

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



Purchase of IT equipment (server and supporting elements) for the Security Service of Ukraine *Contract N° 9137/2023/18*

The Council of Europe is currently implementing the Project "Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period" (the Project). The Project objective is to assist the Ukrainian law enforcement agencies to create the necessary preconditions to better implement standards and apply practices that strengthen effectiveness of investigations of human rights violations, including in the context of the ongoing war.

One of the Project outcomes is strengthening the capacity of beneficiaries to align relevant regulatory, institutional, strategic, and practical frameworks closer with the Council of Europe standards. One of Project's beneficiaries is the Security Service of Ukraine (SSU). Within the framework of support to be provided by the Project, IT equipment is required for effective functioning of the SSU online in-service staff training portal.

In that context, the Project is looking for a Provider for the provision of IT equipment – server and other supporting elements (see Section A of the Act of Engagement).

The National Academy of the Security Service of Ukraine will be the final recipient of the equipment purchased under the contract (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 €6,000 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 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 - IT equipment for the SSU".** 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 - IT equipment for the SSU".**

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 ▶	21 September 2023
Email for submission of tenders/offers ▶	dgi-coordination@coe.int
Email for questions ▶	dgi-coordination@coe.int
Expected starting date of execution ▶	01 October 2023

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).

By submitting an offer in the framework of the present Call for Tenders, the Tenderer acknowledges that the persons involved in the implementation of the contract will be exposed to an increased risk of death and injury due to the ongoing war against Ukraine. The Tenderer also acknowledges that, if selected, it will carry out the implementation of the contract at its own risk. The Tenderer confirms in addition that, if selected, it will perform systematic security assessments before implementing any activity related to the implementation of the contract. The Tenderer acknowledges that the Council of Europe does not assume any liability for the death, any injury or any damage that the Provider or persons involved in the implementation of the contract may sustain in Ukraine.

C. FEES

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

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

Eligibility criteria

- to be an officially registered entity authorized to carry out respective economic activity
- to have previously delivered similar services during at least 5 (five) financial years.

Award criteria

- Quality of the offer (60%) responding to technical characteristics and compliance with technical specification requirements (as indicated in Section A of the Act of Engagement), time of delivery after contract signature as a crucial quality element, point of delivery, warranty period, etc.
- Financial offer (40%).

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:

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.

- **A completed and signed copy of the Act of Engagement³ (see attached)**
- Registration documents.
- Company CV attesting previous track of activities on the market. It is preferable that the company CV includes contact details of two private sector or state entities that can be used for obtaining reference on the quality of services previously delivered for them by the bidder.

All documents shall be submitted in English. Registration documents can be submitted in Ukrainian. 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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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.