

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of international transportation services related to travel to/from Ukraine



### Contract N°9147/2024/25

Within the framework of the Action Plan for Ukraine 2023 – 2026, the Council of Europe is currently implementing until 31 December 2024 a Project on "Supporting democratic post-war elections in Ukraine" (hereinafter – 'the Project') aimed at ensuring that post-war national and local elections in Ukraine are democratic and held in line with international and European electoral standards and good practices. In that context, it is looking for Provider(s) for the provision of services on arranging international transportation (by train, by car, by minivan, by minibus) related to travel to/from Ukraine of the Council of Europe staff members, experts, beneficiaries, partners, as well as representatives of relevant stakeholders, as needed for the Project implementation, to be requested by the Council 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<sup>1</sup>, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 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 180 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: 9147\_TENDER\_INTERNATIONAL TRANSPORTATION.** 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: 9147\_QUESTIONS\_TENDER\_INTERNATIONAL TRANSPORTATION.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2024
Deadline for submission of tenders/offers ▶	<b>05 July 2024</b> 23h59 CET
Email for submission of tenders/offers ▶	<a href="mailto:REPU@coe.int">REPU@coe.int</a>
Email for questions ▶	<a href="mailto:REPU@coe.int">REPU@coe.int</a>
Expected starting date of execution ▶	29 July 2024

<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

### Background of the Project

Within the framework of the Council of Europe Action Plan for Ukraine 2023 - 2026, the Council of Europe is implementing the project "Supporting democratic post-war elections in Ukraine" (hereinafter – the 'Project') aimed at ensuring that post-war national and local elections in Ukraine are democratic and held in line with international and European electoral standards and good practices.

Project activities are aimed at achieving the following outcomes:

- (1) The Electoral Administration at national and local levels organizes and conducts post-war elections in secure and level-playing environment in line with European electoral standards and good practices.
- (2) Ukrainian voters on and from de-occupied territories are re-integrated into political life of Ukraine by exercising their electoral rights within and beyond Ukraine.
- (3) Ukrainian voters participate in elections within and beyond Ukraine in accordance with established electoral and voting procedures.
- (4) Balanced participation of women and men in post-war political and electoral processes is streamlined in public debate.

Herewith, the Project implementation is ensured, among others, through the conduct of various activities inside and outside Ukraine (study visits, conferences, round tables, etc.), as well as the participation of Ukrainian stakeholders in relevant international conferences/fora, that engage travel of the Council of Europe staff members, experts, beneficiaries, representatives of relevant stakeholders to/from Ukraine. Also, to support the implementation, the Project may need to ensure the Council of Europe staff members' missions to/from Ukraine.

Given the complex travel itineraries to/from Ukraine related to the absence of direct flight connections with Ukraine caused by the ongoing war, the travel to other countries and back – depending on the travel final destination country – mainly takes place via

- Poland's international airport in Warsaw – via railway transportation to/from Poland (Warsaw railway station or Chelm railway station), with further car, minivan or minibus transfer to/from Poland's international airport in Warsaw;
- Poland's international airport in Krakow – via railway transportation to/from Poland (Przemysl railway station), with further car, minivan or minibus transfer to/from Poland's international airport in Krakow;
- international airports in other countries – via railway transportation to/from relevant country.

In that context, the Council of Europe is looking for a maximum of *ten* Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular capacity on provision of services on international transportation.

This Contract is currently estimated to cover up to *thirty activities*, to be held by 31 December 2024. 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 950,000 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: Services related to purchase of 1-way international individual train ticket to/from Ukraine (1st/2nd class)	10

