

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of IT services for extension of the Case Management System of the Montenegrin Police Directorate – Department for Prevention of Money Laundering and Terrorist Financing, in the framework of the Joint EU/CoE Horizontal Facility Programme for the Western Balkans and Türkiye – Phase III “Action against Economic Crime in Montenegro”. [Contract N° ECCD-HF III-AEC-MNE-IT-FIU-01-2024]

The Council of Europe is currently implementing from January 2023 to December 2026, the Action against Economic Crime in Montenegro, within the framework of the joint EU/Council of Europe Horizontal Facility Programme for the Western Balkans and Türkiye.

During its second phase of implementation, (2019-2022), the Action supported all stages of the Case Management System development for the FIU, which was completed in October 2021. It has significantly reduced the time needed for collection of data on investigated subjects from different databases, including information from police and records, border crossings, and company ownership. The System allows for this information to be collected more efficiently and in support of the effectiveness of the FIU. One of the key features of the system enables quick filtering of financial transactions from bank statements, based on a variety of parameter, which facilitates analytical processing and greatly contributes to the accuracy of analyses.

In order to include Designated Non-Financial Businesses and Professions (DNFBPs) as obliged entities according to the Law on Prevention of Money Laundering and Terrorist Financing, in the automated risk profiling process, the FIU's Case Management System needs to be upgraded to incorporate additional features and functionalities.

In that context, it is looking for a Provider for the provision of IT services for the extension of the FIU's Case Management System, which aims to incorporate additional modules that facilitate data collection and analysis of the money laundering risks associated with Designated Non-Financial Businesses and Professions (e.g., accounting, bookkeeping, auditing, gambling sector, etc.). The requirements related to specific modules are described in greater details in the Appendix 1 – Technical Specifications.

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 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 Business and Technical Requirements. A tender is considered valid for 180 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 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: AEC-MNE-IT services for the extension of the FIU Case Management System.** 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: AEC-MNE-IT services for the extension of the FIU Case Management System.**

Type of contract ► One-off contract

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](#).

Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Contract)
Deadline for submission of tenders/offers ▶	17:00 CET 20 September 2024
Email for submission of tenders/offers ▶	contact.econcrime@coe.int
Email for questions ▶	contact.econcrime@coe.int
Expected starting date of execution ▶	05 October 2024

B. EXPECTED DELIVERABLES

The expected deliverables are described in **the Technical Specifications** (See document attached).

C. FEES

All tenderers are invited to submit a **quote (proforma invoice)**, on their letterhead, indicating their fees, according to the **Table of Fees in the Annex 1 of the Appendix 1 - Technical Specifications**.

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

- the Service Provider's name and address;
- its VAT number;
- the full list of services;
- the fee per type of deliverables (in **Euros**, tax exclusive);
- the total amount per type of deliverables (in **Euros**, tax exclusive);
- 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 bidder understands and agrees that the fees proposed shall include the full assignment of all intellectual property rights related to the deliverables.

Tenders proposing fees above the exclusion level indicated in the Table of fees (Annex 1 of Appendix 1 – Technical Specification) will be **entirely and automatically** excluded from the tender procedure.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the contract and the **Declaration of Agreement**, you declare on your honour not being in any of the below situations).²

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;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
- are or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu).

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;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

Eligibility criteria

- Company/Legal entity registered in Montenegro;
- At least 3 (three) years of proven experience as a legal entity in design and developing similar information systems for state institutions or private sector.
- At least 3 (three) references for successful implementation of relevant projects in the 5 previous years;
- The employees assigned to the execution of the contract should include at least the following:
 - At least 1 (one) staff member that will act as Project Manager
 - At least 2 (two) developers with the relevant experience on C#, .NET.
- Awareness of the legislative and institutional framework in Montenegro regarding the rule of law area and/or registers maintained by the authorities will be considered an advantage.

Award criteria

- Quality of the offer (70%), including:
 - Quality of the technical offer (40%), including the capacity to meet the Council's contractual requirements.
 - Relevant experience in similar assignments (30%).
- Financial offer (30%).

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 **Contract (see document attached)**³;
- A **completed** and **signed** copy of the **Declaration of Agreement (see document attached)**;
- A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above);
- Registration documents for legal persons;
- A list of all owners and executive officers, for legal persons only;
- Document certifying that owners and executive officers of the Service Provider have not been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- 3 reference letters demonstrating successful implementation of relevant projects in the 5 previous years, containing contacts of referees;
- CVs of all persons assigned to the execution of the contract;
- **Project description/Technical document** which contains the following sections:
 - **Cover Page** (including the following information): Name of the applying company/organisation; Name of responsible official from applicant's organization; Address, phone, email; Account information where payment could be made.
 - **Organisational Description** (maximum three pages): This section shall provide a brief history of organisation, current status of ownership (privately held, publicly held, etc.), legal registration information, staffing structure, staff credentials, relevant ICT projects implemented, name and contact information of other current and/or previous funder(s). It should also emphasise experience of similar work and include 3 references of implementation of similar projects;
 - **Detailed implementation methodology** of implementation and a detailed plan for the extension of the FIU's Case Management System, defining the concrete actions for its implementation: concept should be in line with Technical Specifications. The providers are invited to offer a plan for the implementation realisation of the software solution in phases, according to the following phases: inception report; analysis; design; software solution development; implementation of production environment; implementation of testing environment; testing of software solution; producing the as-built documentation, project

³ 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.

- documentation and user instructions; completed training of FIU staff and key system users as well as establishment of production environment (as stipulated in the Appendix I - Technical Specifications);
- Detailed timeframe for the project implementation, which should not exceed 180 calendar days.
 - Acceptance of requirements by filling the Table 1 of the Section 2.6.1. of the Appendix 1- Technical Specifications (List of main Requirements) and Table 2-Annex 1 (Table of Fees)

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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