

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



### **Purchase of IT equipment (computer hardware, software and supporting elements) for the State Bureau of Investigation educational online platform, initial and in-service trainings** **Contract N° 8714/2021/6**

The Council of Europe Project "Supporting Institutions to Combat Ill-Treatment in Ukraine" (the Project) is implemented from April 2020 till December 2021.

One of the Project outcomes is to facilitate institutional and operational effectiveness and professionalism of the State Bureau of Investigation (SBI).

In that context, the Project is looking for a Provider for the provision of IT equipment- computer hardware, software and other supporting elements (see Section A of the Act of Engagement).

The SBI will be the final recipient of the equipment purchased under the contract (See Section A of the Act of Engagement).

#### 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 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 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-IT equipment for the SBI".** 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 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: "Question: Tender-IT equipment for the SBI".**

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>26 March 2021</b>
Email for submission of tenders/offers ▶	<a href="mailto:DGI-HRImplementation@coe.int">DGI-HRImplementation@coe.int</a>
Email for questions ▶	<a href="mailto:DGI-HRImplementation@coe.int">DGI-HRImplementation@coe.int</a>
Expected starting date of execution ▶	17 May 2021

<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 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).

## 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 to be provided;
- 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, 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 or are likely to be in a situation of conflict of interests.

*Eligibility criteria*

- The Bidder must have a documented partnership with the manufacturers of the software and hardware that it offers.
- Should have carried out over at least 3 (three) financial years of similar services

*Award criteria*

- Criterion 1 (50%): The financial offer.
- Criterion 2 (50%): Quality of the offer responding to technical characteristics and compliance with minimum technical specification requirements (as indicated in Section A of the Act of Engagement), timeframe for delivery, warranty period etc.

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 Engagement<sup>3</sup> (see attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above).
- A list of all owners and executive officers.

<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, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.

- Registration documents.
- Financial statements of the last 3 financial years.
- Technical Proposal, containing a detailed description of the specifications of the IT equipment proposed, including details of the manufacturer and the information on the delivery time for each deliverable.
- List of contracts with state institutions and/or private sector entities attesting to previous experience with providing the same or similar services accompanied by names and contact information of references.
- Partnership agreement/certificate with the manufacturer.
- Information on proper representatives and/or workshops for back-up service/repair and maintenance including their names and addresses.
- In case of International Warranties, the local authorized dealers should mention their service and warranty setup, details of qualified engineers, etc.

**All documents, except registration documents and financial statements, 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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