

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Purchase of national consultancy services Contract N° 8714/2020/04



The Council of Europe (the CoE or the Council) is currently implementing and until 31 December 2021 will implement a Project "Supporting Institutions to Combat Ill-Treatment in Ukraine". In that context, it is looking for a Provider for the provision of IT services to set up a distance learning system for the State Bureau of Investigation (SBI) within the scope of the Framework Contract as indicated below 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, or a duly registered company under sole proprietorship of a natural person, or a legal person (except consortia), provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity and is the owner of the moral rights in any creations of the entity. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject:**

**"BH8714\_Contract\_8714/2020/04\_National consultancy 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 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: "BH8714\_Contract\_8714/2020/04\_National consultancy services /Questions".**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2020
Deadline for submission of tenders/offers ▶	<b>15 September 2020</b>
Email for submission of tenders/offers ▶	<b>DGI-HRImplementation@coe.int</b>
Email for questions ▶	DGI-HRImplementation@coe.int
Expected starting date of execution ▶	25 September 2020

<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

The Council of Europe Project "Supporting Institutions to Combat Ill-Treatment in Ukraine" (the Project) is pursuing the objective of supporting institutional development of the SBI to ensure effective ill-treatment combatting. The Project is providing support to the SBI within the following areas:

- 1) Strengthening the capacity of SBI staff to effectively investigate ill-treatment and other human rights violations as well as develop its gender competencies
- 2) Strengthening of SBI internal system through providing advice on functional effectiveness and regional coordination
- 3) Bringing SBI staff selection and training systems closer to European standards

Within the framework of support to be provided by the Project for the set-up of SBI initial and in-service training system, among other initiatives, it is planned to equip SBI with the system of online distance learning, institutionalize it and further fill with respective educational content. Having conducted SBI needs assessment for respective distance education software and assessment of equivalent software used for the same purposes by other law-enforcement agencies, **it is recommended to install Moodle software as a platform for the system**. For this, the Project seeks individual consultants or a consulting company that shall be able to provide services as described below.

The Council of Europe is looking for one (1) Provider (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on provision of IT services for set up of a distance learning system for the State Bureau of Investigation (SBI).

This Contract is currently estimated to cover up provision of IT services for set up of a distance learning system for the State Bureau of Investigation (SBI) to be held by December 31<sup>st</sup>, 2020. 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 700,000.00 Euros and the total amount of the object of present tender **shall not exceed 10000 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.

### 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) and below:

#### **IT support to set up distance learning system for the SBI**

Install and adjust to the technical potential of the SBI Moodle software, ensuring the following necessary criteria/functionality options are available:

##### **1. Background**

**Distance learning (DL)** is a set of technologies that provide the user with access to the subject matter of their studies, provide them with an opportunity to master the subject matter independently, as well as allow for interactive communication within the learning process.

**Distance learning system (DLS)** is any educational management system that is used to develop, manage and disseminate educational materials online and allows for shared access. Implementing a DLS enables improvement of the quality of learning process through application of modern learning tools. The software to be installed for the DLS will be used to monitor the staff competence level (through regular testing) and for the in-service training of the SBI employees.

##### **2. General information**

The DLS platform shall include an administrative panel, where the administrator would create courses and fill them with content such as texts, support files, presentations, questionnaires, etc. On the students' side, they should be able to use any modern web browser which would enable authorization and provides access to training materials during the learning process. Based on how students perform assignments, the tutor/course trainer shall have a functional possibility to revise the scores, grade students and provide comments.

#### **User roles:**

- administrator
- student
- tutor/trainer

A **course** will be the learning unit. Within the framework of each course, the following options shall be available:

- transmission and maintenance of knowledge in electronic form by means of files, archives, web pages, video-lectures;
- assessment of knowledge level and learning quality by means of tests and assignments. Students can deliver results of their work via automated tests;

### **3. User interface requirements**

To support users as they learn, the DLS shall include the following elements:

An **identification unit** that allows the visitor to unambiguously identify the required resource. It shall display the logo (symbol) of the SBI, its name and brief description.

**Navigation** is an element of the interface that allows the user to navigate the course. It consists of the main menu and the supplementary menu and constitutes a set of hyperlinks.

The **main menu** is a menu item that allows the student to navigate through different courses and other pages of the portal

**Content** is the content of the web site in question. It is a set of textual and graphical information.

A rough scheme is presented in Figure 1.

