

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

### Purchase of consultancy services for development of a Software for appointment of ex-officio lawyers for the Bar Association of North Macedonia



The Council of currently implementing and until 31/12/2022 will implement a Project on "Supporting enhanced access to higher quality free legal aid (FLA) services in the Republic of North Macedonia". In that context, it is looking for a Provider for the provision of consultancy services for development of a Software for appointment of ex-officio lawyers for the Bar Association of North Macedonia (the deliverables described in greater detail in the Technical Specifications – Appendix I).

#### 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 €5,000 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 Technical Specifications (See Appendix I). 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 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: Consultancy services for development of a Software for appointment of ex-officio lawyers.** 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 seven 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: Consultancy Services-Software for appointment of ex-officio lawyers"**

|   |  |
|---|--|
| 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 ▶ | <b>18 September 2022</b>   |
| Email for submission of tenders/offers ▶    | <a href="mailto:dg1 fla.nm@coe.int">dg1 fla.nm@coe.int</a>                                 |
| Email for questions ▶                       | <a href="mailto:dg1 fla.nm@coe.int">dg1 fla.nm@coe.int</a>                                 |
| Expected starting date of execution ▶       | <b>25 September 2022</b>   |

<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

The expected deliverables are described in **the Technical Specifications** (See Appendix I).

## C. FEES

All tenderers are invited to submit a **quote (proforma invoice)**, on their letterhead, indicating their fees. The total amount (in **Euros**), tax exclusive, should not exceed **20 000 EUR**.

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.

Tenders proposing fees above the exclusion level indicated in the Quote will be **entirely and automatically** excluded from the tender procedure.

## D. ASSESSMENT

*Exclusion criteria and absence of conflict of interests*

(by signing the **Declaration of Agreement (Appendix IV)**, 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;
- 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];
- 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*

- The tenderer should be a registered legal entity with minimum three (3) years of existence on the day of the submission of the bid;

<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;
- 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).

- The tenderer should have minimum three (3) years of relevant experience in the market with software of similar complexity.
- The tenderer shall have at least two employed professional developers, each with more than five (5) years of experience.

#### *Award criteria*

- Quality of the offer (70%), including:
  - Methodology proposed;
  - Capacity to meet the deadlines indicated in the Technical Specification;
  - Relevance of the experience of the tenderer in the areas covered by this Call;
- 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<sup>3</sup> (Appendix II);**
- A completed and signed copy of the **Declaration of Agreement (Appendix IV);**
- A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- Registration documents for legal persons;
- A list of all owners and executive officers, for legal persons only;
- **List of minimum 3 realized contracts with the same or similar complexity of the software as the subject of the present procurement;**
- **Detailed CV/presentation of the company, demonstrating clearly that the tenderer fulfils the eligibility criteria, including relevance of the experience of the tenderer and contact details of 3 (three) references;**
- **CVs of at least two professional developers, each with more than five (5) years of experience.**
- **A basic overview of the proposed methodology for developing the new software, as well as a draft weekly implementation plan.**

**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.**

\* \* \*

<sup>3</sup> 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.