<p>Lot 2: Services related to purchase of 1-way international group train ticket to/from Ukraine (arranging whole carriage/wagon, up to 20 passengers, 1st/2nd class)</p>	10
<p>Lot 3: 1-way <b>intercity</b> transportation services within Poland <b>by car</b> (up to 3 passengers) on one of the following routes:</p> <p>Chelm railway station – Warsaw airport/hotel in Warsaw or          Warsaw airport/hotel in Warsaw – Chelm railway station or          Przemysl railway station – Krakow airport/hotel in Krakow or          Krakow airport/hotel in Krakow – Przemysl railway station</p>	10
<p>Lot 4: 1-way <b>intercity</b> transportation services within Poland <b>by minivan</b> (up to 8 passengers) on one of the following routes:</p> <p>Chelm railway station – Warsaw airport/hotel in Warsaw or          Warsaw airport/hotel in Warsaw – Chelm railway station or          Przemysl railway station – Krakow airport/hotel in Krakow or          Krakow airport/hotel in Krakow – Przemysl railway station</p>	10
<p>Lot 5: 1-way <b>intercity</b> transportation services within Poland <b>by minibus</b> (up to 20 passengers) on one of the following routes:</p> <p>Chelm railway station – Warsaw airport/hotel in Warsaw or          Warsaw airport/hotel in Warsaw – Chelm railway station or          Przemysl railway station – Krakow airport/hotel in Krakow or          Krakow airport/hotel in Krakow – Przemysl railway station</p>	10
<p>Lot 6: 1-way transportation services within Poland <b>by car</b> (up to 3 passengers) on one of the following routes:</p> <p>hotel in Warsaw – Warsaw airport/Warsaw railway station or          Warsaw airport/Warsaw railway station – hotel in Warsaw or          Warsaw railway station – Warsaw airport or          Warsaw airport – Warsaw railway station or          Krakow airport – hotel in Krakow or          hotel in Krakow – Krakow airport</p>	10
<p>Lot 7: 1-way transportation services within Poland <b>by minivan</b> (up to 8 passengers) on one of the following routes:</p> <p>hotel in Warsaw – Warsaw airport/Warsaw railway station or          Warsaw airport/Warsaw railway station – hotel in Warsaw or          Warsaw railway station – Warsaw airport or          Warsaw airport – Warsaw railway station or          Krakow airport – hotel in Krakow or          hotel in Krakow – Krakow airport</p>	10
<p>Lot 8: 1-way transportation services within Poland <b>by minibus</b> (up to 20 passengers) on one of the following routes:</p> <p>hotel in Warsaw – Warsaw airport/Warsaw railway station or          Warsaw airport/Warsaw railway station – hotel in Warsaw or          Warsaw railway station – Warsaw airport or          Warsaw airport – Warsaw railway station or          Krakow airport – hotel in Krakow or          hotel in Krakow – Krakow airport</p>	10

**Lot 1** concerns services related to purchase of individual **one 1-way** train tickets (1st/2nd class) to/from Ukraine on the request of the Project.

Upon the request of the Project, the Provider is to purchase 1st/2nd class train ticket(s) (as specified by the Project) at Ukrzaliznytsia for the international route to/from Ukraine to be communicated by the Project and for the person(s) whose name(s) shall be provided by the Project. The price of 1-way ticket should be the same as the official price of respective ticket(s) in Ukrzaliznytsia.

After purchasing a ticket, the Provider shall receive a reimbursement of the official price of the ticket purchased, as well as the fees (to be indicated by the Provider in respective section of the Act of Engagement) for the provided services related to respective purchase. The reimbursement of the official price of ticket purchased shall be in EUR, calculated based on the official exchange rate EUR-UA of the National Bank of Ukraine in place on the date of the respective ticket purchase. In case of cancellation requested by the Project, the Provider shall proceed with refund procedure via Ukrzaliznytsia ([uz.gov.ua/passengers/povernennya\\_proyznih\\_dokumentiv/](http://uz.gov.ua/passengers/povernennya_proyznih_dokumentiv/)). Upon the submission of respective documents confirming the refund and specifying the refunded amount to the Project, the Provider shall receive the fees for the services related to respective ticket's purchase, as well as the part of the ticket price not eligible for refund according to Ukrzaliznytsia rules. The reimbursement of the ticket price not eligible for refund shall be in EUR, calculated based on the official exchange rate EUR-UA of the National Bank of Ukraine in place on the date of the respective ticket purchase.

**Lot 2** concerns services related to purchase of group train ticket (1st/2nd class, as specified by the Project) for the whole carriage/wagon in Ukrzaliznytsia for the international route to/from Ukraine to be communicated by the Project, with compartments for the persons whose names shall be provided by the Project. The price of whole carriage should be the same as official price in Ukrzaliznytsia.

After purchasing group train ticket, the Provider shall receive a reimbursement of the official price of the group train ticket purchased, as well as the fees (to be indicated by the Provider in respective section of the Act of Engagement) for the provided services related to respective purchase. The reimbursement of the official price of ticket purchased shall be in EUR, calculated based on the official exchange rate EUR-UA of the National Bank of Ukraine in place on the date of the respective ticket purchase. In case of cancellation requested by the Project, the Provider shall proceed with refund procedure via Ukrzaliznytsia ([uz.gov.ua/passengers/povernennya\\_proyznih\\_dokumentiv/](http://uz.gov.ua/passengers/povernennya_proyznih_dokumentiv/)). Upon the submission of respective documents confirming the refund and specifying the refunded amount to the Project, the Provider shall receive the fees for the services related to respective ticket's purchase, as well as the part of the ticket price not eligible for refund according to Ukrzaliznytsia rules. The reimbursement of the ticket price not eligible for refund shall be in EUR, calculated based on the official exchange rate EUR-UA of the National Bank of Ukraine in place on the date of the respective ticket purchase.

