

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of translation services of Azerbaijani-Georgian, Georgian-Azerbaijani, Armenian-Georgian and Georgian-Armenian languages



Contract N° 8547/18012022

The Council of Europe is currently implementing the cooperation project "Fight against discrimination, hate crimes and hate speech in Georgia". The project aims to contribute to ensuring that the legal framework is in place and institutions and key stakeholders implement policies tackling discrimination, racism, and hate speech in Georgia, and increase public awareness and appreciation for the laws' contribution towards democracy, human rights, peace and prosperity in Georgian society. In that context, it is looking for Provider(s) for the provision of translation services of Azerbaijani-Georgian, Georgian-Azerbaijani, Armenian-Georgian and Georgian-Armenian languages 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, 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 – Translation services.** 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 3 (three) 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 – Translation services**

Type of contract ▶	Framework contract
Duration ▶	Until 28 February 2022
Deadline for submission of tenders/offers ▶	31 January 2022
Email for submission of tenders/offers ▶	antidiscrimination.georgia@coe.int
Email for questions ▶	antidiscrimination.georgia@coe.int
Expected starting date of execution ▶	04 February 2022

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](#).

EXPECTED DELIVERABLES

Background of the Project

The Council of Europe is implementing the cooperation project "Fight against discrimination, hate crimes and hate speech in Georgia" which aims to provide expertise, build competences, advocate and raise awareness among policy makers, legal and law enforcement agencies and civil society organisations to enable them to:

- fully align national legislation and bylaws on anti-discrimination, hate crimes and hate speech and monitoring mechanism (in particular ECtHR, ECRI and FCNM) in accordance with European standards;
- ensure its effective implementation;
- increase public appreciation for the laws' contribution towards democracy, human rights, peace and prosperity in Georgian society.

The Council of Europe is looking for 6 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on translation services of Azerbaijani-Georgian, Georgian-Azerbaijani, Armenian-Georgian and Georgian-Armenian languages.

This Contract is currently estimated to cover up to higher or lower number of activities, depending on the evolving needs of the Organisation to be held by 28 February 2022. 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 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.

Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Translate reports, documents, laws, handbooks and other materials from Georgian to Azerbaijani language and from Azerbaijani to Georgian language	3
Lot 2: Translate reports, documents, laws, handbooks and other materials from Georgian to Armenian language and from Armenian to Georgian language	3

Lot 1 concerns translation of reports, documents and handbooks and other materials from Georgian to Azerbaijani language and from Azerbaijani to Georgian language

Lot 2 concerns translation of reports, documents and handbooks and other materials from Georgian to Armenian language and from Armenian to Georgian language

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

Quality Requirements

The translations delivered must be of such a quality that they can be used as they stand, upon delivery, without any further revision, review and/or correction by the Council. To this end, the Provider shall thoroughly revise and review in its entirety each translation produced.

The Provider must ensure, inter alia, that:

- The translated text is complete (no omissions or additions are permitted);
- The translated text is a faithful, accurate and consistent rendering of the source text;
- References to documents already published have been checked and quoted correctly;
- The terminology and lexis used are consistent throughout the translated text and with any relevant reference material;
- Sufficient attention has been paid to the clarity and register of the translated text;
- The translated text contains no syntactical, spelling, punctuation, typographical or other grammatical errors;
- The formatting of the source text has been maintained (including codes and tags if applicable);
- Any specific instructions given by the Council – whenever this is the case – are followed and the agreed deadline is scrupulously respected.

Provider's remarks on terminology, source text content or any other translation issue arising are appreciated. They are to be submitted in a separate file together with the translated text.

B. 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 C below) the number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

C. 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 for the relevant lot 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);

² It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

- 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 .

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.

D. 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 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.

Eligibility criteria

- Being a **registered company** or **freelance translator**;
- **When a tenderer is a legal person:** Being able, as a Provider⁴, to demonstrate **5 (five) years⁵ of experience** of providing translation services to international organisations or national public administrations or institutions

When the tenderer is a natural person: Being able to demonstrate **5 (five) years⁶ of experience** of providing translation services to international organisations or national public administrations or institutions

Award criteria

- Quality of the offer (70%), including:
 - Qualifications and experience of the translators proposed in international or institutional context - 35%
 - Qualifications and experience of legal translation, qualifications in law would be an asset - 35%
- Financial offer (30%).

³ 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.

⁴ The experience of a tenderer's employee(s) cannot be taken into account for the tenderer's experience required in the eligibility criteria. Only the experience of the Provider itself will be taken into account.

⁵ Translation experience quoted in "words" in contracts or reference letters must be converted into "standard pages" as described under "Definitions"; 1,000 standard pages shall count as one year of experience as an employed translator/reviser/reviewer.

⁶ *Ibid.*

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

- A completed and signed copy of the **Act of Engagement**⁷ (See attached);
- Brief information (500 words max) highlighting the most relevant expertise regarding tender call;
- Translation of the one paragraph example in Georgian provided with this tender into Armenian or Azerbaijani (pending the lot selected);
- 2 (two) referees' contact details (contacts including phone number and e-mail address);
- In case of a freelance translator, a detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- In case of the registered company, a detailed CVs of all translators proposed for the service;
- Registration documents, for legal persons only.

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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⁷ 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.