

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of consultancy services in the area of prison health care including the mental health care in Romania

**Contract N°**



The Council of Europe as of January 2024 and until 30 December 2024 will be implementing a project "**Further Strengthening the provision of health care and mental health care in prisons and other closed institutions in Romania**" (the Project). In that context, it is looking for 24 providers for the provision of consultancy services (national consultants) 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 €6,000 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 180 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Tender\_Local consultancy in the area of penitentiary health care.** 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\_Tender\_local consultancy in the area of penitentiary health care.**

<b>Type of contract</b> ▶	Framework contract
<b>Duration</b> ▶	Until 30 December 2024
<b>Deadline for submission of tenders/offers</b> ▶	<b>14 January 2024 23h59 CET</b>
<b>Email for submission of tenders/offers</b> ▶	policeprisons.project@coe.int
<b>Email for questions</b> ▶	policeprisons.project@coe.int
<b>Expected starting date of execution</b> ▶	01 February 2024

<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 Project is a follow up of a Project "Strengthening the provision of health care and mental health care in prisons in Romania". It will build upon results achieved under the ongoing project with the aim to deepen and enlarge the areas of intervention and to assist the Romanian authorities to continue their efforts to improve the medical treatment and care afforded including the psychiatric care to those placed in closed institutions in line with the Council of Europe standards and the European Court of Human Rights case law. The Project is funded by the Human Rights Trust Fund.

The Council of Europe is looking for a maximum of *twenty-four* 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 closed institutions including the mental health. More in particular, the Contract will cover the following **thematic areas**:

1. Development of a strategic action plan on mental health for the Penitentiary system which will define the vision, mission and values as well as specific actions addressing the issue of provision quality psychiatric care.
2. Review of the mental health regulatory framework and development of legislative packages;
3. Development of protocols and forms to deal with inmates with mental health problems;
4. Revision of the training curricula of the Penitentiary Service;
5. Strengthening the capacity of medical personnel of different closed institutions;
6. Providing joint platforms of information exchange between National Administration of Penitentiaries and Ministry of Justice and Ministry of Health as well as with the professional associations, Ombudsman's Office and NGOs;
7. Promoting the work of penitentiary medical personnel among young professionals.

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

**Outcome 1**-Policy and regulatory framework for provision and organisation of health care, including mental health in prison are further aligned with international standards and best practices.

**Outcome 2**-Medical and non-medical staff are further equipped with tools, knowledge and skills on selected issues relevant to the psychical and mental health of detainees.

**Outcome 3**-Cooperation between different actors aiming at improving the provision of health care and mental health care of those placed in closed institutions is strengthened.

This Contract is currently estimated to cover up to *20 activities*, to be held by 30 December 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.

The implementation uses different types of activities, including provision of legal/technical expertise, developing the policy document and instruments, assessment of needs and legislation, working group meetings, presentations, roundtables, as well as delivery of training courses.

For information purposes only, the total budget of the project amounts to 190 000 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: Provision of health care services in prisons	7
Lot 2: Provision of mental health care services in prisons	7

Lot 3: Legal aspects of provision of health care including mental health in prisons	7
Lot 4: Coordination and support in organising the Project activities	3

**Lot 1** concerns the contribution and/or direct provision of deliverables from national perspective on: organisation and provision of health care in prisons, training and professional development of multidisciplinary teams in prison (medical and non-medical prison staff); documenting injuries and admission procedures in the prisons, assessment of the health care legislation from medical perspective.

**Lot 2** concerns the contribution and/or direct provision of deliverables from national perspective on: organisation and provision of mental health care in prisons, development of the strategy and action plan, training and professional development of multidisciplinary teams on mental health related issues, development of protocols, guidelines and forms.

**Lot 3** concerns the contribution and/or direct provision of deliverables from national perspective on legal, social, political and human rights aspects on: organisation and provision of health care in prisons; training and professional development of multidisciplinary teams, development and review of protocols and guidelines, laws and by-laws and other regulations; documenting injuries and admission procedures in the prisons; assessment of the health care, including mental health care legislation.

**Lot 4** concerns providing the assistance to the Project team based in Strasbourg in coordinating and organising the activities such as experts' on-site assessment visits, working groups meetings, presentations, roundtables on organisation and provision of health care in prisons, ethics for medical staff, development of protocols and guidelines; documenting injuries and admission procedures in the prisons; assessment of the health care, including mental health care legislation.

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:

- *Conduct needs assessment on specific activities (lato sensu – training needs, treatment programmes, provision of health care in prisons etc) and documents (lato sensu – strategies, policy documents, curricula, guidelines, laws etc);*
- *Assist in preparing legal analysis, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force) – all from medical perspective;*
- *Provide technical expertise for development/use of specific tools;*
- *Provide expertise and written contributions on pilot initiatives (if any);*
- *Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics;*
- *Draft of strategies, action plans, policy documents on topics relevant in the context of this lot;*
- *Draft of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines, treatment programmes;*
- *Deliver training 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.*

