

## TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure/ One-off contract)

### Purchase of publishing services on production of comprehensive layouts, on printing of the publications on European law and practice of the European Court of Human Rights and their delivery to the Council of Europe Office in Ukraine



**Contract no. 8563/2019/7**

The Council of Europe assists Ukrainian authorities in the reforming of the judiciary in Ukraine and ensuring compliance of the legislation and practice of courts and judicial institutions with the standards of the Council of Europe. This assistance is provided through the project "Support to the implementation of the judicial reform in Ukraine" (hereinafter – the Project). The Project started in June 2018 and will continue until November 2020. In that context, it is looking for a Provider for the provision of publishing services, including production of comprehensive layouts, printing of the publications on European law and practice of the European Court of Human Rights, and their delivery to the Council of Europe Office in Ukraine.

#### 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 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, or 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:** *"Tender for publishing companies CoE 8563/2019/7"*. 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: Tender for publishing companies CoE 8563/2019/7"*.

<b>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	25 October 2019
<b>Email for submission of tenders/offers ▶</b>	<a href="mailto:DGI.Justice.Reform.Unit1@coe.int">DGI.Justice.Reform.Unit1@coe.int</a>
<b>Email for questions ▶</b>	<a href="mailto:DGI.Justice.Reform.Unit1@coe.int">DGI.Justice.Reform.Unit1@coe.int</a>
<b>Expected starting date of execution ▶</b>	04 November 2019

<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;
- 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*

- Tenderer should be registered as a legal entity under the Ukrainian legislation and should be authorised to provide the services on publishing of the handbooks and other printing production;
- At least three years of professional experience in production of comprehensive layouts, printing of the publications and handbooks;
- Availability of resources and capacity to meet the required deadlines.

*Award criteria*

- Quality of the offer (70%), including:
  - Description of professional experience in the field of design and production of comprehensive layouts, printing of the books, past performance
- Financial offer (30%).

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)**

<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.

- 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);
- Copies of documents certifying the registration of the Tenderer under the Ukrainian legislation;
- Brief one-page description of the company's experience for the last 3 years and links to similar products (portfolio);
- Detailed financial offer

**All documents shall be submitted in English or French, 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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