

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Printing of books

The Council of Europe is currently implementing and until *20 December 2022* will implement a Joint Project on "Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State" in Turkey. In that context, it is looking for Provider(s) for the provision of printing and distribution/delivery services to be requested by the Council on an as needed basis.

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 €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: Printing Tender- IMEAJ**. 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 2 (two) 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 - Printing Tender- IMEAJ**

Type of contract ▶	Framework contract
Duration ▶	Until 20 December 2022
Deadline for submission of tenders/offers ▶	5 May 2022
Email for submission of tenders/offers ▶	ankara.office@coe.int
Email for questions ▶	ankara.office@coe.int
Expected starting date of execution ▶	10 May 2022

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

Background of the Project

The Council of Europe is currently implementing and will implement until 20 December 2022 the Joint Project on Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State in Turkey (hereinafter – the Project). The Project is co-funded by the European Union, Republic of Turkey and the Council of Europe and the overall objective of this project is to foster public confidence in the administrative judiciary by further strengthening its independence, impartiality and effectiveness, and by increasing public awareness of it.

The Council of Europe is looking for **maximum number of 3 (three) Provider(s)** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on printing, publishing and distribution/delivery services of books and other materials.

This Contract is currently estimated to cover up on printing, publishing and distribution/delivery of **11 books and other training materials** as presented in four LOTs, by 20 December 2022. 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 3.335.000 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: Printing and distribution/delivery of the below Books 1. "İdari Yargıda Adil Yargılanma Hakkı Emsal Kararlar" 2. Report – Turkish Edition: Ara Dönem İlerleme ve Değerlendirme Raporu (Original Name Interim Progress and Assessment Report)	3
Lot 2: Printing and distribution/delivery of the below Training Participant Books 1. "Modül 1 Hukuki Gerekçeleştirme ve Karar Yazımı Katılımcı Kitabı" 2. "Modül 2 İdari Yargı ile ilgili Avrupa İnsan Hakları Mahkemesi ve Anayasa Mahkemesi Kararları Katılımcı Kitabı" 3. "Modül 3 Adil Yargılanma Hakkı – Makul Süre Katılımcı Kitabı" 4. "Modül 4 Kalem Personeli için Dava ve Zaman Yönetimi Katılımcı Kitabı"	3
Lot 3: Printing and distribution/delivery of the below Trainers Guide Books: 1. "Eğitim Metodolojisi El Kitabı"	3

<p>2. "Modül 1 Hukuki Gerekçelendirme ve Karar Yazımı Eğitici Rehberi"</p> <p>3. "Modül 2 İdari Yargı ile ilgili Avrupa İnsan Hakları Mahkemesi ve Anayasa Mahkemesi Kararları Eğitici Rehberi"</p> <p>4. "Modül 3 Adil Yargılanma Hakkı – Makul Süre Eğitici Rehberi"</p> <p>5. "Modül 4 Kalem Personeli için Dava ve Zaman Yönetimi Eğitici Rehberi"</p>	
<p>Lot 4: Printing and distribution/delivery of the below Other Training Materials:</p> <p>1. Mousepad</p> <p>2. Flash Disk</p> <p>3. Bag</p> <p>4. Certificates</p> <p>5. Participiant Bags</p>	3

For all Lots concerns the following task for Books:

1. If needed preparation of the final version and blueprint of the books/report before actual printing
2. Submitting the final version of books in electronic copy to the CoE (Press quality "pdf" or photoshop "psd" file formats),
3. Printing the books after final approval by CoE as per the technical specifications detailed under attached Act of Engagement and Annex 1- Technical Specifications (TR)
4. Delivery of the published books to the indicated addresses in Ankara and other provinces (maximum of 9 provinces of Turkey) or in İstanbul

The Council will select the abovementioned number of Provider(s) 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).

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).

C. 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.

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.

D. 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, where relevant, geographical location); 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 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.

E. 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, 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;

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.

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).

- 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).

Eligibility criteria

- Demonstrated experience in printing of publications in the last 3 years;
- Submission of a relevant electronic sample of printed materials (books, manuals, reports, other printed items, etc), preferably amongst those prepared for the EU or other international projects

Award criteria

- Quality of the offer (20%), including:
 - Capacity to meet the Council's contractual requirements based on the experience;
 - Quality of work samples provided;
 - Quality of offer file.
- Financial offer (80%).

Multiple tendering is not authorised.

F. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- Relevant samples of previous works (electronic copy);
- A copy of the Registration Document / Operating Certificate given by relevant Chamber of Commerce in Turkey
- A list of all owners and executive officers, for legal persons only;

All documents shall be submitted in [English or Turkish], 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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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.