



**BIDDING DOCUMENTS  
FOR IMPLEMENTING PARTNER OF  
MONITORING OF DETENTION FACILITIES  
PROGRAMME 2012**

**No. 3/2012**

**BAKU, AZERBAIJAN**



## Organization for Security and Co-operation in Europe

Office in Baku

Fund Administration Unit

The Landmark III, 96 Nizami St., AZ1010 Baku, Azerbaijan

Date: 1 March 2012

### Invitation to Bid

No. 3/2012

### Implementing partner for OSCE Monitoring of Detention Facilities Programme in 2012

The Office in Baku of the Organization for Security and Co-operation in Europe (hereinafter called “the Office”) invites sealed bids for the purpose of contracting an implementing partner (hereinafter called “the Implementing Partner”) for assisting in the implementation of the Office’ Monitoring of Detention Facilities Programme in 2012, (hereinafter called “the Programme”). The Programme will be carried out throughout the country.

In addition to this Invitation to Bid, the Bidding Documents also include:

- Section I: The OSCE Monitoring of Detention Facilities Programme in 2012 - Outline
- Section II: Terms of Reference
- Section III: How to apply and the procedures to follow
- Section IV: Evaluation and Selection of Applications
- Annex I: OSCE Project Proposal Template
- Annex II: Budget
- Annex III: Certificate of Compliance for Potential Implementing Partner
- Annex IV: Form of Agreement

Any Agreement reached as a result of this Invitation to Bid shall be bound by the Form of Agreement contained in the Bidding Documents.

Bids must be delivered at the following address:

**Organization for Security and Co-operation in Europe (OSCE)**  
**Office in Baku**  
**Attn: Fund Administration Unit**  
**The Landmark III, 96 Nizami St.**  
**AZ1010 Baku, Azerbaijan**

Bids must be delivered on or before **19 March 2012, 17:00 hrs (GMT+4)** in a sealed envelope marked with “**No. 3/2012 – Implementing partner for OSCE Monitoring of Detention Facilities Programme in 2012 - Do Not Open Before 19 March 2012, 17:00 hrs (GMT+4)**”.

Bids sent by e-mail and fax will not be accepted. The bid prices shall be quoted in AZN.

THE OSCE RESERVES THE RIGHT TO ACCEPT OR REJECT ANY BID, AND TO ANNUL, IN WHOLE OR IN PART, OR TO SUSPEND THE BIDDING PROCESS AND REJECT ALL BIDS AT ANY TIME AND WITHOUT REASON PRIOR TO AWARD, WITHOUT THEREBY INCURRING ANY LIABILITY TO THE AFFECTED BIDDER OR BIDDERS.

A complete set of the Bidding Documents may be obtained at the OSCE web site (<http://www.osce.org/tenders/>). Please address all your queries or questions in writing at the address given below and kindly refrain from any telephone calls or personal visits.

**OSCE Office in Baku**  
**Rule of Law Programme**  
**The Landmark III, 96 Nizami St., AZ1010 Baku, Azerbaijan**

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## SECTION I: THE OSCE MONITORING OF DETENTION FACILITIES PROGRAMME IN 2012

### 1.1 BACKGROUND

The OSCE commitments with regard to the prohibition against torture and other forms of ill-treatment include the Vienna Document of 1989<sup>1</sup>, by which participating States undertook to take effective measures to prevent and punish any such form of ill-treatment at places of deprivation of liberty. The absolute nature of the prohibition of torture is further reflected in the Copenhagen Document of 1990<sup>2</sup>, where it is stated that “[...] no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture[...]”. In the Istanbul Charter of 1999<sup>3</sup>, OSCE participating States further committed themselves to the eradication of torture and other cruel, inhuman or degrading treatment or punishment in the OSCE area.

With a view to the above, the Office has conducted its Detention Monitoring Programme in Azerbaijan since 2005. In 2012, the Programme will focus on monitoring the most problematic detention facilities that need further improvement, in accordance with applicable domestic legislation, OSCE commitments and other related international standards.

### 1.2 OVERALL OBJECTIVES OF THE MONITORING OF DETENTION FACILITIES PROGRAMME IN 2012

The project primarily aims at improving conditions of detention at places of deprivation of liberty in order to enhance compliance with detainees’ rights and prevent torture and other forms of ill-treatment.

The overall goal of the Programme in 2012 is to continue monitoring detention facilities throughout the country in order to identify improvements and shortcomings with regard to the administration of criminal justice in Azerbaijan.

In this regard, the project has the following objectives:

- To improve the conditions of detention of suspects, accused and imprisoned persons;
- To foster compliance with applicable domestic legislation and international human rights standards;
- To reduce the number of torture and ill-treatment cases in police stations and foster the independent and effective investigation of such cases by the authorities; and
- To enhance public awareness and improve transparency regarding the functioning of places for deprivation of liberty in the country.

