torture, Ill-treatment and Other Degrading Treatment" (hereinafter – **the Project**). In that context, it is looking for Providers for the provision of consultancy services for the implementation of series of capacity building and awareness raising activities with relevant beneficiaries 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 either a natural person, or a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Strengthening the Kosovo* Institutions in fight against torture, ill-treatment and other degrading treatment (IKOS)**. 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: Q&A Strengthening the Kosovo* Institutions in fight against torture, ill-treatment and other degrading treatment (IKOS)**

| | |
|---|--|
| Type of contract ▶ | Framework contract |
| Duration ▶ | Until 31 December 2021 |
| Deadline for submission of tenders/offers ▶ | 01 September 2020 |
| Email for submission of tenders/offers ▶ | DGI-HRImplementation@coe.int |
| Email for questions ▶ | DGI-HRImplementation@coe.int |
| Expected starting date of execution ▶ | 07 September 2020 |

* All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United National Security Council Resolution 1244 and without prejudice to the status of Kosovo

¹ The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

The overall goal of the project is to support Kosovo* institutions to more effectively fight torture and other inhuman and degrading treatment and contribute to improvement of rights and freedoms of persons deprived of liberty. Specifically, it aims at supporting the National Preventive Mechanism of the Ombudsperson Institution, judiciary and law students in strengthening their capacities and understanding of the European Convention on Human Rights and European (ECHR) and European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT).

The project foresees implementation of series of capacity building and awareness raising activities targeting legal and other professionals engaged in prevention of torture and ill-treatment, but also those in charge with investigation of allegations and further prosecution and conviction of perpetrators. They include development and adjustment of relevant training material for NPM, judges and prosecutors, adaptation and dissemination of HELP courses with relevant professionals and law students, workshops on interinstitutional cooperation in prevention of torture and ill-treatment and effective addressing of NPM recommendations, peer-to-peer exchange activities in regional and international context and other.

The main partners and beneficiaries of the project are Ombudsperson Institution, Judicial Council, Prosecutorial Council, Ministry of Internal Affairs, Law Faculties, Justice Academy, Ministry of Justice/Correctional Service and Prison Health Department of the Ministry of Health.

The Council of Europe is looking for a maximum of 30 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the Project with a particular expertise in the work with European Committee for Prevention of Torture (CPT), European Court of Human Rights in Strasbourg (ECtHR), national human rights tribunals and institutions or distinguished human rights organizations dealing with prevention of torture and ill-treatment.

This Contract is currently estimated to cover up to 50 activities, to be held by 31 December 2021. 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 550,000 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: Capacity Building - Training and resource materials development and delivery | 20 |
| Lot 2: Awareness Raising – preparation and facilitation of thematic workshops and conferences with multidisciplinary professionals | 10 |

Lot 1 concerns development and conducting of training; training and other resource materials and activities purposed for diverse beneficiaries including National Preventive Mechanism, judiciary and law students

The following activities are foreseen under Lot 1:

- Development of the (NPM) strategy for prevention of torture and ill-treatment for the period 2021 – 2025
- Development of gender-sensitive monitoring guide for the National Preventive Mechanism (NPM)
- Development of specific module for NPM in cooperation with European Committee for Prevention of Torture (CPT) and Group of Countries against Corruption (GRECO, the Council of Europe's anti-

corruption body) on how to better monitor corruption in the prison system and report on allegations of corruption/preferential treatment in prisons

- Conducting trainings for the NPM staff aiming at improving NPM staff skills on supervised monitoring of detention facilities and follow up visits, evaluation and reporting
- Training of NPM staff on public relation skills and stress management
- Development of training materials and handbooks for trainers related to prohibition of torture and other inhuman and degrading treatment and relevant case-law of the European Court of Human Rights (ECtHR)
- Conducting Training of Trainers for selected judges and prosecutors of the Kosovo Justice Academy
- Conducting/coaching cascade training activities for the judges and prosecutors related to prohibition of torture and other inhuman and degrading treatment and case-law of the ECtHR
- Facilitation of peer-to-peer collaborative learning (study visits)
- Workshops and moot courts on the topic of prohibition of ill-treatment with students of Law faculty

Lot 2 concerns awareness raising of local stakeholders on the role and mandate of the National Preventive Mechanism and other actors in the field of prevention of torture and ill-treatment

The following activities are foreseen under Lot 2:

- Establishment of sectorial Working Groups to follow up on recommendations of the NPM comprised of representatives of the different stakeholders
- Support Working Groups to develop, implement and follow up action plan/s with distribution of roles and responsibilities, timelines and budget allocations.
- Conducting raising awareness events of the work of the NPM with judiciary, correctional and police officers on:
 - usage of alternatives measures instead of detention with judiciary (prosecutors and judges);
 - co-ordination and procedural aspects related to involuntary placement in mental health facilities
- Regional conference on results achieved during the project and on modalities of co-operation between the NPM and other Kosovo* institutions

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 training modules and training materials on the topics/issues as above
- Conduct and evaluate trainings in the field of prohibition of torture and ill-treatment for judiciary and NPM staff
- Prepare other documents as foreseen under the Lot 1

Under Lot 2:

- Prepare and facilitate working group meetings, thematic workshops; round table meeting and conferences on inter-institutional cooperation and coordination in the field of prevention of torture and ill-treatment.

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. 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);

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.

- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

E. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)³

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

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- 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

General of both lots:

- A master-degree in human rights law, legal studies; human rights education, human security, public relations, political science, psychology, psychiatry;
- Minimum six years of experience related to the work in the field of international human rights law, national human rights institutions; human rights training with judiciary and National Preventive Mechanism; legal research; or working with relevant NGOs;
- Advanced knowledge of European human rights standards and implementation of European Convention on Human Rights and Fundamental Freedoms (ECHR), European Convention for Prevention of Torture, Inhuman or Degrading Treatment or Punishment, UN Convention against Torture.

Specific for Lot 1:

- Experience in the field of development and delivery of training and resource material in one of the fields indicated below in relation to: prevention and prohibition of torture and ill-treatment; OR monitor corruption in the prison system; OR public relation skills and stress management for NPM staff. Experience with national justice academies as trainer or with NPM would be an asset.

Specific for Lot 2:

- Experience in preparation and facilitating thematic human rights workshops; round table meetings and conferences involving multidisciplinary groups of sectorial professionals participating in the referral/coordination mechanisms in prevention of torture and ill-treatment

Award criteria

- Quality of the offer (70%), including:
 - Expertise in a given field (50%);
 - Proposed methods for undertaking work (20%)

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.

- Financial offer (30%).

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 with **3 (three) referees'** contact details.
- **FOR LOT 1: A brief outline** (max 2 pages) on the structure/outline of a training module in relation to prohibition of torture and ill treatment/effective investigation and other topics indicated above under Lot 1; OR sample of previous work; OR proposed draft agenda for the training of trainers.
- **FOR LOT 2: A sample of an agenda** for a meeting on one of the thematic areas indicated above in relation to prevention and protection of torture and any form of ill-treatment organized/or attended by the consultant as a speaker or moderator.

All documents shall be submitted in English, failure to do so will result in the exclusion of the tender.

If any of the documents listed above are missing, the Council of Europe reserves the right to reject the tender.

The Council reserves the right to reject a tender if the scanned documents are of such a quality that the documents cannot be read once printed.

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⁴ The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, .pdf files are preferred.