

# TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / One-off contract)



## Procurement of the IT equipment and software for the Qualification and Disciplinary Commission of Prosecutors and the National Academy of Prosecutors of Ukraine **Contract N° 8423/2018/234**

The Council of Europe is currently implementing a Project entitled “Continued Support to the Criminal Justice Reform in Ukraine” funded by the Government of Denmark (the CJR Project) that is aimed at supporting the reform of the Public Prosecutor’s Office of Ukraine. The list of beneficiaries of the CJR Project include the Qualifications and Disciplinary Commission of Prosecutors (hereinafter QDCP) and the National Academy of Prosecutors of Ukraine (hereinafter NAPU). Among other objectives, the CJR Project aims at developing capacities of the QDCP and the NAPU to effectively implement their main functions.

In order to implement initial and continued training programmes effectively through using modern tools and approaches by the NAPU, as well as to ensure smooth conduct of operations of the QDCP, it is necessary for these institutions to be equipped with appropriate IT equipment and software. The CJR Project is supporting the QDCP and NAPU through purchasing the IT equipment and software required for the document flow and file storage systems. In that context, the CJR Project is looking for a Provider for the provision of the deliverables described in the Section A of the Act of Engagement (See attached). The deliverables should be delivered to the premises of the QDCP and the NAPU located at 81B, Melnykova Street, Kyiv, 04050, Ukraine.

### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 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 €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. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Restricted consultation procedure\_Procurement\_IT equipment and software\_ref. 8423/2018/234.** 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\_ Restricted consultation procedure\_Procurement\_IT equipment and software\_ref. 8423/2018/234.**

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 ▶	<b>18 May 2018</b>
Email for submission of tenders/offers ▶	<a href="mailto:kyiv@coe.int">kyiv@coe.int</a>
Email for questions ▶	<a href="mailto:kyiv@coe.int">kyiv@coe.int</a>
Expected starting date of execution ▶	<b>04 June 2018</b>

<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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe.](#)

## B. EXPECTED DELIVERABLES

The Provider should provide the IT equipment and software described in **Section A of the Act of Engagement** (See attached) in line with the minimum technical specifications described in the Annex I thereof. The IT equipment and software should be covered by a warranty period of not less than 12 (twelve) months and should be delivered to the premises of the QDCP and the NAPU located at 81B, Melnykova Street, Kyiv, 04050, Ukraine.

## 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 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,<sup>2</sup> 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;
- 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 or are likely to be in a situation of conflict of interests.

*Eligibility criteria*

Tenderers should demonstrate that they fulfil the following criteria:

- are registered as a legal entity;
- have at least 3 years of experience in the supply of similar goods/services and have completed at least 3 similar contracts (of a similar amount) in the supply of similar goods/services.

*Award criteria*

- Quality of the technical offer (40%), including:
  - Quality of the IT equipment and software proposed (specifications and manufacturer);
  - Delivery and servicing proposal, i.e. timeframe for delivery and length of warranty;
- Financial offer (60%)

Multiple tendering is not authorised.

## E. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

1. **A completed and signed copy of the Act of Engagement<sup>3</sup> (See attached);**
2. For tenderers subject to VAT only: **a quote (Pro Forma invoice), describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
3. Copies of **registration documents**;
4. **A Financial and Technical Proposal** of equipment to be supplied in accordance with **Act of Engagement and Annex I**, including:
  - a) Detailed description of the specifications of the IT equipment and software proposed, including details of the manufacturer;
  - b) Detailed cost estimate clearly stating the price in EUR, including all costs (including delivery/transportation, installation), and any applicable taxes or duties (please note that the price should be given without VAT);

<sup>2</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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 above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

<sup>3</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.

- c) Estimated date/time for delivery and installation (number of days following the signature of the contract by both parties) in accordance with the Act of Engagement;
- d) Proposed warranty period;
- 5. **Proof of a track record** of relevant and/or similar experience: documents proving that the Tenderer has at least 3 years of experience in the supply of similar goods/services and has completed at least 3 similar contracts (of a similar amount) in the supply of similar goods/services.
- 6. **The contact details** of three relevant referees (current or previous clients): name, surname, title, phone number or e-mail.

**All documents shall be submitted in English except for copies of the registration documents that are to be submitted in Ukrainian. Failure to do so will result in the exclusion of the tender. If any of the documents listed above are missing, the CoE 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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