

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / One-off contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of consultancy services in the implementation of the project on Strengthening human rights-based responses to treatment and rehabilitation of substance use disorder within criminal justice and prison settings in Algeria, Jordan, Morocco and Palestine* and supporting comprehensive continuity of care GP/AE/MedNET/2023/7

The Council of Europe will implement from *01 March 2023 to 29 February 2024* a Project on Strengthening human rights-based responses to treatment and rehabilitation of substance use disorder within criminal justice and prison settings in in Algeria, Jordan, Morocco and Palestine* and supporting comprehensive continuity of care. In that context, it is looking for a Provider to provide consultancy in developing a policy document that addresses drugs and drug use disorder treatment in the prison settings in each of the four participating countries: Algeria, Jordan, Morocco and Palestine*. The work should be carried out in cooperation with the national working committees of the four participating countries which have been set up for that purpose. (See Section A of the Act of Engagement).

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 **one-off 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. Each lot will be awarded to the Provider providing the best value for money for the lot concerned, on the basis of the award 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 – Criminal Justice and Health in Prison Project in the Mediterranean countries.** 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 - Criminal Justice and Health in Prison Project in the Mediterranean countries.**

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	10 February 2023
Email for submission of tenders/offers ▶	Ana.trudov@coe.int
Email for questions ▶	Florence.mabileau@coe.int
Expected starting date of execution ▶	01 March 2023

*This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

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

The expected deliverables are described in **Section A of the Act of Engagement** (See attached). Tenderers may tender for one, all or several lots.

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send, for each lot, **a quote (Pro Forma invoice)** on their letterhead 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 .

D. 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)²

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;
- 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

- 2 years of experience in the field of criminal justice consultancy
- Experience in working with South Mediterranean countries, in particular North Africa and Middle East
- Excellent knowledge of the English language (C2/native speaker)
- Very good writing skills

Award criteria:

- Quality of the offer (70%), including:
 - Experience in research on substance use disorder within criminal justice and prison settings (35%)
 - Methodology proposed (25%)

² 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.

- Experience in working with international/European organisations/entities (10%).
- Financial offer (30%).

The Council reserves the right to hold interviews with eligible tenderers.

For Lot 2:

Eligibility criteria

- Excellent knowledge of Arabic (C2/native speaker) and English (C2/native speaker) languages
- Very good writing and communication skills

Award criteria:

- Quality of the offer (70%), including:
 - Good knowledge in the field of criminal justice and prison settings (30 %)
 - Participating in international discussions on mental health in prison settings and criminal justice (25%)
 - Good knowledge of the French language (C1/C2) (10%)
 - Experience of work in the Mediterranean context (5%)
- Financial offer (30%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (See attached)**
- **For tenderers subject to VAT only: a quote, describing the financial offer, in line with the requirements of Section C of the Tender File (see above)**
- Registration documents, for legal persons only;
- **CV;**
- **Motivation letter;**
- **Document describing the methodology proposed;**
- **For lot 1 only: Certificate of English proficiency for a non-native speaker ;**
- **For lot 2 only: Certificate of Arabic, English and French proficiency for a non-native speaker.**

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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³ 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.