

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



Procurement of IT equipment and software with delivery for the Coordinative Centre for Legal Aid Provision

Contract № 9156/2024/04

The Council of Europe is currently implementing the Project "Strengthening judicial and non-judicial remedies for the human rights protection of the war-affected people in Ukraine" (the Project) in the framework of the Council of Europe Action Plan for Ukraine: Resilience, Recovery and Reconstruction 2023-2026 which aims to improve access to justice, human rights protection, and information for war-affected people within civil and administrative proceedings and constitutional jurisdiction as well as strengthening non-judicial human rights restoration mechanisms for IDPs and other war-affected population in Ukraine.

Within framework of the Project`s Work Plan 2023-2024, Council of Europe provides technical support to the national partners aimed to equip free legal aid (FLA) centres and bureaus damaged or relocated in the result of the aggression of the Russian Federation against Ukraine with in-demand office and IT items and a software to facilitate an access to FLA for war-affected people.

In that context, the Council of Europe is looking for a Provider with a comprehensive expertise for the provision of IT equipment and software. This tender procedure aims to conclude a one-time contract for the delivery of the products described in more detail in the TECHNICAL REQUIREMENTS FOR IT EQUIPMENT AND SOFTWARE (Appendix I to the Contract).

A. TENDER PROCEDURE 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 €6,000 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 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 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 – 9156/2024/04_Name of your company.** 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 Council of Europe Contact details indicated below for any question you may have. **All questions shall be submitted at least 3 (three) 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 - 9156/2024/04.**

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 ▶	23 August 2024 23h59 CET

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](#).

Email for submission of tenders/offers ▶	arsen.serhiienko@coe.int
Email for questions ▶	arsen.serhiienko@coe.int
Expected starting date of execution ▶	30 August 2024

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Technical Requirements for IT Equipment and software (See Appendix I to the Contract)**.

C. FEES

All tenderers are invited to submit a **financial offer in EUR** (see Appendix II APPLICANT'S PROFILE AND FINANCIAL OFFER to the Contract)

Should the Provider be willing to further break down its financial offer, it is invited to do so on a separate sheet, attached to the other supporting documents.

Payment of the Provider's fees will be in accordance with the following:

- advance payment: up to 50% of total sum in EUR;
- final payment - the remaining sum in EUR within 60 calendar days after submission of the invoice subject to the submission of the Deliverable(s) described in the Financial offer for the estimated IT and server equipment and its/their acceptance by the Council of Europe.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,² you declare on your honour not being in any of the below situations)

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.

Eligibility criteria

Tenderers should demonstrate that they fulfil the following criteria:

- are registered as a legal entity or a private entrepreneur which is authorised to supply IT equipment and software;
- have at least 2 years of experience in the supply and installation of IT equipment and software.

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.

Award criteria

- Quality of the offer (60%), including:
Quality of the IT equipment and software proposed – compliance with technical requirements in specification indicated in Appendix I to the Contract; the producer of equipment should have sustainable reputation and competitive advantage on the market; all items must have warranty from the producer; additionally, provider is expected to give 12 months guarantee with on-site intervention if needed (50%);
Timeframe for the delivery of equipment (10%).
- Financial offer (40%).

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 Contract (see document attached) with all applications:
Appendix II APPLICANT'S PROFILE AND FINANCIAL OFFER;
Appendix III – DECLARATION OF AGREEMENT;
- Registration documents for legal persons.

All documents shall be submitted in English, failure to do so will result in the exclusion of the tender. Registration documents for legal persons could be submitted in Ukrainian.

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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