



CALL FOR TENDERS

PROVISION OF SERVICES FOR THE DEVELOPMENT OF AUTOMATED SYSTEM FOR THE NATIONAL PREVENTIVE MECHANISM

2023/AO/94

Object of the procurement procedure ►	DEVELOPMENT OF AUTOMATED SYSTEM FOR THE NATIONAL PREVENTIVE MECHANISM
Project ►	VC 3069 "Supporting Implementation of the European Human Rights Standards in Ukraine" BH 8884; PMM ID 3063
Organisation and buying entity ►	Council of Europe Office in Ukraine Council of Europe Project "Supporting Implementation of the European Human Rights Standards in Ukraine"
Type of contract ►	One-off contract
Duration ►	Until complete execution of the obligations of the parties, within the deadline set (see Deliverables section B below)
Expected starting date ►	17 January 2024
Tender Notice Issuance date ►	05 December 2023
Deadline for tendering ►	26 December 2023 23h59 CET

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- **The Tripartite Contract (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers.

HOW DOES A ONE-OFF CONTRACT WORK?

SELECTION of one qualified Provider through a call for tenders and signature of a One-off contract with the selected Provider.

EXECUTION as from the date of signature of the contract, unless the contract provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **Tripartite Contract** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS

FOR THE PROVISION OF SERVICES FOR THE DEVELOPMENT OF AUTOMATED SYSTEM FOR THE NATIONAL PREVENTIVE MECHANISM

2023/AO/94

A. BACKGROUND

The Council of Europe is currently implementing a Project "Supporting Implementation of the European Human Rights Standards in Ukraine". The Project's general aim is to assist the Ukrainian authorities in implementation of the European human rights standards with a specific focus on strengthening the Ombudspersons' Office operational capacity to protect human rights, to respond to challenges related to the reporting of gross human rights violations, as well as to enhance the role of the National Preventive Mechanism (NPM).

The Project entails the development of Automated System for the NPM (hereinafter – Automated system) to increase efficiency of the NPM monitoring activity, automate internal processes and enhance publicity of the NPM functions. Therefore, it is looking for the Provider with expertise in the development of IT software solutions to create the above-mentioned product in line with the provided Business requirements (See Appendix I).

B. EXPECTED SERVICES

The expected deliverables are described in **the Business requirements** (See Appendix I).

The primary objectives of the Automated system's creation encompass future increase of the efficiency and transparency of the NPM operations by means of efficacious collection, processing, and analysis of data; streamlining of the NPM internal working processes regarding organisation of the monitoring activity as well as ensuring institutional resilience of the NPM.

The automated system aims to serve as a channel for the NPM's communication/interaction with the stakeholders (expert community, human rights organisations, and citizens), offering access to publicly available unified database – the NPM interactive map of places of deprivation of liberty containing information on their location, monitoring visits held, identified violations, and the recommendations provided by the NPM.

Additionally, a significant component of the Automated system involves providing educational resources to increase public awareness about the role and functions of the NPM, results of its activities in preventing human rights violations in places of deprivation of liberty as well as enhancing the capacity of the civil monitors to carry out NPM functions.

It is expected that the potential Provider will demonstrate its track record in similar projects, a strong expertise in custom system development, and the capability to successfully execute the project within the defined timeframe and budget constraints. The Provider is expected to deliver the final product which is aligned with the Business requirements (See Appendix I). Additionally, for the Provider in this project, understanding of the human rights issues and experience working with the public and government institutions is important.

The Provider is expected to cooperate with the Ombudsperson's Office at each stage of the Automated System's creation – technical design and prototyping, development and testing, deployment and configuration, system filling and training of users. The final product will be hosted on the Ombudsperson's Office web platforms and should be integrated with the existing systems used by the Ombudsperson's Office. All the rights and administration access will be transferred to the respective staff of the Ombudsperson's Office. Training of users and support should be foreseen for users who will be operating the system. For more details see the Business requirements (See Appendix 1).

