



CALL FOR TENDERS

FOR THE PROVISION OF TECHNICAL PRINTING EQUIPMENT FOR THE STRUCTURES OF THE PUBLIC PROSECUTION SERVICE OF THE REPUBLIC OF MOLDOVA

BH8396/2018/1

Deliverables	Provision of technical printing equipment for the structures of the Public Prosecution Service of the Republic of Moldova
Project	The Council of Europe Project "Support to the Criminal Justice Reform in the Republic of Moldova" funded by the Government of Denmark
Organisation and buying entity	Council of Europe DG1 Directorate General of Human Rights and Rule of Law Directorate of Human Rights Human Rights Policy and Cooperation Department Human Rights National Implementation Division
Type of contract	One-off contract
Duration	Until completion of the obligations of both parties, to be executed by 20 March 2018
Estimated starting date	16 February 2018
Tender Notice Issuance date	26 January 2018
Deadline for tendering:	07 February 2018, 23.59 pm EET

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- **II. The TENDER RULES** 6

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

- **Appendix 1: The ACT OF ENGAGEMENT** is the document formalising the consent of the Parties to be bound by the provisions of the Legal Conditions. It contains:
 - The LEGAL CONDITIONS which will be applicable between the Council of Europe and the selected Provider/s.
 - The TABLE OF FEES indicates the fees applicable throughout the duration of the contract.
 - The model ACT OF ACCEPTANCE to be signed by the selected Provider, the Council and the final beneficiaries of the project, by which the Council will transfer ownership of the equipment purchased and other rights and obligations under this contract to the final beneficiaries.
- **Appendix 2: The BUSINESS REQUIREMENTS**

HOW DOES A ONE-OFF CONTRACT WORK?

- 1) **SELECTION** of tenderers/tenders through a call for tenders and **SIGNATURE OF A CONTRACT** with the selected provider.
- 2) **EXECUTION** as from the date of signature of the contract, unless the contract provides otherwise.

HOW TO SUBMIT A TENDER?

- 1) **READ** the TENDER FILE
- 2) **COMPLETE** the ACT OF ENGAGEMENT (incl. the TABLE OF FEES)
- 3) **COLLECT** the required SUPPORTING DOCUMENTS, as listed in Part I paragraph E below
- 4) **SEND ALL THESE DOCUMENTS** to the Council, in accordance with Article 9 of the TENDER RULES

PART I –TERMS OF REFERENCE

CALL FOR TENDERS

FOR THE PROVISION OF TECHNICAL PRINTING EQUIPMENT FOR THE STRUCTURES OF THE PUBLIC PROSECUTION SERVICE OF THE REPUBLIC OF MOLDOVA

BH8396/2018/01

A. BACKGROUND

The Council of Europe Project “Support to the Criminal Justice Reform in the Republic of Moldova” funded by the Government of Denmark (hereafter referred to as “the Project”) aims at improving the effectiveness of criminal justice system in the Republic of Moldova in line with European standards.

Within one of its specific objectives the Project’s targeted support is channelled to the Moldovan Public Prosecution Service (hereafter referred to as “PPS”) to support the institutional reform of the institution.

The procurement of technical equipment for the PPS needs, with a specific focus on the needs of the General Prosecution Office (hereafter referred to as GPO) and PPS units is part of the Project’s ToR and Work Plan.

Following the PPS reform, the institution underwent institutional and structural changes. The GPO has been substantially restructured with merger of some divisions and creation of new departments and unites. At the same time two new specialised prosecution offices - the Specialised Prosecution Office for Combatting Organised Crime and Special Cases and the Specialised Anticorruption Prosecutor's office, have been created as separate administrative entities within the PPS.

In this regard there is a need to technically reinforce the GPO and newly created specialised prosecution offices. The relevant request with the necessary IT needs for the GPO and specialised prosecution offices has been submitted to the Project by the GPO.

The requested equipment (printing equipment) will be distributed among the General Prosecution Office, the Specialised Prosecution Office for Combatting Organised Crime and Special Cases of the Republic of Moldova, the Specialised Anticorruption Prosecutor's Office.

