**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of consultancy services in the field of discipline and reward procedures for prisoners**

The Council of Europe is currently implementing a Project on Enhancing the Disciplinary and Reward Procedures for Prisoners in Türkiye, which will last until *31 October 2025*. In that context, it is looking for Provider(s) for the provision of consultancy services in the field of discipline and reward procedures for prisoners to be requested by the Council on an as needed basis.

1. 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[[1]](#footnote-1), the Organisation shall invite to tender at least three potential providers for any purchase between €5,000 and €55,000 tax exclusive for intellectual services.**

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, a self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

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 – Discipline and Reward.** 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 - Discipline and Reward.**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 July 2024 with automatic yearly renewal until 31 October 2025 |
| **Deadline for submission of tenders/offers ►** | **08 March 2023** |
| **Email for submission of tenders/offers ►** | **ankara.office@coe.int** |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 20 March 2023 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Project on Enhancing the Disciplinary and Reward Procedures for Prisoners in Türkiye aims to contribute to a safer society that provides full protection of the rights and dignity of persons deprived of their liberty. As such, the Project is expected to develop and ensure the application of a standardised and efficient discipline and reward system that contributes to prisoners’ rehabilitation through numerous activities to be implemented under the following three components:

1. revising and strengthening the relevant legislative framework governing the discipline and reward procedures for prisoners,
2. producing advanced tools to facilitate the unified application of discipline and rewards system in the country and,
3. enhancing the capacities of prison directors and staff, as well as all relevant stakeholders on the application of discipline and reward procedures.

The implementation will require different types of activities, including provision of technical expertise, desk reviews, working group meetings, drafting sessions, roundtables, piloting of outputs, awareness raising activities as well as training delivery (Training-of-Trainers and cascade sessions), reports, studies, study visits, research, and training materials.

The Council of Europe is looking for a maximum of 30 Provider(s) (provided enough tenders meet the criteria indicated below) to support the implementation of the project with a particular expertise on human rights, social and rehabilitation services, penitentiary, criminal law and execution law and international standards and practices (CPT standards, case law of the ECtHR and other relevant international documents/instruments) and adult training methodology*.*

This Contract is currently estimated to cover up to 85 activities, to be held by 31 October 2025. 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 1.500.000Euros 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: Legislative framework and development of tools | 15 |
| Lot 2: Capacity building | 15 |

Lot 1 concerns conducting a legislative review and proposing legislative amendments and tools for better implementation in line with European standards and best practices, with a specific focus on the ECtHR caselaw, in line with the findings of the needs assessment and baseline study. Awareness raising activities on the proposed legislative amendments and the developed tools will also be included in this Lot. Therefore, this Lot will be covering the activities to be implemented under the first two components of the project, as indicated above.

Lot 2 concerns the capacity building activities for prison directors and staff responsible for the implementation of discipline and reward procedures. Training curricula, modules and materials will be prepared using adult training methodology, a pool of national trainers will be established through a Training of Trainers session and the prepared material will be piloted through cascade sessions facilitated by these national trainers. The revision of the modules with an adult training perspective as well as the development of assessment tools and analysis of their results are also included within this lot. In short, this Lot will be covering the third and final component of the project, as indicated above.

Providers can submit their offers only for one of the Lots or both, in accordance with their field of activity. Selected Providers will be approached by the project team on a needs-basis for the activities under the Lot(s) they have applied for and in accordance with their area of expertise.

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 do the following:

Under Lot 1:

* Carrying out on-site visits
* Drafting analytical reports (assessments, comparative analysis, etc.)
* Providing recommendations for improving the legislative framework
* Participating at events (working groups, conferences, round tables, prison visits, etc.)
* make presentations and moderate sessions,
* prepare activity reports indicating the discussion areas, main findings, challenges and recommendations for improvement
* coaching/facilitation on-spot during prison visits
* Developing a Rulebook on Discipline and Reward procedures to standardise practices throughout the country
* Proposing an effective classification system for a unified approach
* Drafting a standardised complaint form and data base
  + Development of awareness raising material
* Preparation of impact report to review the impact of activities conducted and materials

Under Lot 2:

* + Preparing training curricula, modules and materials
  + Delivering training on adult learning methodology and training methods
  + Revising the developed training modules and materials in line with adult training methodology
* Participating at events (working groups, conferences, round tables, prison visits, etc.)
* make presentations and moderate sessions,
* prepare activity reports indicating the discussion areas, main findings, challenges and recommendations for improvement
  + Delivering Training of Trainers (on adult training methodology and/or content) and piloting cascade sessions and evaluating the results
  + Developing assessment tools for the ToT and analysing their results

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).

1. FEES

Tenderers are invited to indicate their daily 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.

1. 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).

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[[2]](#footnote-2) (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.

1. 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]](#footnote-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, 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;

*Eligibility criteria*

* A University degree in a relevant field (law, human rights, political science, social science, education or other related fields);
* At least 3 (three) years of professional experience in one or more of the following areas:
  + legislative review and drafting, preferably with focus on execution of criminal sanctions, rights and treatment of prisoners or a similar area,
  + developing training curricula, modules and materials and conducting training in human rights, preferably for prison staff.
  + working with prison management and staff on discipline and reward procedures.
  + working with human rights and safeguards against ill-treatment in penitentiary institutions.
* Excellent oral and written English. The national consultants are expected to work in close cooperation with the international consultants.

*Award criteria*

* Quality of the offer (80%), including:
* Criterion 1: Thematic expertise in the relevant area, including human rights, social and rehabilitation services, penitentiary, criminal law and execution law and international standards and practices (CPT standards, case law of the ECtHR and other relevant international documents/instruments) and/or adult training methodology (40%);
* Criterion 2: Proven track record of achievements in the given field, including length of experience and previous similar assignments with international organisations (30%);
* Criterion 3: Knowledge of the national context in the areas covered by this call (10%).
* Financial offer (20%) - Tenderers are invited to indicate their daily 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 reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

1. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

1. DOCUMENTS TO BE PROVIDED

* **A completed and signed copy of the Act of Engagement[[4]](#footnote-4)** (See attached);
* A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
* A motivation letter indicating reasons for applying and possible added value of the tenderer for the related lots (in English - 2 pages maximum). In your motivation letter, please indicate your contribution to the Lot or Lots you are applying for considering the questions below:
  + For Lot 1 – have you ever conducted needs assessment, analysed legislative and/or institutional frameworks, drafted analytical reports or developed tools for implementation?
  + For Lot 2 – have you ever prepared training tools, modules and materials and/or deliver ToTs/cascade trainings?
* At least two examples of previous work/deliverables, preferably in a form of reference/links to publications, assessments, analyses, reports, studies, etc. relevant to the experience the tenderer claims (English or Turkish);
* 3 (three) relevant references, from previous employers (please indicate only the name, surname, position/occupation and phone number or e-mail – the Council of Europe reserves the right to contact the references during the selection procedure).

**All documents shall be submitted in** **English (with the exception of examples of previous work, which can also be submitted in Turkish) 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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1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)