The chosen Provider is expected to deliver the final product – the Automated System for the NPM within the deadline set. The automated system should be developed in line with the Business requirements provided in Appendix 1 and should encompass the following core components:

Deliverables ▼	Deadline for delivery ▼
<u>Closed part of the Automated system:</u> serves only for authorised users for organisation of the NPM activity in part of planning and reporting on the monitoring activity, assessing/tracking implementation of the NPM recommendations, internal coordination of the NPM work. It provides tools for data collection, storage, processing, and analysis, including personal data, and specific information related to various places of deprivation of liberty, results of the NPM monitoring visits, identified violations, recommendations submitted to authorities, etc.	15 July 2024
<u>Public part of the Automated system:</u> an informative website providing information about the NPM activities, an NPM interactive map displaying the list of places of deprivation of liberty and their location, publicly accessible analytics, and means of communication with the NPM.	10 July 2024
<u>Course part of the Automated system:</u> a comprehensive platform for training and certifying monitors and potential monitors to host public and private courses, test assignments for knowledge assessment, as well as a system for certificates' issuing upon successful completion of the training courses.	05 July 2024

The Automated system should be integrated into official website of the Ombudsman of Ukraine. The testing period of the system should be 6 months from the date of final installation and will guarantee the elimination of possible malfunctions and do not foresee development of additional features.

C. FEES

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

Tenderers **subject to VAT** shall also indicate:

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the total amount per type of deliverables (in **Euros**);
- 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.

The Provider can expect to receive an advance payment up to 30 % of the total sum if it will be indicated in the contract – please see 10.1 Fees of Tripartite contract.

D. HOW WILL THIS ONE-OFF CONTRACT WORK?

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out in compliance with the description of deliverables as provided in the Business Requirements (see document attached). The Provider will be responsible for providing any deliverable before the deadline(s) fixed in the table of deliverables (see section B above) and stated in the quota submitted (pro-forma invoice).

E. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)¹

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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- Being a registered company with an appropriate type of economic activity;
- At least 5 years of experience in the sphere of digital design solutions, geospatial data and web development precisely for interactive maps creation;

Award criteria

- Quality of the offer (70%), including:
 - Knowledge and qualification of the team designated to work on the digital product; 25 %
 - Successfully implemented digital products of a similar nature for public authorities; Demonstration of prior experience of working with the public institutions, including the Ombudsperson Office and international organisations would be of additional asset. 25%
- Technical proposal with solutions and strategies for development of product in line with Business Requirements (see document attached); 20% Financial offer (30%)

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Contract² (Tripartite Contract);**
- **A completed and signed copy of the Declaration of Agreement;**

¹ 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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.

² The Contract must be completed, signed and 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.

- A **quote**, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- **Technical Proposal** with the solutions and strategies for the product creation developed in line with the Business Requirements (see document attached);
- **Registration documents** for legal persons, together with a list of owners and executive officers;
- **List of the team members, including their CVs, who will be engaged in the project;**
- **A file/link demonstrating company (experience, capacity, clients), portfolio with prior successful experience delivering a similar task with clients' contacts for further reference.**

Contract, Declaration of agreement, quote (pro forma invoice) and Technical Proposal shall be submitted in English. Registration documents can be submitted either in English/Ukrainian/other language of the country of registration. 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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PART II – TENDER RULES

CALL FOR TENDERS FOR THE PROVISION OF SERVICES FOR THE DEVELOPMENT OF AUTOMATED SYSTEM FOR THE NATIONAL PREVENTIVE MECHANISM 2023/AO/94

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate general Human Rights and Rule of Law (DGI)

Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.³

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 180 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the one-off contract is set out in Article 2 in the Tripartite contract.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- Tripartite contract, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be a legal person except consortia.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: dgi-coordination@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023AO94** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **26 December 2023** by 23:59 CET.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

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

* * *

³ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **A completed and signed copy of the Contract⁴ (Tripartite Contract);**
 - A completed and signed copy of the **Declaration of Agreement;**
 - A **quote**, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
 - **Technical Proposal** with the solutions and strategies for the product creation developed in line with the Business Requirements (see document attached);
 - **Registration documents** for legal persons, list of owners and executive officers;
 - **List of the team members, including their CVs, who will be engaged in the project;**
 - **A file/link demonstrating company (experience, capacity, clients), portfolio with prior successful experience delivering a similar task with clients' contacts for further reference.**
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2) HOW TO SEND TENDERS?

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