

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### **Purchase of virtualized *server for the Ministry of Justice of the Republic of North Macedonia* in the framework of the project on supporting enhanced access to higher quality free legal aid (FLA) services in the Republic of North Macedonia**

The Council of Europe is currently implementing and until 23/05/2022 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 Virtualized *Server for the Recipient, the Ministry of Justice of the Republic of North Macedonia that will support their software for free legal aid* (see Section A of the Act of Engagement).

#### A. TENDER PROCEDURE 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 €150,000 tax exclusive.**

This specific tender procedure aims at concluding a **one-off 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 a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: "Purchase of Virtualized Server"**. 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 7 (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: Purchase of Virtualized Server"**.

<b>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	<b>3 March 2021</b>
<b>Email for submission of tenders/offers ▶</b>	<b>dg1 fla.nm@coe.int</b>
<b>Email for questions ▶</b>	<b>dg1 fla.nm@coe.int</b>
<b>Expected starting date of execution ▶</b>	22 March 2021

<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 **Section A of the Act of Engagement** (see attached).

## C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services to be provided;
- 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.

## D. ASSESSMENT

### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement,<sup>2</sup> you declare on your honour not being in any of the below situations)

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*

- be a registered company specialised in the field of IT.
- Have a minimum 3 years of experience.
- Have at least 3 realized contracts with the same or similar equipment as the subject of the present procurement
- be authorized for sale and service of the offered equipment on the territory of the Republic of North Macedonia.
- Fulfill all the minimum requirements laid out in the technical specifications (Appendix 1)
- In terms of quality system standards, the tenderer must meet the following standards:
  - ISO 9001 Quality management system
  - ISO 20000-1 IT Service Management System (IT Service Management System)
  - ISO 22301 Business Continuity Management System (Business Continuity Management System)
  - ISO 27001 Information Security Management System (Information Security Management System)

### *Award criteria*

- Suitability of the offer to meet the technical requirements (30%);
- Experience of the tenderer in the provision of deliverables similar to those required in this tender (30%)
- Financial offer (40%).

Multiple tendering is not authorised.

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<sup>2</sup> 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.

## 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 Act of Engagement<sup>3</sup> (see attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- Official Registration documents of the company
- List of minimum 3 realized contracts with the same or similar equipment as the subject of the present procurement
- Certificate issued by the manufacturer of the offered equipment that the bidder is authorized for sale and service of the offered equipment on the territory of the Republic of North Macedonia
- Detailed technical documentation on how the physical and virtual servers with the required software have been installed and configured (Macedonian/English)
- ISO Standards Certificates (ISO 9001 Quality management system, ISO 20000-1 IT Service Management System (IT Service Management System), ISO 22301 Business Continuity Management System (Business Continuity Management System), ISO 27001 Information Security Management System (Information Security Management System).

**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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<sup>3</sup> The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.