

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



### Purchase of office IT equipment for the National TV and Radio broadcasting Council of Ukraine

#### Contract N° 8865/2022/01

The Council of Europe is currently implementing its Immediate Action Package "Support to Safety of Journalists, Media, and of Access to Information", including communication strategy for Prosecutor General's Office in Ukraine (the Project) aiming to support the Ukrainian media community in addressing current needs and consequences of the Russian aggression and war in Ukraine. It is implemented in the framework of Priority adjustment to the Council of Europe Action Plan for Ukraine 2018-2022.

In that context, the Project is looking for a Provider to purchase office IT equipment for the Ukrainian audiovisual regulator – National Council on Television and Radio Broadcasting of Ukraine for the proper implementation of its functions during the times of conflict (the deliverables described in greater detail in the Technical Specifications (See Appendix I).

#### 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 € 55,000 tax exclusive.**

This specific tender procedure aims at concluding a **one-off contract** for the provision of deliverables described in the Technical Specifications (See Appendix I). 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 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 – 8865/2022/01**. 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 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 – 8865/2022/01.**

|   |  |
|---|--|
| Type of contract ►                          | One-off contract   |
| Duration ►                                  | Until complete execution of the obligations of the parties (see Article 2 of the Contract) |
| Deadline for submission of tenders/offers ► | <b>16 August 2022</b>  |
| Email for submission of tenders/offers ►    | <a href="mailto:DG1.FoE.Ukraine@coe.int">DG1.FoE.Ukraine@coe.int</a>                       |
| Email for questions ►                       | <a href="mailto:DG1.FoE.Ukraine@coe.int">DG1.FoE.Ukraine@coe.int</a>                       |
| Expected starting date of execution ►       | 25 August 2022   |

<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 the Technical Specifications (See Appendix I).

## C. FEES

All tenderers are invited to submit a **quote (proforma invoice)**, on their letterhead, indicating their fees.

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 Euros**, tax exclusive);
- the total amount per type of deliverables (in **Euros**, tax exclusive);
- the total amount (in **Euros**), 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.

Payment of the Provider's fees will be divided in accordance with the following:

- 30% of advance payment within 60 calendar days as from the day of the last signature of the Contract.
- 70%: within 60 calendar days upon acceptance of the final deliverables by the Council and the Recipient and on presentation of an invoice in Euros.

## D. ASSESSMENT

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

(by signing the Declaration of Agreement (Appendix IV), you declare on your honour not being in any of the below situations).<sup>2</sup> 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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.

### *Eligibility criteria*

- At least 3 years of experience in provision of services related to purchase of office IT equipment;
- Being legally registered to provide requested services (for legal entities and private entrepreneurs);

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<sup>2</sup> 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).

- Correspondence with the minimum technical characteristics provided in the Technical Specifications (See Appendix I).

*Award criteria*

- Quality of the offer (50%), including offered equipment quality and foreseen deadlines for the provision of services in accordance with the Technical Specifications (See Appendix I).
- Financial offer (50%).

Multiple tendering is not authorised.

#### 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 Contract <sup>3</sup> (Appendix II);**
- **A completed and signed copy of the Declaration of Agreement (Appendix IV);**
- **A quote, describing their financial offer**, in line with the requirements of Section C of the Tender File (see above);
- **For legal persons and private entrepreneurs:** Registration documents;
- Completed in English and signed Tender proposal in the form of official letter that contains the following sections:
  - Brief description of the main registration information of the Tenderer;
  - Brief description of the Tenderer's at least 3 years' experience of provision of services similar to the ones requested in this Tender File;
  - Description of the proposed IT equipment, including the brand name and its serial number);
  - Deadlines for the equipment delivery.
- Bank certificate.

**All documents shall be submitted in English with only exception to the registration documents and bank certificate, 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 Contract must be completed, signed, scanned in its entirety (i.e. including all the pages). The scanned Contract 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.