**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / One-off contract)**

**Purchase of an e-library on human rights and legal area including preparation, designing and hosting**

**Contract N° SC…..../2021**

The Council of Europe is currently implementing until 31 March 2022, a Project on “Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards” (SCoBAL). In that context, it is looking for a Provider for the provision of preparation, designing and hosting of an e-library including providing electronic content in the form of books and electronic versions of publications on human rights and legal area. (See Section A of the Act of Engagement)

1. 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[[1]](#footnote-1), 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 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 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-SCoBAL-E-Library.** 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 5 (Five) 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-SCoBAL-E-Library**

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| --- | --- |
| **Type of contract ►** | One-off contract |
| **Duration ►** | Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement) |
| **Deadline for submission of tenders/offers ►** | 10 November 2021 |
| **Email for submission of tenders/offers ►** | ankara.office@coe.int |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | 17 November 2021 |

1. EXPECTED DELIVERABLES

The expected deliverables are described in both **Section A of the Act of Engagement** (See attached) and below:

E-books and other e-publications (from now on will be referred as e-contents) shall be in Turkish language. A list of proposed e-contents (minimum 1.000 e-contents) should be presented which shall include titles of books in Turkish, the list should not be exhaustive but selected providers are expected to deliver these e-contents.

E-library shall be ready to upload to web.

All e-contents shall be delivered to end-beneficiary electronically, in suitable to in-text search form (no scanned images, nor only a list of links will be accepted; although links to the original source should be stated)

A declaration should be presented to state all legal and financial responsibility on copyright issues are belonging to the bidder. All e-contents should be free of any sort of copyright infringements.

Technical requirements:

• E-contents shall be accessible to end-users easy and without fees, with commonly used and free softwares

• E-library shall be reachable by common internet browsers

• E-contents shall be accessible to unlimited users (There shall not be a limit on the number of users)

• E-contents shall be accessible without time limitations

• E-library should be built on a database accessible to other libraries

• E-library should use the Dublin Core Metatadata Element Set

• Classification of the e-sources should be in accordance with Library Congress (LC) Classification Scheme

• Each e-content should be reviewed to determine its scope and keywords for each e-content should be defined individually in accordance with main and subclasses of the LC Scheme

• E-contents should be indexed in Google

• E-contents should have an individual permanent citation address

• All e-contents must be suitable for in-text search

• E-contents should be searchable with different criteria (subject, keyword, writer)

• Covers of each e-content shall be uploaded to the system as an image

1. 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;

- 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;

- 55.000 € is the exclusion level for this tender.

1. ASSESSMENT

*Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement,**[[2]](#footnote-2)** 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, 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 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*

* Prior experience in delivery of at least one e-library, covering similar tasks and responsibilities

*Award criteria*

* Quality of the offer (40), including:
  + Proven experience and capacity to prepare, design and host an e-library covering similar tasks and responsibilities, preferably in similar areas;
  + Proposed list of minimum 1.000 Turkish language e-contents which shall be open to unlimited number of users for unlimited time.
  + A declaration should be presented to state all legal and financial responsibility on copyright issues are belonging to the bidder. All e-contents should be free of any sort of copyright infringements.
* Financial offer (60%).

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

* **A completed and signed copy of the Act of Engagement[[3]](#footnote-3) (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);
* A list of all owners and executive officers, for legal persons only;
* Link(s) of the e-library(ies) developed before
* List of the minimum 1000 Turkish language e-contents being offered
* A declaration should be presented to state all legal and financial responsibility on copyright issues are belonging to the bidder. All e-contents should be free of any sort of copyright infringements.

**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.**

**\* \* \***

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
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). [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)