



CALL FOR TENDERS

FOR THE PROVISION OF SERVICES RELATED TO THE HOSTING AND MAINTENANCE OF THE COUNCIL OF EUROPE (HELP) E-LEARNING PLATFORM

2020A048

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| Object of the procurement procedure ► | Services related to hosting, maintenance and technical support of the Council of Europe (HELP) e-learning platform |
| Project ► | European Programme for Human Rights Education for Legal Professionals (HELP) |
| Organisation and buying entity ► | Council of Europe HELP Unit |
| Type of contract ► | One-off contract |
| Duration ► | Until complete execution of the obligations of the parties |
| Expected starting date ► | 01 January 2021 |
| Tender Notice Issuance date ► | 09 October 2020 |
| Deadline for tendering ► | 05 November 2020 |

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The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT** is the document formalising the consent of the Parties to be bound by the terms and conditions laid down in the tender file. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A ONE-OFF CONTRACT WORK?

SELECTION of one qualified Provider through a call for tenders and signature of a One-off contract with the selected Provider.

EXECUTION as from the date of signature of the contract, unless the contract provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS

FOR THE PROVISION OF SERVICES RELATED TO THE HOSTING AND MAINTENANCE OF THE COUNCIL OF EUROPE (HELP) E-LEARNING PLATFORM 2020AO48

A. BACKGROUND

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member States, including all members of the European Union. All Council of Europe member States have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

The Council of Europe engages in three types of activity: standard setting, monitoring and cooperation.

Concerning cooperation, the Council of Europe (CoE) engages in capacity building, namely educational and training activities on the standards set by the CoE in various areas of its work, for different target groups within the CoE member States and beyond (external training). In addition, the Council of Europe engages in internal training, aiming at strengthening its staff's competencies in various professional fields.

An increasing number of these educational and/or training activities are taking place in online format. In this connection, the Council of Europe HELP online platform (<http://help.elearning.ext.coe.int/>) is the main online tool employed by the Organisation to carry out such activities.

In particular, the Council of Europe Programme for **H**uman Rights **E**ducation for **L**egal **P**rofessionals (**HELP**) is aimed at enhancing the capacity of judges, lawyers and prosecutors, and increasingly other relevant professionals (law-enforcement officers, prison and probation officers, etc.), to apply the European human rights standards in their daily work in all 47 Council of Europe member States and beyond. This is done through the **HELP online courses** that cover a range of human rights topics.

Justice professionals need high-quality training, which the Council of Europe HELP Programme provides. HELP online courses can be tailored to the different needs of countries, institutions and professionals.

In one sentence: HELP develops and implements online (e-learning) courses on human rights for legal and other (justice) professionals. There are currently **36** existing HELP model courses, available in more than **300** different language versions. The catalogue of HELP online courses can be consulted at: <https://www.coe.int/en/web/help/courses>.

Currently, the HELP online platform is the main entry point for many online training/courses developed by the CoE. HELP's target audience (legal professionals such as judges, prosecutors and lawyers and university professors/students) represent the majority of users of CoE online courses.

For further information on the Council of Europe HELP Programme please visit: <https://www.coe.int/en/web/help/home>.

The **aim of this call** for tenders is to select a Service Provider to provide **hosting, maintenance and technical support** services for the the Council of Europe HELP online platform.

The HELP online platform and courses

The HELP online courses are hosted on the **HELP online platform** (<http://help.elearning.ext.coe.int/>).