Thus the Project foresees to procure the equipment listed in the Section A of Appendix 1 Act of Engagement and described in the Business Requirements with the aim of its further transfer of ownership to the final beneficiaries, namely:

- The General Prosecution Office;
- The Specialised Prosecution Office for Combatting Organised Crime and Special Cases of the Republic of Moldova;
- The Specialised Anticorruption Prosecutor's Office.

hereafter referred to as the “Recipients”.

The purchase of this equipment will strengthen technical capacities of the Recipients with a view to contribute to the enhancement of their efficient operation.

This tendering procedure aims at concluding a contract to supply goods with one single provider on a one-off basis, along with services for delivery, installation, and warranty/repair. The contract shall be concluded with the bidder offering the best quality and value for money, provided at least one tenderer has submitted a compliant and satisfactory bid.

The maximum total value of the contract is €30,000.00. This figure is provided for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe.

B. EXPECTED DELIVERABLES

The expected deliverables are listed in **Section A of Appendix 1 (Act of Engagement)**.

The technical specifications of the deliverables are set out in **Appendix 2 (Business Requirements)**.

The Provider shall deliver the equipment defined in section A of the Act of Engagement to the addresses of the Recipients as indicated in that section. The Provider shall also be responsible for the unloading of the goods at the places of delivery and the installation of the goods. The Council will verify that the quality and quantity of the delivered equipment corresponds to the terms, conditions and other requirements of the tender and the contract with the Provider.

The Council will acknowledge in writing the delivery and receipt of the goods and will confirm in writing its acceptance and transfer of ownership to the Recipients.

Delivery dates shall be agreed between the Council and the selected Provider. All goods shall be delivered to the delivery addresses no later than 30 days after signature and entry into force of the Act of Engagement.

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**. Tenders proposing a fee above the exclusion level indicated above.

Tenderers **subject to VAT** shall also send a **quote (Pro Forma invoice)** on their letterhead in line with the requirements of **Section E of the Tender File** (See below).

D. ASSESSMENT OF THE TENDERERS/TENDERS

Exclusion criteria

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.

Eligibility criteria

Tenderers shall demonstrate that they fulfil the following criteria:

- Being registered as a company;
- Proven experience over the last 3 years in supplying, installing and inspecting equipment similar to the required deliverables;
- Having the financial and technical capacity to complete the order to the appropriate standard;
- Certified to carry out the sale, installation, technical servicing and maintenance of printing equipment in Moldova;
- Willing and able to enter into an agreement of warranty, servicing and repair of the equipment as described in the technical specification;

- Being insured or being willing to obtain such insurance in accordance with the Council's requirements (see section E below).

Award criteria

Only the tenders of tenderers who have passed the exclusion and eligibility tests will be assessed against the following award criteria:

- 60% The financial offer; and
- 40% Capacity to meet the requirements of the call, including in particular capacity to supply all equipment required within the deadline for delivery and having the financial and technical capacity to complete the order to the appropriate standard.

E. DOCUMENTS TO BE PROVIDED

All tenderers shall deliver, when submitting their tender:

- **Two** completed and signed copies of the Act of Engagement, including the Table of fees;¹
- A document certifying the registration of the company;
- Details of the specifications of all deliverables, including licensed software, compatibility with operating systems and antivirus programmes;
- Information about the warranty period and conditions for the proposed goods;
- A document describing the company and demonstrating capacity to supply, install, service and maintain printing equipment in the past 3 years;
- A document describing the tenderer's capacity to meet the requirements of the call, including delivery and installation schedules, its financial and technical capacity, and ability to meet the relevant deadlines;
- Profit and loss statement / income statement and/or balance sheet for the last 2 years;
- An insurance certificate²;
- **(For tenderers subject to VAT only) A quote (i.e. a Pro Forma invoice), on the letterhead of the tenderer, in line with the applicable legislation and listing:**
 - the Provider's full name and address;
 - the VAT number of the Provider (if any);
 - the full list of deliverables;
 - the fee per deliverable (in Euros, tax exclusive);
 - the total amount (in Euros, tax exclusive) and;
 - specific payment modalities (if any, e.g. modalities of advance payment).

All documents shall be submitted in English. Incomplete tenders will not be considered.

