

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of IT and web development services for interactive e-learning courses [*Contract N° 8573/2020/66*]



The Congress of Local and Regional Authorities of the Council of Europe (the Congress) is currently implementing the project "Strengthening democracy and building trust at local level in Ukraine" within the Council of Europe Action Plan for Ukraine 2018-2021. In this context, it is looking for three Provider(s) for the elaboration and/or adjustment of online courses for local authorities, in compliance with the ordering procedure defined in the Framework Contract, to be requested by the Congress 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 Europe,¹ 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.

Tenders shall be submitted **by email only** (with attachments) to the email address indicated in the table below, with the following reference in subject: **Application: IT and web development services 8573/2020/66**. 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: **Application: IT and web development services 8573/2020/66**.

Type of contract ▶	Framework contract
Duration ▶	Until 28 February 2021
Deadline for submission of tenders/offers ▶	06 July 2020
Email for submission of tenders/offers ▶	congress.cooperation@coe.int
Email for questions ▶	congress.cooperation@coe.int
Expected starting date of execution ▶	20 July 2020

B. EXPECTED DELIVERABLES

Background of the Project

The Congress of Local and Regional Authorities of the Council of Europe (the Congress) is currently implementing the project "Strengthening democracy and building trust at local level in Ukraine", which aims to improve the quality of local democracy in Ukraine by strengthening institutional frameworks and by supporting local authorities and their national associations in their efforts to promote ethical decision-making and more citizen-oriented, inclusive and transparent local governance. The project is implemented within the Council of Europe Action Plan for Ukraine 2018-2021.

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](#).

The Council of Europe is looking for a three Providers (provided enough tenders meet the criteria indicated below) in order to render IT support on the development and/or adjustment of online courses for local authorities.

The tenderer must be either a legal person except consortia or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

This Contract is currently estimated to cover the development of two or more online courses, until 28 February 2021. 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 1,600,000 Euros and the total amount of the object of the 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:

- 1) Designing and/or adjusting online courses for local authorities;
- 2) Providing technical support, including during the testing phase of online courses;
- 3) Production and post-production (in particular, recording of voiceover and integrating it to the relevant presentations) of audio/video materials for online courses.

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract.

Tentative timeframe

Expected start date is 20 July 2020. The tasks shall be undertaken as per an agreed work-plan between the Provider and the project team and be concluded no later than 28 February 2021. The tentative workplan is outlined below for information purposes only; it could be updated upon newly discovered circumstances. It will be confirmed between the project team and selected consultants prior to each assignment:

- Development of an online course on gender equality (including voiceover) – July 2020 (Testing phase – August 2020);
- Development of an online course for local councillors – October 2020 (Testing phase – November 2020).

In terms of **quality requirements**, the pre-selected Service Providers must ensure, *inter alia*, that:

- The services are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

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).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 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 global fee corresponding to each deliverable, 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 2 (two) 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;
- 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 Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, 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 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.

- 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

- Legal person duly registered in accordance with the Ukrainian legislation, except consortia, or a duly registered company under sole proprietorship of a natural person, or equivalent, having legal rounds to provide the respective services;
- Previous and confirmed experience in designing, developing and adjusting interactive online courses for different learning management systems (at least three (3) examples).

Award criteria

- Quality of the offer (80%), including:
 - Professional portfolio (50%) – samples of previously developed interactive online training courses / educational online games and / or similar online educational / entertainment activities;
 - Technical proposal (30%) – technical and human resources to be assigned to provide the requested services in full; methods of undertaking the work.
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible tenderers.
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);
- Registration documents (scanned copy of the originals in Ukrainian);
- A detailed professional portfolio in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Samples (images, links to websites / platforms / applications to download, textual description etc.) of previously developed interactive online training courses / educational online games and / or similar online educational / entertainment activities;
- Technical proposal containing description of technical and human resources (including CVs of the suggested personal to be involved in the activity) to be assigned for the provision of the requested services in full; proposed methods of undertaking the work
- Minimum three referees' contact details (including phone number and e-mail address) to prove the previous professional experience in the field of development interactive online training courses / educational online games and / or similar online educational / entertainment activities.

All documents shall be submitted in English (save the scanned copies of the original registration documents 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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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.