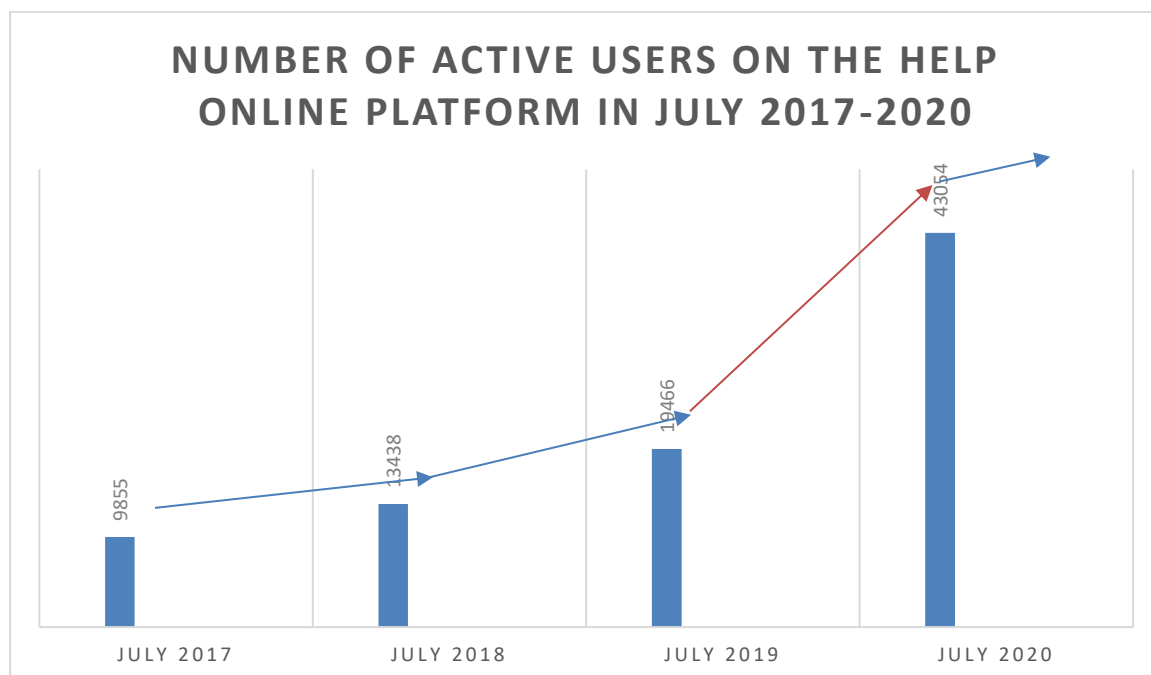
The **HELP online platform** is a Moodle Open LMS 3.8 e-learning platform.

In July 2020, the HELP online platform had 43,054 average **active users**.

For this purpose, “active user” means a user who has an account in the Open LMS Learning Management Platform (the HELP online platform) and is also enrolled in a visible course irrespective of whether the course is currently in use by the user.

For comparison, in July 2017 the HELP online platform had an average of 9,855 active users, within the meaning of active users indicated above.

The COVID-19 outbreak in spring 2020 significantly contributed to the increase of the number of users of the HELP online platform. For illustration, in March 2020 the HELP online platform had 24,238 average count of active users in comparison to 43,054 average count of active users in July 2020.



For another reference different from the ‘active users’ within the meaning indicated above, the number of users of the HELP online platform who have last accessed the platform within one-year period (31 July 2019 - 31 July 2020), is 37,906.

The HELP Secretariat expects a steadier growth of the number of users of the HELP platform in the upcoming period, similar to the growth rate in the period July 2017-July 2019.

In the HELP online platform, the HELP courses can be taken as:

- ✓ **Self-study (self-learning) courses**, available publicly for unlimited access to anyone who creates an account on the HELP online platform. Users of the HELP online platform can simply just log-in with their HELP account and click on the language code under the picture of the course that they would like to take.

- ✓ **Tutored courses** are organised in cooperation with a national partner institution, usually national training institutions for judges and prosecutors (NTIs) or Bar associations (BAs). The HELP tutored courses are facilitated/moderated by a HELP certified tutor, previously trained by the HELP Secretariat. Successful participants in HELP tutored courses are certified jointly by the HELP Programme and the national partner institution. The tutored courses are accommodated in a restricted part of the HELP online platform.

The **HELP online courses** usually consist of SCORM packages developed in the Articulate software, uploaded and installed on the HELP online platform, in separate course pages. The SCORM packages are often supplemented with additional materials, uploaded on the course pages in various formats (PDF and Word files, videos and images, external links etc).

The Council of Europe **HELP Secretariat** is tasked with managing the HELP online platform.

The **Council of Europe is looking for one Service Provider** (provided at least one tender meets the criteria indicated below), in order to support the implementation of the online training activities, with a particular expertise on hosting, maintaining and providing technical support to the proper functioning of an e-learning platform.

B. EXPECTED SERVICES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached).

C. FEES

Tenderers are invited to indicate their fees, by completing the table of fees, as attached in Section A of the Act of Engagement. These fees are final and not subject to review.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote¹ (Pro Forma invoice) 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.

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 Table of fees will be **entirely and automatically** excluded from the tender procedure.

D. HOW WILL THIS ONE-OFF CONTRACT WORK?

¹ It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out in compliance with the description of deliverables as provided in the Act of Engagement. The Provider will be responsible for providing any deliverable before the deadline(s) fixed in the Act of Engagement.

E. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, 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;
- 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;
- 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

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- Being a registered company working on setting up, hosting and maintaining e-learning platforms, in particular with demonstrated experience with the Moodle platform.
- Sufficient number of qualified staff and an infrastructure and operational set-up that enable the tenderer to:
 - dedicate a project manager (and a replacement should the project manager be unavailable) who will be responsible to the Senior management of the Service Provider, to act as a main interlocutor with the Council of Europe
 - ensure the availability of competent and responsible technical staff to respond quickly to queries/issues on the platform operation and its uninterrupted functioning and ensure easy and direct channels of communication for the Council of Europe to raise those issues
 - set up a back-up team with similar competence and expertise to take over work if there is an unexpected increase of work-load or if there is a change in staff.

Award criteria

- Quality of the offer (75%), including:
 - Quality of the proposed technical solutions (60%)
 - Qualification and experience of the staff dedicated to this project (15%)
- Financial offer (25%).

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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement 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).

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

- **Two** completed and signed copies of the Act of Engagement;³
- A copy of the Provider's legal conditions, **including the non-negotiable clauses indicated in Appendix I of the Act of Engagement**;
- A list of all owners and executive officers;
- Registration documents;
- Detailed description of the tenderer including the number and qualification of staff that would be dedicated to this project as well as the tenderer's infrastructure, annual turnover and organisational set-up;
- The technical offer describing the proposed technical solutions (description and location of the Data Center, effective Internet Bandwidth and characteristics, Server/cloud specifications including the entire solution (software) stack with technical information of each server instance configuration such as OS, CPU, RAM and storage solution, etc.) in accordance with the requirements laid down in Section A of the Act of Engagement. The technical offer should never exceed 20 pages and should include a maximum 3-page executive summary;
- A list of projects of comparable scope and nature carried out successfully over the last three years, together with the client references and their contact details (maximum 3 pages);
- In case of migration of the platform from the existing Service Provider, a project plan for the migration, including potential risk management (maximum 3 pages);
- A completed copy of the cloud checklist;
- Full documentation concerning all sub-contractors or other vendors involved in the provision of the service;
- Anonymous CVs of the project staff to be designated for the execution of the contract (a maximum of 2 pages per CV).

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.

* * *

³ 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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF SERVICES RELATED TO THE HOSTING AND MAINTENANCE OF THE COUNCIL OF EUROPE (HELP) E-LEARNING PLATFORM 2020AO48

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General Human Rights and Rule of Law

Directorate of Human Rights

Human Right Policy and Co-operation Department

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The contract is concluded until **31 December 2021** and takes effect as from the date of its signature by both parties. The Deliverables shall be executed in accordance with the timeframe indicated in the Terms of reference. At the end of its initial term, the contract will be tacitly renewed for a further term of one year, and shall renew each year thereafter, unless either party notifies the other in writing of its intention to terminate the contract at the latest 6 (six) months before the renewal date. The contract shall not be renewed beyond 31 December 2023 and shall end on this date unless either party has already validly terminated the contract.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including Appendix I and II;
- The Cloud Checklist.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be a legal person except consortia.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: DGI-Help-Programme@coe.int.

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **both electronically and in paper hardcopy**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure.

Paper hardcopies shall be sent in A4 format (21x29.7 cm) by post, as specified below:

- Tenders shall be submitted in a sealed envelope. The first sealed envelope shall be placed inside a second envelope addressed to the Tenders Board, showing the file reference number and object, as follows:

COUNCIL OF EUROPE
For the attention of the Tenders Board
**CALL FOR PROVISION OF SERVICES RELATED TO THE
HOSTING AND MAINTENANCE OF THE COUNCIL OF
EUROPE (HELP) E-LEARNING PLATFORM**

2020AO48
B.P. 7
F – 67075 STRASBOURG Cedex
FRANCE

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
- Tenders submitted to another postal address will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is 05 November 2020 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

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

* * *

⁴ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

G. DOCUMENTS TO BE PROVIDED

- Two completed and signed copies of the Act of Engagement;⁵
 - A copy of the Provider's legal conditions, including the non-negotiable clauses indicated in Appendix I of the Act of Engagement;
 - A list of all owners and executive officers;
 - Registration documents;
 - Detailed description of the tenderer including the number and qualification of staff that would be dedicated to this project as well as the tenderer's infrastructure, annual turnover and organisational set-up;
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 - A completed copy of the cloud checklist;
 - Full documentation concerning all sub-contractors or other vendors involved in the provision of the service;
 - Anonymous CVs of the project staff to be designated for the execution of the contract (a maximum of 2 pages per CV).
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2) HOW TO SEND TENDERS?

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⁵ 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.

- Tenderers are requested to indicate their names and address on the outside envelope for identification purposes.
- Do not send a copy of your tender to the buyer entity. Tenders submitted to any other postal address than the one indicated above will be excluded from the procedure.

The deadline for the submission of tenders is 05 November 2020 as evidenced by the postmark, or by the receipt of delivery provided by the dispatching company.