

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of design, lay-out, printing and publication services.

The Council of Europe is currently implementing and will implement a Project on "Improving the Effectiveness of the Family Courts: Better Protection of the Rights of Family Members" until 19 December 2023. In that context, it is looking for Providers for the provision of design, lay-out, printing and publication services to be requested by the Council on an as needed basis.

A. TENDER 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 €5,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **framework 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 – FC Publication.** 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 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 – FC Publication**

Type of contract ▶	Framework contract
Duration ▶	Until 19 December 2023
Deadline for submission of tenders/offers ▶	26 August 2022
Email for submission of tenders/offers ▶	ankara.office@coe.int
Email for questions ▶	ankara.office@coe.int
Expected starting date of execution ▶	01 September 2022

B. EXPECTED DELIVERABLES

Background of the Project

The Project focuses on addressing the issues aiming at improving effectiveness of family courts with a view to protect the rights of women, children and other family members. The Council of Europe is looking for a maximum of 3 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on design, cover design, lay-out, printing, publication and dissemination of 6 Project outputs detailed below:

- 1. Tavsiye Raporu: Türkiye’de Boşanma Prosedürlerinin ve İkincil Örselenmeyi Önlemek üzere Bunların Etkili Bir Şekilde Uygulanmasının İyileştirilmesi** (*Recommendations Report: Improving the Divorce Procedures in Turkey and their Effective Application to Prevent Secondary Traumatization*) **(Approximately 90 pages)**

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](#).

2. **Kapsamlı Değerlendirme Raporu: Aile Mahkemelerinde AUÇ Mekanizmalarının Kullanımına İlişkin Öneriler** (*Comprehensive Assessment Report: Practical Recommendations for the use of ADR Mechanisms in Family Courts*) (**Approximately 50 pages**)
3. **Değerlendirme Raporu: Ev İçi Şiddette Dava ve Soruşturma Yönetimi** (*Assessment Report: Caseload and Prosecution Management of Domestic Violence Cases*) (**Approximately 80 pages**)
4. **Aile Mahkemelerinin Etkinliğinin Artırılması Araştırması Sonuç Raporu** (*Baseline Study Report on Improving the Effectiveness of the Family Courts*) (**Approximately 240 pages**)
5. **Boşanma Dava Yönetimi Kılavuzu** (*Guidelines on the Divorce Case Management*) (**Approximately 30 pages**)
6. **Çocuğun Yüksek Yararı İlkesinin Uygulanmasının İyileştirilmesine Karşılaştırmalı Değerlendirme ve Tavsiye Raporu** (*Benchmarking and Recommendations Report - Best Interests Of The Child*) (**Approximately 70 pages**)

All draft reports that will be printed under this tender will be shared as word documents with the awarded companies (or company) after the selection and award of the tender is finalised.

The tenderers should submit unit fees according to below mentioned specifications for printing:

- Size: 16x24 cm
- Printing: Four colours, double sided
- Cover: 300 gr. coated paper, matt coated cellophane, four colours (Covers will be designed by the company under the supervision of CoE)
- Inside Paper: 90 gr., high grade
- Binding: American skin (stitch and hot glue)

This Contract is currently estimated to cover up to 6 books to be published by 19 December 2023. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total budget of the project amounts to 2.223.000 Euros and the total amount of the object of present tender **shall not exceed 55,000 Euros tax exclusive** for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is not considered exhaustive.

For all publications, the Provider is expected to provide below mentioned services in addition to printing:

- Design the cover and format and lay-out the inner pages of the books and work on the layouts in line with the CoE format and visibility requirements under the supervision of the CoE;
- Submit all final version of the reports in electronic copy to CoE for pre-approval before printing (Press quality "pdf" or photoshop "psd" file formats);
- Delivery of the published materials to an indicated address in or out of Ankara

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review.

The Council will indicate on each Order Form (see Section D below) the number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.]

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 3 (three) working days after its reception. If a Provider is unable to take an Order or if no reply is given on his behalf within that deadline, the Council may call on another Provider using the same criteria, and so on until a suitable Provider is contracted.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and 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 .

Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

E. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)³

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;

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

³ 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).

- 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 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

- Submission of relevant electronic samples of at least three printed materials the layout of which was designed by the company in the last two years, preferably those prepared for EU or international projects or other CoE projects;

Award criteria

- Quality of the offer (30%), including:
 - Quality of work samples provided;
 - Capacity to meet the Council's contractual requirements based on the experience with national or international organisations;
 - Quality of offer file.
- Financial offer (70%). (***Financial offers will be evaluated according to the total price of 1000 copies of each report.***)

Multiple tendering is not authorised.

F. NEGOTIATIONS

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

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A copy of the Registration Document / Operating Certificate given by relevant Chamber of Commerce in Turkey;
- A list of all owners and executive officers, for legal persons only;
- At least three samples (only electronic copies) of previous works the layout of which was designed by the company in the last two years, preferably those prepared for EU or international projects or other CoE projects;
- A list of similar work delivered in the last two years;

All documents shall be submitted in English, except registration document, list of all owners and relevant samples of work. 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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⁴ 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.