

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



## Purchase of the services on website support and maintenance, frontend and backend design for the online awareness-raising platform "CEC: prosvita"

### **Contract N° 8696/2021/20**

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: prosvita" online Platform](#)") in September 2020. In that context, it is looking for a Provider for the provision of services on website support and maintenance, frontend and backend design to maintain further functioning and development of the CEC online Platform 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 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 **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 - SUPPORT\_ONLINE\_PLATFORM.** 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 - SUPPORT\_ONLINE\_PLATFORM.**

<b>Type of contract ▶</b>	Framework contract
<b>Duration ▶</b>	Until 31 December 2021
<b>Deadline for submission of tenders/offers ▶</b>	<b>28 July 2021</b>
<b>Email for submission of tenders/offers ▶</b>	<b>REPU@coe.int</b>
<b>Email for questions ▶</b>	<b>REPU@coe.int</b>
<b>Expected starting date of execution ▶</b>	28 July 2021

<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

### Background of the Project

Within the framework of the Council of Europe Action Plan for Ukraine 2018 - 2022, the Council of Europe is implementing the 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 organization of electoral process and electoral cooperation due to modernized 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 "CEC: prosvita" available upon the link <https://www.cvkpro.com/en>. In that context, it is looking for a Provider for the provision of services on website support and maintenance, frontend and backend design to maintain further functioning and development of the "CEC: prosvita" online Platform to be requested by the Council on an as needed basis.

The Council of Europe is looking for a maximum of 15 providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on website support, frontend and backend design.

This Contract is currently estimated to cover up 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.

### 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: Frontend design services related to the development and maintenance of the "CEC: prosvita" online Platform	5
Lot 2: Backend design services related to the development and maintenance of the "CEC: prosvita" online Platform	5
Lot 3: Website support of the "CEC: prosvita" online Platform (daily backups, system upgrades, security protection)	5

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:

Under Lot 1:

- creating user-friendly, intuitive and simple to operate online Platform;
- maintaining and improving the Platform;
- designing cross platform UI;
- collaborating with other developers;
- writing documentation, tutorials and guidelines;
- creating quality mockups and prototypes;

- ensuring high quality graphic standards and brand consistency;
- working with cloud infrastructure
- content management system development, deployment, and maintenance;
- API integration;
- maintaining and improving the Platform;
- ensuring security and user data protection;
- reporting – generating analytics and statistics;
- compiling and analyzing data, processes, and codes to troubleshoot problems and identify areas for improvement;
- developing ideas for new implementations, or features by monitoring industry developments and trends;
- working with version control systems;

Under Lot 2:

- cloud infrastructure maintenance;
- errors and issues fixes;
- working with web server technologies, cloud computing integration, server-side programming languages;
- security issues monitoring;
- reporting – generating analytics and statistics;
- backup and restore technologies for a website's files and databases;
- compiling and analyzing data, processes, and codes to troubleshoot problems and identify areas for improvement;
- collaborating with the other developers and other teams to establish objectives and design more functional, cohesive solutions to enhance the user experience;
- developing ideas for new implementations or features by monitoring industry developments and trends;
- setting cloud services and server applications to monitor and support portal;
- working and managing version control systems like GitHub;
- writing tutorials and guidelines;

Under Lot 3:

- access management;
- working with cloud infrastructure;
- database management;
- backups setup;
- security and system health monitoring;
- server and client side issue solving.

The above list and the services included in Appendix 1 to the Act of Engagement are 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 for the lot concerned.

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

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

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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.

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 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 quote<sup>2</sup> (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 .

#### **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)<sup>3</sup>

Tenderers shall be excluded from participating in the tender procedure if they:

<sup>2</sup> 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.

<sup>3</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.

- 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*

- Excellent command of English (English knowledge level must be at least C1 of the Common European Framework of Reference for Languages or full professional proficiency) - for natural person or at least 1 representative of legal person or consortium;
- at least 3 years experience in frontend and/or backend development and/or at least 2 years experience working with cloud service providers like AWS, as well as respective previous work experience in Ukraine;
- For each Lot applied to, proven success in the realisation of at least two contracts or projects within the last three years related to the relevant services for each Lot as listed in Section B of this Tender File and in Appendix 1 to the Act of Engagement under the heading scope of the framework contract.

#### *Award criteria*

##### **For Lot 1:**

Quality of the offer (60%), including:

- (30%) professional portfolio and relevance of the tenderer's previous experience in the field of frontend development, previous experience in frontend development of online educational platforms would be an asset;
  - (30%) technical proposal (technical resources, human resources (proposed staff – for legal persons only) to be assigned to provide the requested services in full; methods of undertaking the work.
- Financial offer (40%).

##### **For Lot 2:**

Quality of the offer (60%), including:

- (30%) professional portfolio and relevance of the tenderer's previous experience in the field of backend development, previous experience in back end development of online educational platforms would be an asset;
  - (30%) technical proposal (technical resources, human resources (proposed staff – for legal persons only) to be assigned to provide the requested services in full; methods of undertaking the work.
- Financial offer (40%).

##### **For Lot 3:**

Quality of the offer (60%), including:

- (30%) professional portfolio and relevance of the tenderer's previous experience in the field of cloud infrastructure management and system monitoring;
  - (30%) technical proposal (technical resources, human resources (proposed staff – for legal persons only) to be assigned to provide the requested services in full; methods of undertaking the work.
- Financial offer (40%).

For Consultancy ONLY: 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.

## G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the Act of Engagement (See attached);
- For tenderers subject to VAT only: a quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- For legal persons only: Registration documents (scanned copy of originals in Ukrainian and/or English);
- For natural persons, including private entrepreneurs, only: A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A detailed professional portfolio in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- List of and links to websites/ online platforms/ applications to download etc. previously developed by the tenderer (frontend development / backend development);
- At least two references from previously satisfactory delivered services (within the last three years);
- Technical proposal to undertake the work (including description of technical resources; human resources – for legal persons only (particularly, CVs, preferably in Europass Format, of the suggested personal to be involved in the activity) to be assigned for the provision of the requested services in full, demonstrating that the tenderer is able to provide the service according to the requirements described in Appendix I to the Act of Engagement – Technical description of the services to be provided (see attached); proposed methods of undertaking the work.

**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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