

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of consultancy services on web development and IT-related issues

Contract N° 8696/2021/19



Within the framework of the Action Plan for Ukraine 2018 – 2022, the Council of Europe is currently implementing and until 31 December 2021 a two-phased project on “Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine” (hereinafter – ‘the Project’).

Upon the request of the Central Election Commission of Ukraine (CEC) – Project main national partner, the Council of Europe supported the development and launch of the CEC online learning and awareness raising platform about elections (“the CEC online Platform”) in September 2020.

In that context and in order to support further implementation of the Project, the Council of Europe is looking for Provider(s) for the provision of consultancy services on web development and IT-related issues 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 (including private entrepreneur) or a 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: Tender – Web/IT consultancy.** 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) 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 - Web/IT consultancy.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2021
Deadline for submission of tenders/offers ▶	06 April 2021
Email for submission of tenders/offers ▶	REPU@coe.int
Email for questions ▶	REPU@coe.int
Expected starting date of execution ▶	08 April 2021

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

Within the framework of the Council of Europe Action Plan for Ukraine 2018 – 2022, the Council of Europe is implementing a 2-phased project "Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine".

Project activities during its Phase II (from 1 April 2020 to 31 December 2021) are aimed at:

- (1) enhancing the efficiency and integrity of organisation of electoral process and electoral cooperation due to modernised approach and gender mainstreamed election management;
- (2) enhancing public participation and inclusiveness of political and electoral processes;
- (3) increasing women participation in political and public life.

In 2020, upon the request of the Central Election Commission of Ukraine (CEC) – Project main national partner, the Council of Europe supported the development and launch of the CEC online Platform available upon the link <https://www.cvkpro.com/en>. In 2021, it is planned that this Platform shall be developed further, including but not limited to introduction of additional sections/modules, web architecture modifications, integration of new online training courses to be developed, design improvements etc.

Technology stack. The CEC online Platform's frontend application is a single page application written using the Nuxt.js web application framework. It is based on Vue.js, Node.js, Webpack and Babel.js. The application's state is managed using Vuex. The Frontend application communicates with the backend using its REST API. The CEC online Platform's backend is a monolithic application written in Java 11 and using the Spring framework. It is a RESTful application that exposes endpoints to access services and data. In order to store data, the application makes use of two data stores: a MySQL relational database to store all the business-critical data, and a NoSQL database (DynamoDB) to store authentication information.

In that context, the Council of Europe is looking for a maximum of 5 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support further implementation of the Project with a particular expertise on web development and IT-related issues.

This Contract is currently estimated to cover up to 20 activities, to be held by 31 December 2021. 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 600,000 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.

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide consultancy services on web development and IT-related issues, including:

- to develop technical specifications, in particular, with regard to further CEC online Platform development/modification;
- to define requirements/needs and develop respective technical assignments for front-end / back-end developers / other web developers / IT specialists;
- to provide technical advice with regard to support, possible optimisations, modifications and further development of the CEC online Platform in compliance with best value for money approach;
- to monitor and evaluate the implementation of the technical assignments by service providers engaged by the Council throughout the Project implementation;
- to develop and revise technical instructions / "how-to" / manuals / recommendations;
- to provide other consultancy on web development / IT-related issues as necessary for the Project implementation.

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract.

In terms of **quality requirements**, the pre-selected Service Providers must ensure, *inter alia*, that:

- The services are provided to the highest professional/academic/ technical standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

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).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 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. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, 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 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.

² 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.

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;
- 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

- natural person (including private entrepreneur) or legal person;
- proven experience in the field of consultancy services with regard to the web development and IT-related services in Ukraine;
- proven experience of working with technologies described in the section "B. EXPECTED DELIVERABLES: "Technology stack"

Award criteria

- Quality of the offer (80%), including knowledge and professional background/ experience/ portfolio in:
 - (a) developing technical specifications for websites / online platforms / applications development and/or their optimisation, including methodology/tools for quality check; previous experience in development technical documentation with regard to online educational platforms would be an asset;
 - (b) developing technical assignments for frontend / backend developers / other web developers / IT specialists;
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible tenderers.

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.

³ 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.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons and private entrepreneurs only (scanned copy of originals in Ukrainian and/or English);
- List of and links to websites/ online platforms/ applications to download etc. with substantial description of tenderer's role in it, including the methodology used to ensure the quality of implementation/production process and final products;
- Reference letters would be an asset.

All documents shall be submitted in English, except registration documents for legal persons and private entrepreneurs which can also be submitted in Ukrainian, 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.