<sup>1</sup> [http://www.osce.org/documents/fsc/1999/11/4265\\_en.pdf](http://www.osce.org/documents/fsc/1999/11/4265_en.pdf)

<sup>2</sup> [http://www.osce.org/documents/odhr/1990/06/13992\\_en.pdf](http://www.osce.org/documents/odhr/1990/06/13992_en.pdf)

<sup>3</sup> [http://www.osce.org/documents/mcs/1999/11/4050\\_en.pdf](http://www.osce.org/documents/mcs/1999/11/4050_en.pdf) See also Moscow 1991 Document, par. 23.2.

### 1.3 PROJECT OUTPUTS

Within the framework of the Programme, the Office, both directly and through the Implementing Partner, will monitor places of deprivation of liberty throughout the Country. On a systematic basis, the Implementing Partner will visit police temporary detention facilities, investigations isolators, correctional institutions, prisons and other places of deprivation of liberty throughout the country. On a case-by-case basis, the detention monitors will be requested to visit the detained journalists, human rights defenders, youth activists, representatives of the political parties and other civil society leaders and members as well as other cases brought to the Office's attention through individual human rights complaints.

During the period from April to December 2012, the detention monitors will monitor approximately 150 detention facilities in Baku and in the regions of the Republic. The detention monitors will check if the conditions of detention in these facilities are in line with the domestic legislation, OSCE commitments and other international standards.

In order to ensure that monitoring reports are comprehensive and accurate and targeting the right information, the monitors will use the Office developed reporting form for collecting facts and information while monitoring conditions of detention in the facilities. The Office will use the findings of monitoring visits to identify positive and negative trends, to be shared and discussed with the relevant state authorities with a view to adequately target further criminal justice reform.

### 1.4 FINANCIAL ALLOCATION AND TIME FRAME

#### 1.4.1. Financial Allocation

The Office will allocate 15, 000 EUR to support the Programme in 2012 for the period of 9 (nine) months, from 02 April till 31 December 2012. This amount will cover the project staff and limited operational costs (excluding office rent) of the Implementing Partner. The Office will contract the implementing partner for nine-month period. The Office will not fund any equipment and office rent necessary for the operation of the implementing partner. The Implementing Partner is therefore required to provide an in-kind contribution in this regard.

#### 1.4.2. Time Frame

The Programme for 2012 is designed for 9 (nine) months implementation period.

| Activities                            | 2012       |       |     |      |      |                         |           |         |          |          |
|---------------------------------------|------------|-------|-----|------|------|-------------------------|-----------|---------|----------|----------|
|                                       | March 2012 | April | May | June | July | August                  | September | October | November | December |
| Bidding Process; Evaluation           |            |       |     |      |      |                         |           |         |          |          |
| Contracting selected IP;              |            |       |     |      |      |                         |           |         |          |          |
| Detention Monitoring                  |            |       |     |      |      | <i>Daily Monitoring</i> |           |         |          |          |
| Interim and Final Narrative Reporting |            |       |     |      |      |                         |           |         |          |          |

## **SECTION II: TERMS OF REFERENCE**

The Office seeks an implementing partner to assist in the implementation of the Programme in 2012, in line with the above-mentioned objectives and results. While applicants may formulate additional specific objectives, these shall be in accordance with and support the specified objectives identified by the Office. Under close and direct supervision by the Office, the Implementing Partner will also be responsible for all administrative and logistical issues during the implementation of the Programme in 2012.

### **2.1 TASKS AND RESPONSIBILITIES OF IMPLEMENTING PARTNER(S)**

Under close supervision of the Office, the tasks and responsibilities of the implementing partner will include the following:

- Regularly monitor places of deprivation of liberty focusing on problematic facilities that need further improvement as well as upon requested by the Office;
- Advise and assist victims of torture and other forms of ill-treatment in bringing cases to the attention of the authorities and seeks adequate remedies compliant with domestic legislation and national and international mechanisms;
- Document and analyse findings of the detention monitoring visits and develop recommendations for the Office and relevant state authorities to improve conditions of detention;
- Provide the Office with monthly narrative reports, not later than 3<sup>rd</sup> day of the next month;
- Provide the Office with final Financial and Narrative Reports following the completion of the tasks by 21 December 2012.

### **2.2 CRITERIA FOR ELIGIBILITY**

In order to be eligible as implementing partner for this project, the applicant must be a non-governmental and non-profit organization having at least one-year project management experience and a demonstrated capacity to manage the activity in the scale corresponding to the size of the project.

