**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of** **production, editing, printing and design services in relation to the project “Combating discrimination, hate speech and hate crimes in the Republic of Moldova”**

**Contract N° DAD - ADD/BH 4962/2023/16**

The Council of Europe is implementing, until 28 February 2026 a Project on “Combating discrimination, hate speech and hate crimes in the Republic of Moldova”. In that context, it is looking for Providers for the provision of specialized services for production, printing and publishing project communication and visibility materials, to be requested by the Council on an as needed basis.

1. 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[[1]](#footnote-1), 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 **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 – Republic of Moldova - production, printing and publishing services- 2023.** 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 five (5) 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 – Republic of Moldova - production, printing and publishing services - 2023.**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 28 February 2026 |
| **Deadline for submission of tenders/offers ►** | **30 October 2023** |
| **Email for submission of tenders/offers ►** | [antidiscrimination.moldova@coe.int](mailto:antidiscrimination.moldova@coe.int) |
| **Email for questions ►** | [antidiscrimination.moldova@coe.int](mailto:antidiscrimination.moldova@coe.int) |
| **Expected starting date of execution ►** | **20 November 2023** |

1. EXPECTED DELIVERABLES

**Background of the Project**

The project “Combating discrimination, hate speech and hate crimes in the Republic of Moldova” is currently implemented by the Council of Europe and is funded by the European Union and the Council of Europe in the framework of their Partnership for Good Governance phase III.

The project seeks in specific to support all stakeholders and partners from PGGII phase, providing more in-depth knowledge to all relevant actors and also stimulating their cooperation and networking towards better responses to discrimination and hatred. As a result of the Project implementation, it is anticipated that:

* The legislative framework to combat discrimination, hate speech and hate crimes in the Republic of Moldova is improved in line with European standards.
* Relevant institutions and non-state stakeholders in the Republic of Moldova are better equipped for fighting against discrimination and hatred and for a better protection of vulnerable groups.
* State institutions and law enforcement bodies have strengthened capacities to react to discrimination and hatred in line with ECRI standards/recommendations and with other European standards.
* The general public in the Republic of Moldova has an increased awareness on the danger of discrimination and on the importance of taking a stand against hatred and discrimination.

The Council of Europe is looking for a maximum of 8 Providers (provided enough tenders meet the criteria indicated below), four per each of foreseen lots (please see below) in order to support the implementation of the project with a particular expertise on production, editing, printing and design services.

This Contract is currently estimated to cover up to 35 activities, to be held from October 2023 to 28 February 2026. 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 560.000 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:** Editing, layout and printing of documents/materials | 4 |
| **Lot 2:** Design and production of visibility materials | 4 |

**Lot 1** concerns editing, layout, and printing of a variety of different awareness raising materials, publications and relevant project documents.

Editing services (in Romanian, English, Russian, other languages as the case may be) include the process of correcting, revising and adapting a text and preparing it for publishing.

Layout services include creating new content or arranging predetermined content, graphics and other information in accordance with the reference documents on communication and visibility and any related updates that may be appear during the given contract term, namely: [Communicating and raising EU visibility: Guidance for external actions (europa.eu)](https://international-partnerships.ec.europa.eu/knowledge-hub/communicating-and-raising-eu-visibility-guidance-external-actions_en), [Joint communication and visibility guidelines to the Financial Framework Partnership Agreement](https://rm.coe.int/CoERMPublicCommonSearchServices/sso/SSODisplayDCTMContent?documentId=0900001680a124a9), and [Council of Europe Visual Identity Graphic Charter](http://rm.coe.int/visual-identity-of-the-council-of-europe-graphic-charter/168071e7f3) and development of layouts based on technical requirement specifications provided by the Council of Europe.

Printing services concern colour and black & white printing of documents/materials for project(s) events and activities.

**Lot 2** concerns the production of visibility materials, such as roll-ups, bags, other visibility materials as coordinated with PGG for project events, etc. and printing in accordance with the PGG Visual Identity Manual and [Council of Europe Visual Identity Graphic Charter](http://rm.coe.int/visual-identity-of-the-council-of-europe-graphic-charter/168071e7f3).

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 provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference).

In terms of the scope of this Framework Contract, it covers production/publication /printing/visibility materials, which are to be produced on the territory of the Republic of Moldova by the project “Combating discrimination, hate speech and hate crimes in the Republic of Moldova”.

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 for the lot concerned.]

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

1. 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.

1. 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 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[[2]](#footnote-2) (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.

1. 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)[[3]](#footnote-3)

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 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

* Being registered as a company for at least 2 years;
* Proven track record of relevant/similar experience with public authorities/institutions and/or international organisations in the last 2 years;

*Award criteria*

* Quality of the offer (70%), including:
* Technical capacity to meet the requirements of the tender file and the capacity to meet the deadlines indicated in the Terms of reference (40%);
* Experience of the tenderer in provision of services requested (30%).
* Financial offer (30%).

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED

* A completed and signed copy of the **Act of Engagement[[4]](#footnote-4)** (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);
* A document certifying the registration of the company (accepted in Romanian);
* A document describing the tenderer’s experience for similar services in the last 2 years with public authorities/institutions and international organisations;
* At least two (2) electronic samples of similar publications produced by the Provider in the last 2 years **(Lot 1)** (also accepted in Romanian);
* At least 3 (three) photos of similar visibility materials produced by the Provider **(Lot 2).**

**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.**

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. 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). [↑](#footnote-ref-3)
4. 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. [↑](#footnote-ref-4)