* * *

¹ By signing the Act of Engagement, tenderers declare that they are not in any of the situations listed in the exclusion criteria (See Act of Engagement – Article 5). 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 above listed requirements are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.

² If you are unable to submit an insurance certificate (business liability insurance) at the time of submitting your tender, you must instead submit a signed document declaring that you will present an insurance certificate if you are informed by the Council that the contract is to be awarded to you. By submitting such a declaration, you accept that the Council of Europe will not sign any contract with you unless such an insurance certificate is submitted within a period of 5 working days following the Council's request for it. If the insurance certificate is not submitted during this period, the Council may decide to award the contract to another tenderer.

PART II – TENDER RULES

CALL FOR TENDERS FOR THE PROVISION OF TECHNICAL PRINTING EQUIPMENT FOR THE STRUCTURES OF THE PUBLIC PROSECUTION SERVICE OF THE REPUBLIC OF MOLDOVA

BH8396/2018/01

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate General of Human Rights and Rule of Law
Human Rights Directorate
Human Rights Policy and Co-operation Department
Human Rights national Implementation Division

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Moscow, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.³

Further details on the project are provided for in the Technical Specifications.

ARTICLE 2 – PLACE OF PERFORMANCE AND FULFILMENT

Unless national legislations prescribe otherwise:

- Deliverables provided exclusively in writing will be considered as performed at the place where the consultant/provider is established;
- Other deliverables will be considered as performed where the event takes place.

ARTICLE 3 – VALIDITY OF THE TENDERS

Tenders are valid for 90 calendar days as from the closing date for their submission.

ARTICLE 4 – DURATION OF THE CONTRACT

The duration of the contract is set out in Article 3 of the Act of Engagement.

ARTICLE 5 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 6 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Call for Tenders (inclusively Part 1: Terms of reference and Part 2: Tender rules);
- An Act of Engagement, including the Legal Conditions of the contract (Appendix 1 to Call for Tenders).
- Business Requirements (Appendix 2 to Call for Tenders)

ARTICLE 7 – LEGAL FORM OF TENDERERS

Only bids from registered companies and their representatives are accepted.

ARTICLE 8 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **three days before the deadline for submissions of tenders**, in English or French, and shall be exclusively sent to the following addresses: nelea.bugaevski@coe.int and lucia.popescu@coe.int.

ARTICLE 9 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe:

- Electronically, only to the following address DGI-HRImplementation@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure.

ARTICLE 10 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **05 February 2018** as evidenced by the e-mail dispatch date.

ARTICLE 11 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1333 of 29 June 2011 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

³ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **Two** completed and signed copies of the Act of Engagement, including the Table of fees;
 - A document certifying the registration of the company;
 - Information about the warranty period and conditions for the proposed goods;
 - The contact details of three relevant referees (current or previous employers or clients): name, surname, title, phone number or e-mail;
 - A document describing the tenderer's capacity to meet the requirements of the call, including its financial and technical capacity, and ability to meet the relevant deadlines.
 - Profit and loss statement / income statement and/or balance sheet for the last 2 years;
 - An insurance certificate⁴;
 - **(For tenderers subject to VAT only) A quote (i.e. a Pro Forma invoice), on the letterhead of the tenderer, in line with the applicable legislation and listing:**
 - the Provider's full name and address;
 - the VAT number of the Provider (if any);
 - the full list of deliverables;
 - the fee per deliverable (in Euros, tax exclusive);
 - the total amount (in Euros, tax exclusive) and;
 - specific payment modalities (if any, e.g. modalities of advance payment).
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2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe:

- Electronically only to the following address DGI-HRImplementation@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is **07 February 2018, 23.59 pm EET** as evidenced by the e-mail dispatch date.

⁴ If you are unable to submit an insurance certificate (business liability insurance) at the time of submitting your tender, you must instead submit a signed document declaring that you will present an insurance certificate if you are informed by the Council that the contract is to be awarded to you. By submitting such a declaration, you accept that the Council of Europe will not sign any contract with you unless such an insurance certificate is submitted within a period of 5 working days following the Council's request for it. If the insurance certificate is not submitted during this period, the Council may decide to award the contract to another tenderer.