

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



Purchase of book publishing services, namely designing, proofreading, printing, developing of an electronic version with hyperlinks and delivering of the publication

Contract N° 8785/2021/3

The Council of Europe is currently implementing the Project "Ensuring the effective implementation of the right to a fair trial (Article 6 of the ECHR) in Ukraine" (the Project), which assists the Ukrainian authorities in providing accessible, full and effective justice through the execution of judgments of the European Court of Human Rights in which violations of Article 6 of the European Convention on Human Rights are established. The Project started in September 2021 and will continue until December 2022.

In that context, it is looking for a Provider for the provision of book publishing services including designing, proofreading, printing, developing of electronic version with hyperlinks and delivering of the publication (see Section A of the Act of Engagement).

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 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 **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 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 – 8785/2021/3 Publishing 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 Council of Europe 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 - Tender – 8785/2021/3 Publishing services***.

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 ▶	16 December 2021
Email for submission of tenders/offers ▶	Olha.BAIBORODOVA@coe.int
Email for questions ▶	Olha.BAIBORODOVA@coe.int
Expected starting date of execution ▶	22 December 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

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

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

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D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,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.

Eligibility criteria

- Minimum 3 years of experience in providing of publishing and printing or similar services;
- The tenderer should be registered as a legal entity under the Ukrainian legislation and should be authorised to provide the services on publishing and other printing production.

Award criteria

- Quality of the offer (40%), including:
 - Human resources allocated to perform the deliverables described in Section A of the Act of Engagement;
 - Technical capacity to meet the deadlines indicated in Section A of the Act of Engagement.
- Financial offer (60%).

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 Act of Engagement³ (see attached)**
- Registration documents, for legal persons and private entrepreneurs (**Registration documents (scanned copies of registration documents certifying the type of economic activity of the tenderer) with short summary in English**);
- **Brief description of the company's experience in provision of the publishing services;**

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.

³ The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.

- CVs / description of experience of the allocated persons in provision of the services under the Contract;
- Description and/or photo(s) of the technical equipment and tools to be used for performing the contract.

All documents shall be submitted in English, except for registration documents (to be submitted in Ukrainian with short summary 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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