**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of Translation service under the scope of the project “Promoting Alternative Dispute Resolution (ADR) in Turkey”**

The Council of Europe is currently implementing a Joint Project on“Promoting Alternative Dispute Resolution (ADR) in Turkey’’ [hereinafter “ADR Project”] which is co-funded by the European Union and the Council of Europe. The Turkish Ministry of Justice is the end beneficiary of the Project. In that context, it is looking for maximum 4 Providers per lot; 12 Providers in total for the provision of translation service from English- Turkish and Turkish English; French-Turkish to Turkish-French; and German-Turkish to Turkish German to be requested by the Council on an as needed basis.

1. 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]](#footnote-2), 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 – ADR Project-Translation service’’** 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 –ADR -Translation service’’**

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| --- | --- |
| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until 31 May 2022 |
| **Deadline for submission of tenders/offers ►** | 10 March 2022 |
| **Email for submission of tenders/offers ►** | **ankara.office@coe.int** |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 14 March 2022 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe is currently implementing a Project on Promoting Alternative Dispute Resolution (ADR) in Turkey.The overall objective of the ADR Project is to improve the effectiveness of the justice system and access to justice by providing a faster dispute resolution for the citizens, businesses, legal persons and other organisations and institutions at large.

The ADR Project has three specific objectives:

1. The scope and application of the conciliation is enhanced/increased and implemented effectively, ensuring that the rights of minors, victims and offenders are protected. Skills and professionalisms of the staff of the Directorate General for Criminal Affairs within the Ministry of Justice, as well as conciliators, legal professionals and conciliation prosecutors are strengthened.
2. The scope of mediation and arbitration is enlarged as well as the use and scope of mediation and arbitration are increased in civil law. The capacity and qualifications of the staff of the Directorate General for Legal Affairs within the Ministry of Justice as well as mediators, legal professionals and judiciary are enhanced to ensure consistent and efficient mediation and commercial dispute resolution.
3. The capacity of the Ministry of Justice and the staff of the relevant Departments is enhanced in strategic and policy development of ADR mechanisms, including the issues pertinent to the design, management and financing of its services.

Target groups of the project are the staff of the Ministry of Justice, judges, prosecutors, court staff lawyers, conciliators, mediators, arbitrators, academics, public/court users, business community, with a total of approximately 2,000 individuals.

End beneficiary institutions of the project are the Directorate General for Criminal Affairs and Directorate General for Legal Affairs within the Ministry of Justice.

The Council of Europe (CoE) is looking for a maximum of 4 Providers per lot, 12 Providers in total (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise and human resources for provision of translation services from English- Turkish and Turkish English; French-Turkish to Turkish-French; and German-Turkish to Turkish German, specifically on alternative dispute resolution mechanisms: conciliation, mediation, and arbitration.

The translations delivered must be of such a quality that they can be used as they stand, upon delivery, without any further revision, review and/or correction by the Council. To this end, the Provider shall thoroughly revise and review in its entirety each translation produced.

The Provider must ensure, *inter alia*, that:

* The translated text is complete (no omissions or additions are permitted);
* The translated text is a faithful, accurate and consistent rendering of the source text;
* References to documents already published have been checked and quoted correctly;
* The terminology and lexis used are consistent throughout the translated text and with any relevant reference material;
* Sufficient attention has been paid to the clarity and register of the translated text;
* The translated text contains no syntactical, spelling, punctuation, typographical or other grammatical errors;
* The formatting of the source text has been maintained (including codes and tags if applicable); Any specific instructions given by the Council – whenever this is the case – are followed and the agreed deadline is scrupulously respected.
* Provider’s remarks on terminology, source text content or any other translation issue arising are appreciated. They are to be submitted in a separate file together with the translated text.

This Contract is currently estimated to cover up providing translation services for more than 20 activities to be held by 31 May 2022 and if needed could be extended to 31 December 2022. This estimate is for information purposes 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 4.000.000 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**.**

**Lots**

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| Lot 1: Translation services from English to Turkish and Turkish to English | 4 |
| Lot 2: Translation services from French to Turkish and Turkish to French | 4 |
| Lot 3: Translation services from German to Turkish and Turkish to German | 4 |

Lot 1 concerns translation services from English to Turkish and Turkish to English.

Lot 2 concerns translation services from French to Turkish and Turkish to French.

Lot 3 concerns translation services from German to Turkish and Turkish to German.

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

**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 considered exhaustive.

1. 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. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

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.

1. 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 quote[[2]](#footnote-3) (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.

1. 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]](#footnote-4)**

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 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](http://www.sanctionsmap.eu)).

Eligibility Criteria for specific lots:

For Lot 1 (Translation services from English to Turkish and Turkish to English)

* Minimum four (4) years of proven professional experience in providing translation services at national and/or international level from English to Turkish and Turkish to English.

For Lot 2 (Translation services from French to Turkish and Turkish to French)

* Minimum four (4) years of proven professional experience in providing translation services at national and/or international level from French to Turkish and Turkish to French.

For Lot 3 (Translation services from German to Turkish and Turkish to German)

* Minimum four (4) years of proven professional experience in providing translation services at national and/or international level from German to Turkish and Turkish to German.

*Award criteria (common for all three lots)*

* Quality of the offer (70%), including:
	+ Qualifications and experience of the translators proposed (40%)
	+ Experience in providing translation services in legal documents (30%)

Financial offer (30%) *(common for all three lots)*

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED
* A completed and signed copy of the **Act of Engagement[[4]](#footnote-5)** (See attached);
* A detailed CV, preferably in Europass Format, of the translators that take part in this service;
* Cover letter demonstrating clearly how the tenderer fulfils the eligibility and award criteria, summarising experience, previous works undertaken of a similar nature in general and specifically legal documents;
* List of previous translations provided during the last four (4) years;
* 3 contacts of the references for past works undertaken by the bidder;
* A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only;
* Registration documents (scanned copies of the original documents in Turkish), for legal persons only;
* A list of all owners and executive officers, for legal persons only;

**All documents (except the certificate of registry) shall be submitted in English, and 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.**

**\* \* \***

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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). [↑](#footnote-ref-4)
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. [↑](#footnote-ref-5)