Necessary qualifications include the following:

- The applicant shall have a legal or otherwise relevant background as well as proved knowledge of the Azerbaijani criminal justice system and the applicable domestic legislation and its application in practice;
- Prior experience in working with the law-enforcement and/or penitentiary institutions will be an asset;
- Prior experience in monitoring police and pre-trial detention facilities and penitentiary institutions will be an asset;
- Proved knowledge of international human rights standards will also be an asset.

### 2.3 IN-KIND CONTRIBUTIONS

The successful selected implementing partner(s) must include in the Programme its in-kind contribution. The proposition about the in-kind contributions shall include but shall not be limited to:

- (a) Office premises maintained at its own expenses;
- (b) A vehicle;
- (c) At least two (2) desktop computers or laptops;
- (d) A photocopying machine;
- (e) A fax machine;
- (f) Telecommunication equipment;
- (g) Availability of resources in the regions of Azerbaijan to monitor detention facilities located in the regions will be an asset.

## SECTION III: HOW TO APPLY AND THE PROCEDURES TO FOLLOW

### 3.1 APPLICATION PACKAGE

The project proposals must be submitted using the standard **OSCE Project Proposal Template** (*See Annex I*). Applicants should strictly comply with the project proposal format and fill in the form as explained in the template.

The project proposal should be formulated carefully and the respective forms should be filled as clearly as possible, so that the received project proposal can be assessed. The received application and the related material should be precise and provide enough detail to ensure the clarity of the project proposal. This concerns particularly the project background and justification, how will the set objectives be achieved, the description of the anticipated results, that of the benefits gained and their relevance to the programme's objectives, as well as to the key activities, timescale and **budget** (*See Annex II*).

The applicant should also fill in the **Certificate for Compliance** (*See Annex III*).

The applicant should also consider the **Form of Agreement** (*See Annex IV*), which will govern the agreement to be signed between the OSCE and the applicant.

In addition to this, applicants must submit the following supporting documents:

- Copy of Certificate of the State Registration;
- Copy of the Mission Statement in the original language and in English;
- Copy of the official Statute/Charter in the original language and in English;
- A list of all the Board Members and their CVs;
- CVs for the proposed project staff;
- Evidence of a legally registered bank account;

- Either confirmation that the similar project/programme is not funded by other donors, or identification of the donor(s) and amounts where there is co-funding;
- Information on membership in any umbrella organizations or other networks;
- List of previous projects (in English), carried out by the applicant, including information about the donor, implementation period and respective values;
- Letter of support from organisation or institution.

**Please note! The project proposal must be submitted in English language using the standard OSCE project proposal template.**

**Please note! Hand-written applications will not be accepted. Please submit complete application packages.**

Applications must be accompanied by the supporting documents listed under section 3.1.

### 3.2 WHERE AND HOW TO SEND THE APPLICATIONS

Organizations wishing to apply for the Programme for 2012 should submit before the relevant deadline a complete application package, i.e. OSCE Standard Project Proposal Template, Budget and the above-listed supporting documents. The applications must be received in a sealed envelope by mail or by hand-delivery to the following address:

Mr. Frank Levasseur  
OSCE Office in Baku  
Landmark 3, 2<sup>nd</sup> Floor  
96 Nizami Street  
Baku AZ1010, Azerbaijan

**Please note! Applications sent by any other means (e.g. by fax or by e-mail) or delivered at other addresses other than the one above will be automatically rejected.**

The outer envelope must bear the:

- full name of the applicant;
- address of the applicant.

### 3.3 DEADLINE FOR RECEIPT OF APPLICATIONS

The deadline for receiving applications is **19 March 2012, at 17:00 hrs (GMT+4)**.

**Please note! Any application received after the deadline will automatically be rejected.**

### 3.4 ADDITIONAL INFORMATION

The OSCE Office in Baku will organise an information session for the prospective applicants on **Friday, 9 March** to provide details of the application procedure and guidance in the preparation of their Application Packages. However, such guidance will not in any way assure the selection of one of the non-governmental organisations among those who attended this information session. For any further information, please address your queries by e-mail, no later than 19 March 2012 to the following address: [Aynur.Guliyeva@osce.org](mailto:Aynur.Guliyeva@osce.org), indicating clearly the reference Programme.



## SECTION IV: EVALUATION AND SELECTION OF APPLICATIONS

Applications will be examined and evaluated by the Office. The submitted applications will be assessed according to the following steps and criteria:

### 4.1 APPLICATION OPENING SESSION AND ADMINISTRATIVE CHECK

#### *Eligibility of applicants*

At the application opening session an administrative check will be conducted. Namely, it will be verified whether that applicant is eligible according to the criteria as set out in section 2.2 and has submitted documents requested for in section 3.1.

