

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of the software for automation of the risk-based supervision of reporting entities by Ministry of Internal and Foreign Trade CECS-2024-01

The Council of Europe is currently implementing a Project on Countering of Economic Crime in Serbia. In that context, it is looking for a Provider for the implementation of an information system for analysis of money laundering and terrorist financing risks among real estate agents (see Section A of the Act of Engagement) as a basis for risk-based supervision.

This project aims to improve the risk analysis and recording process for the purpose of AML/CFT (Anti-Money Laundering and Counter-Financing of Terrorism), as well as the efficiency, availability, and transparency of data processing concerning licensed agents, thus facilitating regulation and monitoring of the real estate market. The procurement includes the development, implementation, testing, and maintenance of a software solution that will enable integration with existing systems, communication with supervised entities, high levels of data security, and adaptability to future technological advancements.

The procurement subject includes the development of a system for risk analysis of money laundering and terrorist financing among real estate agents for the needs of the Ministry of Internal and Foreign Trade of the Republic of Serbia (MUST).

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 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 Business and Technical Requirements. 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: Tender – CECS-2024-01- Provision of software development services.** 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 8 (EIGHT) 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 - Tender – CECS-2024-01.**

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Contract)
Deadline for submission of tenders/offers ▶	23:59 CET 09 July 2024
Email for submission of tenders/offers ▶	contact.econcrime@coe.int
Email for questions ▶	contact.econcrime@coe.int
Expected starting date of execution ▶	02 September 2024

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](#).

B. EXPECTED DELIVERABLES

The expected deliverables are described in **the Business and Technical Requirements** (See document attached).

C. FEES

All tenderers are invited to submit a **quote (proforma invoice)**, on their letterhead, indicating their fees.

Tenderers **subject to VAT** shall also indicate:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in **Euros**, tax exclusive);
- the total amount per type of deliverables (in **Euros**, tax exclusive);
- the total amount (in **Euros**), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive.

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.

The bidder understands and agrees that the fees proposed shall include the full assignment of all intellectual property rights related to the deliverables.

Tenders proposing fees above the exclusion level indicated in the Table of fees **(Appendix II)** will be **entirely and automatically** excluded from the tender procedure.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the contract and the **Declaration of Agreement**, you declare on your honour not being in any of the below situations).²

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

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;
- 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).

- 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).

Eligibility criteria

- i. The vendor must be a registered company or legal entity within Republic of Serbia.
- ii. Experience: The vendor should have proven experience in designing and implementing information systems within public administration or the judiciary sector. This is critical to understand the unique challenges and requirements of governmental IT projects.
- iii. Capability to deliver and manage large-scale projects successfully demonstrated by at least three references for successful implementations of relevant projects within the last five years.
- iv. Quality and Security Certifications:
 - a. The vendor must be certified in ISO 9001 (Quality Management) and ISO 27001 (Information Security Management) to guarantee the quality of project management and the security of confidential information during the project's implementation.
- v. Financial capacity: To demonstrate experience and the ability to sustain long-term projects, it is required that at least two IT projects, each worth a minimum of EUR 30,000, have been implemented by the vendor in the public administration or judiciary sector within the last three years (2021, 2022, 2023).
- vi. Commit to the implementation at least 5 full-time experts or experts hired on the basis of a long-term cooperation agreement, with the following expertise:
 - a. At least one employee with expert-level knowledge and official certification (e.g., MCSE/MCSA, Red Hat RHCSA/RHCE) to install and configure the platform for the software solution.
 - b. At least one data warehouse architect or expert with official certification, which will be considered an advantage in the evaluation.
 - c. At least two full-time senior developers experienced in relevant technologies.
 - d. At least one senior database administrator with experience in databases like Microsoft, Oracle, IBM, etc., where official certification will be a plus.
 - e. At least one project management professional with PMP, Prince2, or similar certification to manage the project effectively.
 - f. At least one software testing (QA) expert to ensure the quality and reliability of the software.

Award criteria

- Quality of the bid (70%), including:
 - Technical proposal according to the needs described in this bid
 - Qualifications and references of Service Provider
 - Capacity to meet the required deadlines.
 - Official certification will be considered an advantage in the bid evaluation process.
- Financial offer (30%).

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)**³;
- A **completed** and **signed** copy of the **Declaration of Agreement (see document attached)**;
- A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above) **and the filled Appendix 2- Table of fees**;
- Registration documents for legal persons;
- A list of all owners and executive officers, for legal persons only;
- A list of all owners and executive officers, for legal persons only (including all legal persons in a consortium);
- Registration documents for legal persons;
- A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- 3 (three) references and referees' contact details for successfully implemented previous projects;
- CVs of employees that will be assigned to the execution of the contract;
- Project Description, and more specifically:
 - Cover Page (including the following information): Name of the applying company/organization; Name of responsible official from applicant's organization; Address, phone, email; Account information where payment could be made.
 - Executive Summary
 - Organisational Description (maximum three pages): This section shall provide a brief history of organisation, current status of ownership (privately held, publicly held, etc.), legal registration information, staffing structure, staff credentials, ICT projects implemented, name and contact information of other current and/or previous funder(s). It should also emphasise experience of similar work and include 3 references of implementation of similar projects;
 - Detailed implementation methodology of the ICT project defining the concrete actions for its implementation: concept should be in line with the Business and Technical Requirements and acceptance of requirements as stipulated in the Business and Technical Requirements.
- Proof of the annual turnover in the past 3 years

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 Contract must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Contract 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.