**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of Publications Package from German to Turkish to strengthen the library database of the Justice Academy of Turkey**

***Contract N° SC078/2022***

The Council of Europe is currently implementing a Project on “Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of European Convention on Human Rights Violation in Turkey” until 14.03.2023. In that context, to be requested by the Council on an as needed basis. In that context, it is looking for Provider(s) for the provision of *Publications Package from German to Turkish to strengthen the library database of the Justice Academy of Turkey*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 consortium of natural and/or legal person.

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 –** **CJP-2 German Publication Package.** 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 - CJP-2 German Publication Package.**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 14 March 2023 |
| **Deadline for submission of tenders/offers ►** | **20 May 2022** |
| **Email for submission of tenders/offers ►** | **ankara.office@coe.int** |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 27 May 2022 |

EXPECTED DELIVERABLES

**Background of the Project**

The Project on Strengthening the Criminal Justice System and the Capacity of Justice Professionals on prevention of the European Convention on Human Rights Violations in Turkey, which is a Joint Project of the Council of Europe (CoE) and the European Union (EU), which started on 15 March 2019 with a duration of 48 months. The Project contributes to Turkey’s efforts to protect fundamental rights and freedoms, in particular related to criminal justice. The project’s main objective is to strengthen and make the Turkish judiciary more effective and visible by ensuring its compliance with the international and European standards in the field of criminal justice. To achieve this objective, the project will support Turkish authorities to assess relevant criminal legislation and policy in Turkey and judicial practice. In addition, it will contribute to enhancing the capacity of criminal justice institutions and legal professionals to better apply European Court of Human Rights (ECtHR) case law and to strengthen co-operation and awareness among relevant stakeholders in the field of criminal justice and human rights law.

The Council of Europe is looking for maximum of 5 Provider (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the translation (from German to Turkish), printing and publishing of books as hardcopy and e-book for online access, including acquisition of the respective rights (including copyright, licencing fee and a flat fee if needed).

This Contract is currently estimated to cover up to 2 German books and electronic versions of these books, to be held by 14 March 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 5,000,000 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 -Theorie der juristischen Argumentation, author Robert Alexy, Suhrkamp Verlag, 1978, 397 pages, (**[**https://www.suhrkamp.de/buch/robert-alexy-theorie-der-juristischen-argumentation-t-9783518280362**](https://www.suhrkamp.de/buch/robert-alexy-theorie-der-juristischen-argumentation-t-9783518280362)**)**  **Translation** of the book “Theorie der juristischen Argumentation, author Robert Alexy, Suhrkamp Verlag, 1978” from German to Turkish (including the respective rights (e.g., copyright, licensing fee and flat fee etc.).  **Publication** of the book “Theorie der juristischen Argumentation, author Robert Alexy, Suhrkamp Verlag, 1978” as 250 hardcopies and **digital publication** as e-book for online access (including the respective rights (e.g., copyright, licensing fee and flat fee etc.).  **Delivering** the books to two requested addresses in Ankara. | 5 |
| **Lot 2** – **Theorie Richterlichen Begründens, Von Ralph Christensen & Hans Kudlich, 2001: Duncker & Humblot – Berlin, 490 pages,**  [**https://elibrary.duncker-humblot.com/publication/b/id/34619/**](https://elibrary.duncker-humblot.com/publication/b/id/34619/)  **Translation** of the book “Theorie Richterlichen Begründens, Von Ralph Christensen & Hans Kudlich, 2001: Duncker & Humblot – Berlin” from German to Turkish (including the respective rights (e.g., copyright, licensing fee and flat fee etc.).  **Publication** of the book “Theorie Richterlichen Begründens, Von Ralph Christensen & Hans Kudlich, 2001: Duncker & Humblot – Berlin”as 250 hardcopies and **digital publication** as e-book with online access (including the respective rights (e.g., copyright, licensing fee and flat fee etc.).  **Delivering** the books to two requested addresses in Ankara. | 5 |

**Lot 1 and Lot 2** concern that the selected publisher is expected to acquire the respective rights (e.g., copyright, licencing fee and flat fee) to translate the above indicated books from German to Turkish, print, publish them as hardcopy and e-book for online access. The service requested should also cover the delivery of the hardcopy units to various addresses in Ankara. Electronic versions of the books could be provided in the form of two basic options: downloadable books or digital viewing for a certain period of time or for a certain number of users.

The Council will select maximum five providers 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). The selected publisher will be selected from the Top Five tenderers.

**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. Tenders proposing a fee above **55,000 Euro in total** will be entirely and automatically excluded from the tender procedure. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.]

The price offer (unit fee) given in the Act of Engagement should include all kinds of fees concerning acquiring copyright and/or other similar rights (e.g., licensing fee and flat fee).

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 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
* 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-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;
* 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*

* Minimum 3-year experience in translation and publishing of books in in the scope of law and legal field,
* Proven experience in working with other publishing houses for the translation and publication of books and e-books.

*Award criteria*

* Quality of the offer (60 %), including:
  + Strong proven experience with minimum three publications in the similar areas (e.g., law, human rights law, criminal law),
  + Strong proven experience with minimum three publications of e-books or e-versions including enrichened content for e-books,
* 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)
* For natural persons; A detailed CV, preferably in Europass **Format, demonstrating clearly that the tenderer fulfils the eligibility criteria mentioned above**;
* For private companies, the certificate of company registration:
* For legal persons; The list and other relevant documents demonstrating the tenderer’s experience on similar publications **and partnerships/works, demonstrating clearly that the tenderer fulfils the eligibility criteria mentioned above**,
* A list of translated and published books by the publisher, that applies to tender, in law in the last three years
* The list of publishing houses or publishers with which the publisher, that applies to the tender, has worked or is still working.
* A timeline referring to each deliverable to be provided
* **Visual presentation of sample online/hardcopy publications mentioned above in the award criteria**
* A list of all owners and executive officers, for legal persons only;

**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.**

**\* \* \***

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;

   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-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)