



CALL FOR TENDERS

FOR THE PROVISION OF IT EQUIPMENT

FOR THE DEVELOPMENT OF A

CENTRAL MONITORING SYSTEM FOR

THE MINISTRY OF JUSTICE OF TÜRKIYE

2023/AO/54

Object of the procurement procedure ►	Provision of IT equipment for the development of a Central monitoring system for the Ministry of justice of Türkiye
Project ►	Improving International Judicial Cooperation in Criminal Matters in Turkey – PMM 2071
Organisation and buying entity ►	Council of Europe Economic Crime and Cooperation Division
Type of contract ►	One-off contract
Duration ►	Until complete execution of the obligations of the parties (See Article 2 of the Contract)
Expected starting date ►	17 July 2023
Tender Notice Issuance date ►	31 May 2023
Deadline for tendering ►	26 June 2023

TABLE OF CONTENTS

This Tender File contains:

- **The TERMS OF REFERENCE..... 3**

The TERMS OF REFERENCE describe what will be expected from the selected Providers.

- **The TENDER RULES..... 6**

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

Attached to the Tender File:

- **The TECHNICAL REQUIREMENTS (Appendix I)**
- **The CONTRACT (Appendix II)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Provider/s.
- **The DECLARATION OF AGREEMENT (Appendix III)**
- **The MODEL ACT OF ACCEPTANCE (Appendix IV)**

HOW DOES A ONE-OFF CONTRACT WORK?

SELECTION of one qualified Provider through a call for tenders and signature of a One-off contract with the selected Provider.

EXECUTION as from the date of signature of the contract, unless the contract provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete and sign the **CONTRACT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

Disclaimer

The awarding of the contract is subject to the adoption of a revision of project documentation which is currently on-going. For this reason, the Council of Europe may decide to discontinue the international public call for tenders at any moment prior to the award of contract, without providing reasons or paying compensation of any kind to the bidders, in accordance with Article 18.2 of Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe.

PART I –TERMS OF REFERENCE

CALL FOR TENDERS

FOR THE PROVISION OF IT EQUIPMENT FOR THE DEVELOPMENT OF A CENTRAL MONITORING SYSTEM FOR THE MINISTRY OF JUSTICE OF TÜRKİYE

2023/AO/54

A. BACKGROUND

The Council of Europe (CoE) is currently implementing a project "Improving International Judicial Cooperation in Criminal Matters in Turkey", which aims to strengthen the capacities of Turkish authorities to establish effective and expedited international cooperation in criminal matters, thereby contributing to proper administration of justice in cases involving foreign elements. The Project is co-funded by the European Union and the CoE and implemented by the CoE.

In this context, the Ministry of Justice of Türkiye (MoJ/Beneficiary) and in particular the Directorate General for Foreign Relations and EU Affairs (DGFREU) will develop a Central Monitoring System (CMS), which will be an integral part of the existing Turkish National Judiciary Network (UYAP), in order to support the management of incoming and outgoing mutual legal assistance (MLA) requests.

The MoJ already uses an array of 12 high-end server computers in order to operate and maintain the UYAP system. The CMS software development project requires the MoJ to deploy additional hardware capabilities, as well as to improve the capacity of the existing servers, for the purposes of development and operation of the system. Furthermore, high-end laptop computers are needed for the development and maintenance of the software solution to be developed.

The Council of Europe is looking for one Provider (provided at least one tender meets the criteria indicated below) in order to support the implementation of the project with a particular expertise on delivering, installing and setting up IT equipment (server, servers upgrades, high-end laptops).

B. OBJECT AND SCOPE OF THE TENDERING PROCEDURE

Within the scope of the EU-CoE Joint Project, "Improving International Judicial Cooperation in Criminal Matters in Turkey", the Contractor shall achieve the following results:

Result-1: Required equipment is supplied, installed and configured.

Result-2: Warranty and licenses for the required equipment are provided.

The services required are described in detail in the Appendix I - **Technical Requirements**, attached to this Tender file.

The **deadline for delivery and installation will be 60 days** following the signature of the contract.

