

TENDER FILE / TERMS OF REFERENCE (Restricted consultation procedure / One-off contract)

Purchase of consultancy services for legal proofreading Contract N° 8423/2019/286

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe Project "Continued Support to the Criminal Justice Reform in Ukraine" (the Project)¹ is implemented from September 2015 to June 2019 under the financial support of the Government of the Kingdom of Denmark. In that context, it is looking for a Provider for the provision of services for legal proofreading. (See Section A of the Act of Engagement).

A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe², 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 **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 natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent*, 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, or *a legal person except consortia*. 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 present Tender File and Act of Engagement.

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 – Legal proofreading CJR Ukraine***. 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 3 (three) 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 – Legal proofreading CJR Ukraine***.

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 ▶	17 March 2019
Email for submission of tenders/offers ▶	DGI-HRImplementation@coe.int
Email for questions ▶	DGI-HRImplementation@coe.int
Expected starting date of execution ▶	21 March 2019

¹ See more on the Project at: <https://www.coe.int/en/web/criminal-justice-reform>

² 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 1333 of 29 June 2011 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).

C. FEES

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

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead 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 .

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,³ 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;
- 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.

CRITERIA FOR NATURAL PERSONS OR DULY REGISTERED COMPANIES UNDER SOLE PROPRIETORSHIP OF A NATURAL PERSON:

Eligibility criteria

- University Degree in law, human rights, political sciences, social sciences, philology studies, or other relevant for the thematic area;
- Professional experience of 4 years or more in the field of legal proofreading and/or translations (English/Ukrainian) including legal proofreading experience;
- Excellent oral and written knowledge of Ukrainian language (mother tongue level);
- Excellent oral and written knowledge of English language.

Award criteria

- Quality of the offer (80%), including:
 - Legal proofreading, writing and/or translation skills;
 - Profound knowledge and experience related to the work with legal texts including the terminology of the European Court of Human Rights case law (both in Ukrainian and English).
- Financial offer (20%).

CRITERIA FOR LEGAL PERSONS

Eligibility criteria

³ 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.

- Professional experience of 4 years or more in the field of legal proofreading and/or translations (English/Ukrainian) including legal proofreading experience.

For all natural persons (individual experts) allocated to the execution of the contract within the Tender submitted by the legal person:

- University Degree in law, human rights, political, social sciences, philology studies, or other relevant for the thematic area;
- Professional experience of 4 years or more in the field of translations and legal proofreading;
- Excellent oral and written knowledge of Ukrainian language (mother tongue level);
- Excellent oral and written knowledge of English language.

Award criteria

- Quality of the offer (80%), including:
 - Legal proofreading, writing and/or translation skills;
 - Profound knowledge and experience related to the work with legal texts including the terminology of the European Court of Human Rights case law (both in Ukrainian and English).
- Financial offer (20%).

If the bid of a legal person is considered eligible, the award criteria shall then be applied both to the Tenderer/legal person and individually to all natural persons (experts) allocated to the execution of the contract within the Tender submitted by the legal person and the assessment shall be carried out cumulatively.

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

E. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit the following documents (to be assessed vs. the eligibility & award criteria mentioned above):

- **A completed and signed copy of the Act of Engagement⁴ (See attached);**
- *Registration documents, for legal persons only;*
- 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 detailed CV (3 pages max.), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria.
- *For legal persons only: 1-page description of the experience of the legal person, and the CV (3 pages max.) of each expert/natural person who shall be allocated to the execution of the contract should be submitted;*
- 3 samples of legal proofreading works from English into Ukraine (in track changes/comments etc.) showing the original text, translated version and proofread text (3 pages/each sample);
- 2 (two) relevant professional reference contacts, of previous employers or clients (name, surname, position, phone number or e-mail).

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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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.