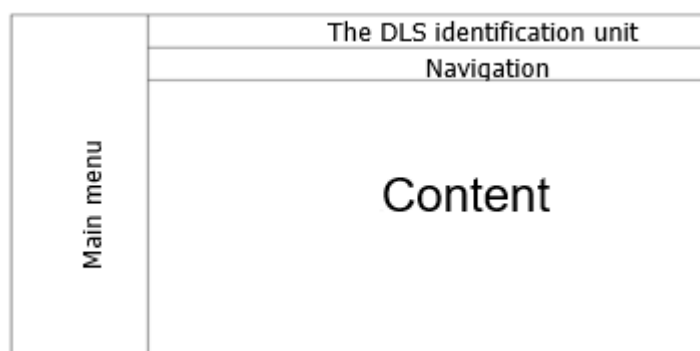


Fig. 1 DLS interface scheme

### **4. System requirements**

#### **a. General**

- Administrator-performed user registration in the system
- Availability of users' logs and activity tracking in the system
- Monitoring of system users
- access 24/7

- Different access rights for individual users
- Data management for courses (availability of groups, duration, learning schedule, etc.)
- Monitoring of the learning schedule
- Reports generation
- Student's electronic portfolio
- Student's personal information
- Electronic certificate and personal progress report card generation

#### **b. User communication channels**

- Asynchronous contact provision (forum)
- Online communication with students (chat)
- Communication with students via e-mail
- Internet conference service

#### **c. Testing**

- Support for questions (multiple choice with one or more correct answers)
- Integration of graphic elements into tests
- Support for questions number and text entry as reply
- Time-limited provision of responses to tests/ assignments
- Capability for controlled retaking of assignments/tests
- Formation of assignments/tests bank that provides randomly selected sets of assignments/tests for specific topics
- Access to test results, including information on the timing and duration of testing sessions for students

#### **d. Course development tools**

- Development of lectures without knowledge of programming languages as well as tests and test assignments
- Possibility to import and export data in SCORM format
- The course and content archiving capability

#### **e. The DLS's technical capabilities**

- The number of active users: up to 2,000
- Warranty/maintenance duration: six months
- Adaptation of modules and appearance to the customer's needs.

#### **f. Protection and security**

The system must be protected from various threats, spam and hacker attacks. First of all, the platform must be a closed system. That is, the administrator must be the only user authorized to register new accounts/students for the course.

Additional security parameters in the administrative panel:

- the web site content and courses may only be viewed by authorized users
  - the login protection capability (the system does not offer any tips when recovering the password)
  - restrictions on the volume of files being uploaded by users
  - user-uploaded texts to be automatically checked for dangerous scripts
- The administrator sets the password complexity (the settings include the minimum number of lowercase and uppercase letters, presence of special symbols, and total length of the password)

### **5. Work to be delivered (as per Units, indicated in Act of Engagement):**

- 1) installation of the Moodle software and its adaptation to the SBI's needs and technical capabilities;**
- 2) testing of the software once installed;**

### **3) provision of technical support on any issues that may arise in the process of use of the installed software for at least 6 months from the date of its installation.**

The above list is 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.

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

- The services are provided to the highest professional 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. Tenders proposing fees above the exclusion level indicated in the Table of fees will be entirely and automatically excluded from the tender procedure. Fees shall be indicated in EUR without VAT in one column and with VAT calculated separately in the second column. The Council will indicate on each Order Form (see Section D below) the global fee corresponding to deliverable, calculated on the basis of the unit fee, as agreed by this Contract.

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#### 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, by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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);

<sup>2</sup> It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

- 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:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- 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 or are likely to be in a situation of conflict of interests.

#### *Eligibility criteria*

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

- A university degree in information technologies, programming, computer science or a related relevant field;
- Excellent knowledge of relevant operating systems, software and programming
- At least 4 years of professional experience in the area mentioned in the Units
- Experience acquired in international context would be an asset
- Excellent knowledge of Ukrainian
- For legal persons and private entrepreneurs, being authorized to carry out the respective economic activities

#### *Award criteria*

- Quality of the offer (60%), including minimum requirements stipulated by the terms of reference
- Financial offer (40%).

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**

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<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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 above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (See attached);
- A concise CV (preferably in Europass Format) that would:
  - demonstrate clearly that the tenderer fulfils the eligibility criteria;
  - include brief information (with examples) on accomplishment of similar assignments as stipulated by the Units in the last 3 years
  - contact information of 2 referees (full name, company/organisation, position, e-mail address and phone)
- Registration documents (*for legal persons and private entrepreneurs only*);
- A list of all owners and executive officers (*for legal persons only*);
- Description of the proposed team (CVs of professional team members/consultants expected to work on the assignments within the Units applied) (*for legal persons only*);

**All documents shall be submitted in English (except for registration documents, that can be submitted in Ukrainian with brief translation into English of company name, registration date, type of economic activity that can be legally provided), 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>4</sup> 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.