

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### Purchase of computer hardware *Contract N° 8665/2020/01/10*

The Council of Europe Project "Human Rights Compliant Criminal Justice System in Ukraine" (the Project) is implemented from July 2019 to December 2020, with the possibility of potential prolongation. One of the project outcomes is facilitating institutional and operational effectiveness and professionalism of the Public Prosecution System in Ukraine.

In that context, the Project is looking for a Provider for the provision of IT equipment and software for the newly created department on the supervision of torture/ill-treatment related cases attributable to law enforcement officers of the Office of the Prosecutor General of Ukraine (See Section A of the Act of Engagement).

#### 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 a legal person or private entrepreneur, 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: "Purchase of computer hardware 8665/2020/01/10"**. 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 not later than 10th of February** (5 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: "8665/2020/01/10 Qs".

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|--|---|
| <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> | <b>16 February 2020</b>   |
| <b>Email for submission of tenders/offers ▶</b>    | <b>HRCCJ.UA@coe.int</b>   |
| <b>Email for questions ▶</b>                       | <b>HRCCJ.UA@coe.int</b>   |
| <b>Expected starting date of execution ▶</b>       | <b>21 February 2020</b>   |

<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**.

**The exclusion level of fees for the present procurement is 700 000 UAH including VAT for the TOTAL amount of the procurement.**

Fees should be indicated in UAH including all taxes with VAT indicated separately.

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*

- Being a registered legal entity or a private entrepreneur in accordance with applicable Ukrainian legislation and being specialised in the field of technical equipment procurement (IT, office equipment or similar);
- 2 (two) years of experience in providing similar services;

### *Award criteria*

- Financial offer (60%);
- Quality of the offer (40%), including technical characteristic and compliance with minimum technical specification requirements (as indicated in Section A of the Act of Engagement), timeframe for delivery, warranty period etc.

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.

<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.

## 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)**
- 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);
- Tender's registration documents;
- Annex 1 of the tender file containing:
  - Brief description which proof that provider has relevant experience in the field of providing similar services (at least for 2 years);
  - Title of the proposed IT equipment and link to the product (including information of warranty period);
  - Technical specification of the proposed IT equipment (in the part that is not covered by the minimum technical specification requirements or supersede them, if any);
  - Timeframe of the provision of expected deliverables, taking into consideration the end deadline for delivery set as 6 March 2020.

**All documents shall be submitted in English (with only exception to registration document which can be submitted in Ukrainian with brief summary translation into English – name of the company, date of registration, types of economic activities which can be legally provided), 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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<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.