**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of Visibility and Publication Services**

***Contract N°* BH8793/03**

The Council of Europe is currently implementing until 31 December 2023 the Project “Support to the Constitutional Court in Applying and Disseminating European Human Rights standards”. In that context, it is looking for Provider(s) for the provision of Visibility and Publication Services 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-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.

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 Notice BH8793/03.** 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 - BH8793/03**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 December 2023 |
| **Deadline for submission of tenders/offers ►** | **03 March 2022** |
| **Email for submission of tenders/offers ►** | [cpd.pristina@coe.int](mailto:cpd.pristina@coe.int) |
| **Email for questions ►** | [cpd.pristina@coe.int](mailto:cpd.pristina@coe.int) |
| **Expected starting date of execution ►** | 15 March 2022 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The project aims at supporting the efforts of the Constitutional Court (hereafter referred to as “the CC”) for ensuring the protection of individual human rights and fundamental freedoms of people. The objective is to align CC’s judgments with European human rights standards concerning individual complaints, to further raise awareness of legal professionals about the role and function of the CC and to increase the impact of the CC’s case-law on the domestic legal order. The CC is entrusted with the final instance jurisdiction for the interpretation of the Constitution and the compliance of laws with the latter.

The Council of Europe is looking for 3 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on Visibility and Publication Services.

This Contract is currently estimated to cover up to 20 activities, to be held by 31 December 2023. 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 750,000 EUR Euros and the total amount of the object of present tender shall not exceed 550,000 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: Visibility/design services:**   * Design of the layout of leaflets (A4, A5 colored) * Design of brochures (A5, A4, A3, colored) * Design of publications, books and reports (B4, A4, A5 thin cover and colored ) * Design of visibility items for social media | 3 |
| **Lot 2: Printing services:**   * Printing of brochures (regular A4, A5) B&W; Paper: 100 gr; Binding: staple optional per page * Printing of brochures (regular A4, A5) colour; Paper: 100 gr; Binding: staple optional per page * Printing of publications and various Project reports (Size: B5, A4, A5 Print: B&W; Paper: 80 gr; Cover: 300 gr. Color; Binding: glue binding (staple optional)) * Printing of publications and various Project reports (Size: B5, A4, A5 Print: color; Paper: 80 gr; Cover: 300 gr. Color; Binding: glue binding (staple optional)) * Printing of books (Size: B5; Print: B&W, Paper: 80 gr. Yellow paper for books, Cover: Hard Cover / gold print on front, Binding: sewing, and glue binding for Hard Cover) * Printing of books (Size: B5; Print: Color, Paper: 80 gr. Yellow paper for books, Cover: Hard Cover / gold print on front, Binding: sewing, and glue binding for Hard Cover) * Design and printing of recyclable pens (standard pens with logo of the project) – per unit * Design and printing of notebooks (standard A5) 50 pages, Cover: 300 gr. Color; Binding: glue binding - per unit * Design and printing of folders (standard A4) recycled paper – per unit * Design and printing of roll up Banner 0.85 x 2 m– per unit | 3 |
| **Lot 3 – Photocopy services:**   * Photocopy B/W double sided – per page * Photocopy colour double sided – per page * Photocopy B/W one sided – per page * Photocopy colour one sided – per page * Printing of Name tags, Paper: 300 gr - per page * Printing of Certificates, Paper: 300 gr - per page | 3 |

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.]

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).]

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.

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).

**Ranking**

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. Orders will be addressed in priority to the first Provider on the ranking list of the tender for the relevant lot. If this Provider is unable to take the Order or if no reply is given on his behalf within that deadline, the Council may call on the second Provider on the ranking list of the tender for the relevant lot, and so on down the list.

**Providers subject to VAT**

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote[[2]](#footnote-2) (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-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, 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.

*Eligibility criteria*

* Legal person duly registered in accordance with the domestic 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 and/or printing different visibility materials and publications

*Award criteria*

* Quality of the offer (60%), including:
* A Professional portfolio (60%) – samples of previously developed visibility materials and publications;
* Financial offer (40%).

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-4)** (See attached);
* Registration documents (scanned copy of the originals);
* A detailed professional portfolio (preferably in English), demonstrating clearly that the tenderer fulfils the eligibility criteria. It must include at least 3 (three) samples of previously developed visibility (Lot 1) and/or publication (Lot 2)

**All documents shall be submitted in English, Serbian or Albanian, 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-1)
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. [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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-4)