C. FEES

In accordance with Section F., tenderers are invited to submit a **quote (Pro Forma invoice)**, on their letterhead, indicating their fees. These fees are final and not subject to review.

Such a quote shall include:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in **Euros**, tax exclusive);
- the total amount per type of deliverables (in **Euros**, tax exclusive);
- the total amount (in **Euros**), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

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.

Tenders proposing fees above **the exclusion level (230,000€)** indicated in Appendix I will be **entirely and automatically** excluded from the tender procedure.

The payment for the Deliverables to be paid by the Council shall be made within 60 calendar days of submission of the invoice described in Article 10.3.1 of the Draft Contract (Appendix II), subject to the submission of the Deliverables and their acceptance by the Council.

D. HOW WILL THIS ONE-OFF CONTRACT WORK?

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out in compliance with the description of deliverables as provided in Section B (above) and in the Appendix I - Technical Requirements. The Provider will be responsible for providing any deliverable before the deadline(s) fixed in Section B.

E. ASSESSMENT

Exclusion criteria (by signing the Contract and the Declaration of Agreement, you declare on your honour not being in any of the below situations) ¹

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 or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu).

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- At least three years of experience in the provision of similar services
- Proper fulfilment of minimum two similar orders on delivering, installing, configuring IT systems during the last three years (the value of each order should not be less than EUR 50,000 (or equivalent in other currency))
- Minimum annual average turnover of EUR 80,000 (or equivalent in other currency) during the last three years (2020, 2021, 2022)
- License on the original equipment manufacturing and proposed solutions, or an authorisation that the tenderer is a dealer/partner/reseller of the proposed solution in Türkiye, including the authority to sell, upgrade, supply, service and maintain the proposed solution.

Award criteria

¹ 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;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;

For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

- Quality of the offer (60%), including:
 - Compliance with the Technical Requirements (Appendix I) and needs of the current order;
 - Ability to deploy, configure and provide support on the equipment according to the needs;
 - Capacity to meet the deadlines indicated in the Technical Specifications.
- Financial offer (40%).

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- A **completed** and **signed** copy of the **Contract (Appendix II)**²;
- A **completed** and **signed** copy of the **Declaration of Agreement (Appendix III)**;
- A list of all owners and executive officers, for legal persons only (including those included in consortia);
- Registration documents for legal persons;
- A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- A document which proves the authorisation to sell, upgrade, supply, service and maintain the respective IT equipment.
- Portfolio of fulfilled similar orders, including the performance/installation certificates accepted by the customers, proofing the successful execution of the orders;
- Financial statements i.e. balance sheets for the last three years (2020,2021,2022) audited as needed pursuant to the applicable legislative requirements;

All documents shall be submitted in English, with the exception of registration documents which may be in Turkish language; 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.

* * *

² The Contract must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Contract 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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF IT EQUIPMENT

FOR THE DEVELOPMENT OF A

CENTRAL MONITORING SYSTEM FOR

THE MINISTRY OF JUSTICE OF TÜRKİYE

2023/AO/54

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General of Human Rights and Rule of Law
Information Society and Action against Crime Directorate
Action against Crime Department
Criminal Law Cooperation Unit

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.³

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the contract is set out in Article 2 of the Contract.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Terms of reference and, if relevant, the Appendix I - Technical Requirements
- Tender rules;
- The Contract
- The Declaration of Agreement
- The Model Act of Acceptance

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be a legal person or consortia of legal and/or natural persons.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: contact.econcrime@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023AO54** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 26 June 2023 by 23:59 CET.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

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

* * *

³ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- A completed and signed copy of the Contract⁴
- A completed and signed copy of the Declaration of Agreement;
- A list of all owners and executive officers, for legal persons only (including those included in consortia);
- Registration documents for legal persons (including those included in consortia);
- A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- A document which proves the authorisation to sell, upgrade, supply, service and maintain the respective IT equipment.
- Portfolio of fulfilled similar orders, including the performance/installation certificates accepted by the customers, proofing the successful execution of the orders;
- Financial statements i.e. balance sheets for the last three years (2020,2021,2022) audited as needed pursuant to the applicable legislative requirements;

2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023A054** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 26 June by 23:59 CET.

⁴ The Contract must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Contract 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.