

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



Procurement of IT equipment and software with delivery for the Ombudsperson Office in Ukraine

Contract № 9214/2024/10

The Council of Europe is currently implementing the Project "Rights of Veterans and Personnel of Armed Forces in Ukraine" (hereinafter – the Project) with the duration of 24 months (1 February 2024 – 31 January 2026). The Project objective is to assist the Ukrainian authorities in promoting and protecting the human rights, including the social rights, of military personnel, veterans, and their family members through the efficient functioning of human rights institutions and mechanisms both during and/or after the war period.

One of the key Project's partners is the Ombudsperson Office in Ukraine and the main goal of such a cooperation is strengthening the state institutions' capacity to better protect the rights of military servicepersons, veterans, and their family members in line with the Council of Europe and other European standards, monitoring human rights violations in military sphere and provide recommendations to improve procedures of human rights protection.

To attain such objectives, the Project is going to provide technical support to the Ombudsperson Office in Ukraine, aimed at equipping the institution with essential IT items and a software. This support is designed to enhance the Office's capacity for conducting monitoring visits, ultimately strengthening its capacity and ability to assist and protect the rights of the primary Project's beneficiaries such as military personnel, veterans, and their family members.

In that context, the Council of Europe is looking for a Provider with a comprehensive expertise for the provision of IT equipment and software. This tender procedure aims to conclude a one-time contract for the delivery of the products described in more detail in the TECHNICAL REQUIREMENTS FOR IT EQUIPMENT AND SOFTWARE (Appendix I to the Contract).

A. TENDER PROCEDURE 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 Europe¹, 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 **one-off contract** for the provision of deliverables described in the **tripartite contract** (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 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 – 9214/2024/10_Name of your company.** 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 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 - 9214/2024/10.**

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](#).

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	10 February 2025 17h59 Kyiv time
Email for submission of tenders/offers ▶	tenders_veteransrights_ua@coe.int
Email for questions ▶	tenders_veteransrights_ua@coe.int
Expected starting date of execution ▶	17 February 2025

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Technical Requirements for IT Equipment and software (See Appendix I to the Contract)**.

C. FEES

All tenderers are invited to submit a **financial offer** (see Appendix II APPLICANT'S PROFILE AND FINANCIAL OFFER to the Contract)

Should the Provider be willing to further break down its financial offer, it is invited to do so on a separate sheet, attached to the other supporting documents.

Payment of the Provider's fees will be in accordance with the following:

- advance payment: up to 50% of total sum in EUR upon the signature of the Contract by all parties;
- final payment - the remaining sum in EUR within 60 calendar days after submission of the invoice subject to the submission of the Deliverable(s) described in the Financial offer for the estimated IT and server equipment and its/their acceptance by the Council of Europe.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Contract,² 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, 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;
- 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

² 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.

Tenderers should demonstrate that they fulfil the following criteria:

- are registered as a legal entity or a private entrepreneur which is authorised to supply IT equipment and software;
- have at least 2 years of experience in the supply and installation of IT equipment and software.

Award criteria

- Quality of the offer (40%), including:
Quality of the IT equipment and software proposed – compliance with technical requirements in specification indicated in Appendix I to the Contract; the producer of equipment should have sustainable reputation and competitive advantage on the market; all items must have warranty from the producer; additionally, provider is expected to give 12 months guarantee with on-site intervention if needed (35%);
Timeframe for the delivery of equipment (5%).

Preference will be given to companies with sustainable reputation with competitive advantage.

- Financial offer (60%).

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.

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- A completed and signed copy of the Contract (see document attached) with all applications:
Appendix II APPLICANT'S PROFILE AND FINANCIAL OFFER;
Appendix III – DECLARATION OF AGREEMENT;
- Proof of relevant experience in provision of IT equipment and software, such as, for instance, previous contracts for the provision of hardware and software (excluding the confidential information);
- Registration documents for legal persons.

All documents shall be submitted in English, 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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