

TENDER FILE / TERMS OF REFERENCE (Restricted consultation procedure / Framework Contract)

SUPPORT TO THE IMPROVEMENT OF THE CAPACITY OF THE INSPECTORATE TO THE SUPREME JUDICIAL COUNCIL OF BULGARIA

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing until 15 February 2020 a project on supporting improvement of the capacity of the inspectorate to the supreme judicial council of Bulgaria. In that context, it is looking for a Service Provider for the provision of events/conference services in Bulgaria to be requested by the Council on an as needed basis.

The project is funded jointly by the European Union and the Council of Europe.

A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 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 €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 legal person (companies, including sole proprietorships), or a duly registered company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Application Bulgaria-Justice (Tender01)**. 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 Bulgaria-Justice (Tender01)**.

Type of contract ▶	Framework contract
Duration ▶	Until 15 February 2020
Deadline for submission of tenders/offers ▶	26 April 2019
Email for submission of tenders/offers ▶	DGI.Justice.Reform.Unit1@coe.int
Email for questions ▶	DGI.Justice.Reform.Unit1@coe.int
Expected starting date of execution ▶	03 May 2019

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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

A. EXPECTED DELIVERABLES

Background of the Project

The European Union and Council of Europe Joint Project entitled "Support to the Inspectorate to the Supreme Judicial Council of Bulgaria" is aimed at strengthening the institutional and administrative capacity of the Inspectorate to the Supreme Judicial Council of Bulgaria in accordance with the identified best practices of the EU/CoE member states. The Joint Project was started on 16 February 2019 and will finish on 15 February 2020.

The Council of Europe is organising a call for tenders with a view to awarding a framework contract for the organisation of events in Sofia and possibly different locations throughout Bulgaria within the framework of the Project. This may include: conferences, seminars, round tables, trainings, visits of official delegations, events and other activities.

The Council of Europe is looking for maximum of 3 (three) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project.

The object of the Contract concerns the provision of meeting organisation (including meeting room packages, accommodation and catering services), printing and visibility services, and transport services (including transfers and transport to and from airports in Bulgaria, rail and bus station terminals and meeting venues/hotels). See full list of technical specifications hereafter.

The Contract is currently estimated to represent up to 10 events in Bulgaria to be held throughout the duration of the Project. 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 200,000 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.

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 and its appendices (See Section A – Terms of reference). This list is considered exhaustive.

1. MEETING ORGANISATION

a) MEETING ROOM PACKAGES (See Appendix 1A of the Act of Engagement)

For the organisation of meetings, the Council of Europe may need, upon request, one or several of the following services:

- Availability and seating capacity of meeting rooms: Meetings may take place simultaneously in different locations throughout Bulgaria. The number of participants per meeting will vary: 10-20 (small-scale seminars), to 20-50 (medium conferences), 50-100 (large-scale conferences). Costs of meeting rooms existing in hotels listed under Item 2 should preferably be indicated. Bidders shall indicate the cost of a meeting room per day and half day and include the provision of water, paper and pens.
- Logistical/Conference technology/support services: A registration desk with the necessary personnel shall be provided to welcome, register and direct participants. Bidders shall indicate the cost per item/person per half and full meeting day. Computer(s) with internet connection, projectors/beaners, projection screens, laptop(s), flipcharts and other relevant technical/IT equipment shall be provided. Upon request, the bidders shall be able to connect all necessary equipment, install microphones no later than two hours before the event, place self standing banners and put water bottles, papers and pens for participants on the tables. Bidders shall include the cost per item per half and full meeting day and foresee an on-call technician.

b) ACCOMMODATION (See Appendix 1B of the Act of Engagement)

Bidders shall provide rates for board and lodging services along categories as stated in the Appendix 1B of the Act of Engagement, respecting the following requirements:

- Accommodation should preferably be in the hotel where the meetings take place. If adequate meeting facilities are not available in the hotel where participants are accommodated, they shall be available within walking distance of the hotel or local transport shall be provided.
- Rooms are considered for single occupancy only; in the event of single rooms being unavailable, double rooms shall be provided at a rate which will not exceed by more than 20% the price of a single room.

- The bidders shall clearly indicate deadlines for changes/final confirmation of bookings and liability in case of last-minute cancellations or “no-shows”.
- Bidders shall indicate the cost of a Budget room per person per night.
- Bidders shall indicate the prices for bed and breakfast.

c) CATERING SERVICES (See Appendix 1C of the Act of Engagement)

Bidders shall provide rates for the following catering services:

- Coffee breaks: Coffee breaks (including coffee, tea, biscuits and other refreshments) shall be organised. Bidders shall indicate the cost per person per coffee break for the following categories of meeting : 10-20 participants (small-scale), 20-50 (medium-scale), 50-100 participants (large-scale). Coffee breaks have to be organised on the spot (in the premises where the event takes place).
- Meals: Lunch or dinners (with water/soft drink and coffee/tea).