#### **Under Lot 2:**

- *Conduct needs assessment on specific activities (lato sensu – training needs, treatment programmes, provision of health care in prisons focusing on mental health care, etc) and documents (lato sensu – strategies, policy documents, curricula, guidelines, laws etc);*
- *Assist in preparing legal analysis, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force) -all from mental health care point of view;*
- *Provide technical expertise for development/use of specific tools;*
- *Provide expertise and written contributions on pilot initiatives (if any);*
- *Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics;*
- *Draft of strategies, action plans, policy documents on topics relevant in the context of this lot;*
- *Draft of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines, treatment programmes;*
- *Deliver training 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.*

#### **Under Lot 3:**

- *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, by-laws etc);*
- *Prepare legal analysis, legal expertise, comments, recommendations, reports on legal acts, by-laws, institutional internal rules and regulations and policy documents (drafts and in force);*
- *Provide technical expertise for development/use of specific tools;*
- *Provide expertise and written contributions on pilot initiatives (if any);*
- *Participate and provide written contributions to working group drafting sessions for development of specific documents and materials on given topics;*
- *Draft of strategies, action plans, policy documents on topics relevant in the context of this lot;*
- *Draft of training curricula, training modules and training materials, manuals, guidebooks, operational guidelines, guidelines, treatment programmes;*
- *Deliver training 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.*

#### **Under Lot 4:**

- *Assist the Project team based in Strasbourg in coordinating and organising the activities such as experts' on-site assessment visits, working groups meetings, presentations, roundtables, training;*
- *Provide brief presentations of the project specific objectives when taking part in project activities, i.e. when the Council of Europe Secretariat representative is not present. Take part and moderate the activities by facilitating the discussions among the international and national consultants and the participants;*
- *Collect and put at the disposal of the international and national short term consultants national legislation, practices, procedures and any other relevant document regarding the Romanian prison and healthcare, including mental health care system with a view of the development of documents and activities under the project. Keep the Project team informed of the developments in Romania relevant for the purposes of the Project;*
- *Establish and maintain regular mutual communication and close coordination with the project management team as well as with international and national short term consultants;*
- *Accompany and assist the experts during the on-site assessment visits;*
- *Take part and contribute to the discussions of the presentations and working groups meetings;*
- *Identify and advice with regards relevant participants for project activities. Invite and share all the necessary information related to the Project and planned activity;*
- *Collect pre and post evaluation forms and /or any other evaluation forms (when this is the case) from activities and assess the results by taking also into account the gender perspective;*
- *Draft minutes and individual short meeting reports (2-3 pages) describing the discussions and main outcomes within maximum 5 days after each activity/group pf activities – as asked by the Council of Europe;*
- *Facilitate the development of desired deliverables as related to the above and as requested by the Council of Europe.*

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 .

#### **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>

<sup>2</sup> It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

- An extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

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

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
- have been involved in mismanagement of the Council of Europe funds or public funds;
- are or appear to be in a situation of conflict of interest;
- are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.

#### **For lot 1:**

##### *Eligibility criteria*

- University degree or equivalent in the relevant field (medicine/management of health care/medical);
- At least 3 (three) years of **specific professional experience** at national level in Romania in one or more of the following areas: organisation and provision of health-care in prisons; capacity building of medical and non-medical prison staff; documenting the injuries, admission procedures and protocols in the penitentiary institutions; human resources policy/strategy development; review and/or development of legislation and internal regulations – from medical point of view;
- Excellent oral and written Romanian;
- Good oral and written English.

##### *Award criteria*

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

#### **For lot 2:**

##### *Eligibility criteria*

- University degree or equivalent in the relevant field (psychiatry/psychology);
- At least 3 (three) years of **specific professional experience** at national level in Romania in one or more of the following areas: organisation and provision of mental health care - in prisons and/or other closed institutions; review and/or development of legislation/ protocols/strategies and internal regulations on mental health issues; capacity building of medical and non-medical staff on mental health issues;
- Excellent oral and written Romanian;
- Good oral and written English.

*Award criteria*

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

**For lot 3:***Eligibility criteria*

- University degree or equivalent in the relevant field (law/social studies/political studies and human rights);
- At least 3 (three years of **specific professional experience** at national level in Romania in one or more of the following areas: national legislation regarding the provision of health care, including mental health care in prisons; review and/or development of policy documents, legislation, protocols and internal regulations on prison healthcare, including mental health care issues; capacity building of medical and non-medical staff on human rights, medical ethics, documenting the injuries, admission procedures, human rights in prisons;
- Good oral and written English;
- Excellent oral and written Romanian.

*Award criteria*

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

**For lot 4:***Eligibility criteria*

- University degree or equivalent in the relevant field (law/social studies and human rights/psychiatry/psychology/ medicine/management of health care);
- At least 3 (three) years of professional experience in one or more of the following areas: national regulatory and policy framework in criminal justice matters; prison management, organisation of prison healthcare in Romania; mental health care in prisons or in other closed institutions; human rights in criminal justice field;
- Excellent oral and written English;
- Excellent oral and written Romanian.

*Award criteria*

- Quality of the offer (90%), including:
  - Criterion 1: Knowledge of the national context in the areas covered by this call (40%);
  - Criterion 2: Thematic expertise in the relevant area covered by the call (40%);
  - Criterion 3: Previous similar assignments with international organisations (10%).
- 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;
- Registration documents, for legal persons only;
- 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);
- At least two examples of his/her previous work/deliverables by providing reference/links to publications, legal assessments/analyses, reports, studies, etc. relevant to the experience the tenderer claims (in English or Romanian);
- 3 (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.