**Please note! If the application does not meet the criteria as set out in section 2.2 and does not contain the documents requested for in section 3.1, it will be automatically rejected.**

The application will also be automatically rejected if:

- the application is received after the closing date;
- the application does not comply with the requirements for minimum or maximum amounts or minimum or maximum duration;
- the project proposal is not submitted in English language using the OSCE Standard Project Proposal Template (*Annex I*);
- the project budget is not submitted in the requested format (*Annex II*).

### 4.2 QUALITY EVALUATION OF THE PROPOSALS

All applications will be subjected to quality evaluation by the OSCE FMMS, except those dismissed following the administrative check.

Quality evaluation of the proposal, including the proposed budget, will be carried out in accordance with the evaluation criteria set out in the Evaluation Matrix below.

### Evaluation Matrix

|  |            |
|--|------------|
| <b>1. Operational Capacity and Professional Resources</b>  | <b>35</b>  |
| Does the applicant have sufficient experience of project management?   | 5          |
| Does the applicant have sufficient management capacity?<br>(including staff, equipment and ability to handle the budget for the action)  | 5          |
| Does the applicant have a legal or relevant background and proven substantial knowledge of the Azerbaijani penitentiary system?  | 5          |
| Do the relevant representatives of the applicant have prior experience in working with law-enforcement and/or penitentiary institutions?   | 5          |
| Does the applicant have sufficient technical expertise? (notably knowledge of the issues to be addressed in the context of this project as well as good working relations with the relevant national authorities and state agencies) | 5          |
| Does the applicant have prior experience in monitoring of police and pre-trial detention and prison facilities?  | 5          |
| Does the applicant have experience and the capacity in assisting victims of alleged torture or mistreatment?   | 5          |
| <b>2. Project Implementation and Methodology</b>   | <b>30</b>  |
| Does the project proposal adequately address project objectives?   | 5          |
| Are the activities proposed appropriate, practical, and consistent with the objectives and expected results?   | 5          |
| How coherent is the overall design of the action? (in particular, does it reflect the analysis of the problems involved, take into account external factors and anticipate an evaluation to track progress and results?)             | 5          |
| Does the project proposal address the needs of the target groups and the final beneficiaries appropriately?  | 5          |
| Is the action plan clear and feasible?   | 5          |
| Does the proposal contain objectively verifiable indicators for the outcome of the action?   | 5          |
| <b>3. Budget and cost effectiveness</b>  | <b>25</b>  |
| Are the proposed expenditures appropriate and in line with market prices?  | 5          |
| Are the proposed expenditures necessary for the implementation of the project activities?  | 5          |
| Are the proposed expenditures cost effective and adequate?   | 5          |
| Are the proposed expenditures detailed and transparent?  | 5          |
| Are the proposed in-kind contributions relevant and sufficient?  | 5          |
| <b>4. Sustainability</b>   | <b>5</b>   |
| Are the expected results of the proposed action sustainable?   | 5          |
| <b>5. Technical Presentation</b>   | <b>5</b>   |
| Are the submitted documents in line with the bidding requirements?   | 5          |
| <b>Maximum total score</b>   | <b>100</b> |

Please note the following important information:

#### *Scoring*

The evaluation criteria are divided into sections and subsections. Each subsection must be given a score between 1 and 5 in accordance with the following guidelines: 1 = very poor; 2 = poor; 3 = adequate; 4 = good; 5 = very good. The applications with the highest scores will be given priority when grants are awarded.

Costs incurred for the preparation of the application will not be covered by the grant and will not be included in the budget. The Office will inform all the applicants about the results of the selection process. Submitted application packages will not be returned.

#### 4.3 APPLICATION CHECK LIST

Prior to sending the Application, check if you have all the needed documentation:

- Stamped project proposal<sup>4</sup> including budget (*Annex I and Annex II*);
- Stamped and signed Certificate of Compliance (*Annex III*);
- Copy of Certificate of the State Registration;
- Copy of the Mission Statement in the original language and in English;
- Copy of the Statute in the original language and in English;
- A list of all the Board Members and their CVs;
- CVs for the proposed project staff;
- Evidence of a legally registered bank account;
- Either confirmation that the similar project/programme is not being funded by other donors, or an indication of the donor(s) and amounts where there is co-funding;
- Information on membership in any umbrella organizations or other networks;
- List of previous projects (in English), carried out by the applicant, including information about the donor, implementation period and respective values;
- Letter of support from organisation or institution.

**NB:** *it is in applicant's interest to provide the OSCE with accurate contact details, preferably an e-mail address.*

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<sup>4</sup> Project proposal, including budget should not exceed ten (10) pages.