Lunches can be organised either on the spot or off premises, e.g. in restaurants, within walking distance of the meeting venue.

Dinners can be organised on the spot or off premises, e.g. in restaurants, within reasonable walking or transport distance of the meeting venue.

Bidders shall indicate the cost per person and per meal.

2. PRINTING AND VISIBILITY SERVICES (See Appendix 2 of the Act of Engagement)

Bidders shall provide rates for:

- Photocopies: Bidders shall indicate the cost per page for A4 paper format, for black and white and full colour copies. Bidder shall also indicate costs for stitched binding of printed material (for up to 100, 200, 500 pages).
- Visibility materials: Banners and other visibility items (folders, badges, table tags, name tags, notepads, pens, bags, etc.) shall be provided upon request and comply with all relevant Council of Europe/European Union rules . Bidders shall indicate the cost per item. Prices indicated in the bids shall be applicable wherever the service is executed (on the spot or off premises), throughout Bulgaria.

3. TRANSPORT AND OTHER SERVICES (See Appenix 3 of the Act of Engagement)

a) LOCAL TRANSPORT

Bidders shall provide the following services during the events in Bulgaria:

- Transfer of participants from their duty stations/residences/meeting venues/hotels to the airport/rail station/bus station terminals and vice versa. Bidders shall indicate the cost per vehicle type per kilometre (all inclusive).
- In the case of activities involving back-to-back visits requiring permanent presence of the driver to a number of locations, transportation of participants between these locations:
- Rental of the vehicle with the driver for up to six hours is defined as half-day, up to twelve hours as a full day and for over twelve hours as each individual hour;

Prices indicated in the bids shall be applicable wherever the service is executed (on the spot or off premises), throughout Bulgaria.

b) OTHER SERVICES

The Council may order the following service, which consist exclusively in the handling of cash, as an intermediary between the Council and the participants:

- Reimbursement of travel expenses to participants

Upon request, the Service Provider will be responsible for reimbursing travel expenses incurred by participants travelling in the country by personal car, bus, train or plane.

When these services are requested, the Service Provider shall submit to the Council a signed expense form, countersigned by the participants who were paid/reimbursed expenses, specifying for each person the expenses incurred and reimbursed (e.g. travel costs to and from the place where the event/activity took place). For the travel expenses, the expense form shall be

accompanied by the corresponding invoices and, where applicable, further proof of actual expenditure of the expenses reimbursed (e.g. travel tickets issued to or submitted by the participants). The aforementioned invoices and supporting documents shall be submitted in their original version. If for legal reasons the original supporting documents must be retained by the Service Provider, certified copies must be submitted.

The amount of travel expenses to be reimbursed shall correspond to the real costs indicated in the supporting documents to be submitted by the Provider, and accepted by the Council. These expenses will be accepted by the Council subject to their conformity with the applicable rules of the Council of Europe.

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).

In terms of quality requirements, the selected Service Providers must ensure, inter alia, that:

- The organisation is done to a professional standard;
- There is adequate presence of the organisational company at the event to oversee implementation where this is requested by the Council;
- Any specific instructions given by the Council – whenever this is the case – are followed.

The Council is working with tight deadlines for the organisation of the events under the Project. The number of participants varies rapidly and could change 24 hours before an event. Flexibility in cancellation policy of the Service Providers is preferable.

B. 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 (or its appendices). These fees are final and not subject to review

The Council will indicate on each Order Form (see Section C below) the number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

C. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are 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).

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 1 (one) working day after its reception. Orders will be addressed in priority to the first Provider on the ranking list of the tender. 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, 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 quote² (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.

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.

D. 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

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 registered as a company in Bulgaria (including sole proprietorship);
- At least two years of experience in providing similar services;
- Having the financial capacity to perform the contract;
- Having sufficient human and technical capacity to perform the contract.

Only bids submitted in English shall be deemed eligible.

Award criteria

- Quality of the offer (40%), including:
 - Experience in providing similar services;
 - Human, technical and financial capacity to perform the contract and to meet the required deadlines;
 - Linguistic skills (in English, written and spoken, and working knowledge of the Bulgarian language) of the persons allocated to the execution of the contract.
- Financial offer (60%).

Multiple tendering is not authorised.

E. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement⁴ and the appendices** (See attached);
- Profit and loss statement/income statement and balance sheet for the last 2 (two) years;
- A document certifying the registration of the company/private entrepreneurship;
- A separate document, indicating:
 - Company name, address, area(s) of activity and number of employees;
 - Details of the contact person or official representative in Bulgaria;
 - List of the persons allocated to the execution of the contract;
 - Record of experience in providing services to public entities in the country and international clients (international or European Institutions, embassies, international companies etc.) and referees (if available), demonstrating the years of experience required to be eligible (see above);
 - CVs of all persons allocated to the execution of the contract, including their respective linguistic skills.

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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³ 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.

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.