

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



Purchase of IT and other equipment for the Human Rights Educational Center in the framework of the Joint EU/Council of Europe Project "European Union and Council of Europe working together to strengthen the protection of human rights" (hereinafter – the Project).

Contract N° 4757/2021/34

The Council of Europe is currently implementing the Joint EU/Council of Europe Project "European Union and Council of Europe working together to strengthen Ombudsperson's capacity to protection human rights" (hereinafter – the Project). The Project's general aim is to strengthen the Ombudsperson's institutional capacity in the areas of personal data protection and prevention of human rights violations in places of deprivation of liberty via efficient realisation of the National Preventive Mechanism (NPM).

The Project was addressed by the Parliament's Commissioner for Human Rights with the request to equip the Human Rights Educational Center with the furniture.

The Human Rights Educational Center was established under the Secretariat of the Ukrainian Parliament's Commissioner for Human Rights and is supervised by the Sector for Promoting Legal Awareness of the population about the Parliament Commissioner's role, mandate and scope of interventions.

The Training Centre is created with the purpose to increase legal awareness of the population about human rights standards, promote activities of the Parliament Commissioner and its institution and ensure growth of its interaction with the government officials, public servants, media, civil society experts and public in general. The Training centre will serve as a platform for realisation of various educational initiatives and campaigns, including video conferencing, webinars, trainings etc.

In that context, the Project is looking for a Provider for procuring IT and other equipment (coffee machine, water cooler).

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 **one-off contract** for the provision of deliverables described in the Technical Specifications (See Appendix 1). 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 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 4757/2021/34_Name of your company.** 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 2 (two) working days before the deadline for submission of the**

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](#).

tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Tender 4757/2021/34_Question

Type of contract ▶	One-off contract
Duration	Until full completion of obligations of the parties
Deadline for submission of tenders/offers ▶	08 December 2021
Email for submission of tenders/offers ▶	dgi-coordination@coe.int
Email for questions ▶	dgi-coordination@coe.int
Expected starting date of execution ▶	13 December 2021

B. EXPECTED DELIVERABLES

The expected deliverables and the technical specification of each item are described in **Technical Specifications** (See Appendix I).

All deliverables and services should be provided maximum until 15 January 2022.

C. FEES

All tenderers are invited to submit a **quote (proforma invoice)**, on their letterhead, indicating their fees.

A **quote (Pro Forma invoice)** shall include:

- the Service Provider's name and address;
- its VAT number;
- the full list of goods and services indicating technical characteristics, model/brand name and warranty for each IT item;
- the fee per type of deliverables (in **Euros**, tax exclusive).
- the total amount per type of deliverables (in **Euros**, tax exclusive)
- timeframe for purchase and installation of the equipment

Prices are indicated in Euros without VAT. The Project is VAT exempted in Ukraine as the Joint Project of the European Union and the Council of Europe registered at the Ministry of Economy of Ukraine on the basis of Cabinet of Ministers of Ukraine's Decree "On the unified system of the use and monitoring of international technical assistance" n.153 approved on 15.02.2002. Services to be provided under this Act of Engagement will be invoiced VAT excluded unless the Council requests otherwise.

Please note that for this purchase the total amount of the goods and services to shall not exceed **42 000 EUR** set by an exclusion level.

Tenders proposing fees above the exclusion level indicated above will be entirely and automatically excluded from the tender procedure.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the **Declaration of Agreement (Appendix IV)**, 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;
- 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 should demonstrate that they fulfill the following criteria:

- are registered as a legal entity or a private entrepreneur which is authorised to supply IT equipment;
- have at least 2 years of experience in the supply of similar goods/services.

Award criteria

- Technical offer (40%), which includes:
 - Quality of the IT equipment and software proposed (compliance with technical specification requirements (as indicated in Section A of the Act of Engagement));
 - Timeframes for the delivery of IT equipment;
 - Length of warranty;
- Financial offer (60%).

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 Contract² (Appendix I)**
- A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- Registration documents for legal persons (including those showing economic activities that the company is authorized to carry out)
- A list of all owners and executive officers, for legal persons only;
- **Declaration of agreement – Appendix IV**

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.

Contract and Declaration of agreement shall be submitted in English, other documents can 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 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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