**Lots 3, 4, 5** concern services on arranging 1-way intercity transportation services within Poland – by car (Lot 3), by minivan (Lot 4) or by minibus (Lot 5) – on one of the following routes:

- Chelm railway station – Warsaw airport;
- Chelm railway station – hotel in Warsaw;
- Warsaw airport – Chelm railway station;
- hotel in Warsaw – Chelm railway station;
- Przemyśl railway station – Krakow airport;
- Przemyśl railway station – hotel in Krakow;
- Krakow airport – Przemyśl railway station;
- hotel in Krakow – Przemyśl railway station.

The car transfer (Lot 3) implies the transfer for up to 3 passengers,

the minivan transfer (Lot 4) implies the transfer for up to 8 passengers, and

the minibus transfer (Lot 5) implies the transfer for up to 20 passengers.

The driver should possess a valid driver license and not less than 5 years of experience in provision of transfer services (car/minivan/minibus).

The driver should meet passengers in the designated transfer start point (the precise place/address, date and time shall be provided by the Project) with relevant name plate, and provide transportation services according to the specified route (one from the list above).

The proposed vehicle for the transfer shall meet the following minimum requirements: be comfortable, be produced in/after 2018, with climate control system. Herewith, the passengers shall be provided with water: one 0.5 bottle of non-carbonated water per passenger, per one-way transfer.

**Lots 6, 7, 8** concern services on arranging 1-way transportation services within Poland – by car (Lot 6), by minivan (Lot 7) or by minibus (Lot 8) – on one of the following routes:

- Warsaw airport – hotel in Warsaw;
- Warsaw railway station – hotel in Warsaw;
- hotel in Warsaw – Warsaw airport;
- hotel in Warsaw – Warsaw railway station;
- Warsaw railway station – Warsaw airport;
- Warsaw airport – Warsaw railway station;
- Krakow airport – hotel in Krakow;
- hotel in Krakow – Krakow airport.

The car transfer (Lot 6) implies the transfer for up to 3 passengers,

the minivan transfer (Lot 7) implies the transfer for up to 8 passengers, and

the minibus transfer (Lot 8) implies the transfer for up to 20 passengers.

The driver should possess a valid driver license and not less than 5 years of experience in provision of transfer services (car/minivan/minibus).

The driver should meet passengers in the designated transfer start point (Warsaw airport (WAW-Frederic Chopin) or Warsaw railway station or a hotel in Warsaw; the precise place/address, date and time shall be provided by the Project) with relevant name plate, and provide transportation services according to the specified route.

The proposed vehicle for the transfer shall meet the following minimum requirements: be comfortable, produced in/after 2018, with climate control system. Herewith, the passengers shall be provided with water: one 0.5 bottle of non-carbonated water per passenger, per one-way transfer.

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).

### 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 number of units ordered, 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 for the relevant lot 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.]

#### **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)<sup>2</sup>

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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;

<sup>2</sup> 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.

- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.

#### *Eligibility criteria*

- natural person, legal person (private entrepreneur or company) or consortia of legal and/or natural persons, duly registered in accordance with its national legislation, having legal grounds to provide the respective services;
- at least 3 years of experience in providing/arranging transportation services.

#### *Award criteria*

For LOT 1, 2:

- Quality of the offer (60 points), including: previous experience in organization of railway transportation services;
- Financial offer (40 points).

For LOTS 3, 4, 5, 6, 7, 8:

- Quality of the offer (60 points), including:
  - (25 points) – **applied to each Lot separately** – professional profile and previous experience in providing relevant transportation services;
  - (20 points) – **applied to each Lot separately** – cancellation policy;
  - (15 points) – **applied to each Lot separately** – technical characteristics and photos of potential vehicles (dependent on the Lot applied) to be provided for transportation services;
- Financial offer (40 points).

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<sup>3</sup>** (See attached);
- Registration documents (scanned copy of originals (in language of the country of registration) with translation into English), proving the tenderer's ability to carry out the respective types of economic activities;
- A detailed professional portfolio in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- For LOTS 3, 4, 5, 6, 7, 8: technical characteristics and photos of potential vehicles to be provided for transportation services.

**All documents shall be submitted in English, except scanned copies of registration documents to be provided in origin language, 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.