**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / One-off contract)**

**Purchase of IT equipment for Cyprus judiciary**

**48/2023\_BH8832**

The Council of Europe is currently implementing a Project “Foster transparency of judicial decisions and enhancing national implementation of the ECHR” (hereinafter: TJENI). In that context, IT tools to support the online publication of the Cyprus Law Reports are being developed. In addition, the TJENI project provides its support to the development and training on Standard Operating Procedures (SOPs) with the aim of securing effective and smooth implementation of the new administrative processes of the new Civil Procedure Rules in Cyprus. To this end, the procurement of the IT equipment will facilitate further these two processes: the tools for online publication of the Cyprus Law Reports and implementation of the new Civil Procedure Rules.

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 **one-off contract** for the provision of deliverables described in the Business and Technical Requirements - Procurement of IT equipment for Cyprus judiciary. 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: Tender – Tools for online publication of Cyprus Law Reports.** 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 – Tools for online publication of Cyprus Law Reports.**

|  |  |
| --- | --- |
| **Type of contract ►** | One-off contract |
| **Duration ►** | Until complete execution of the obligations of the parties (See Article 2 of the Contract) |
| **Deadline for submission of tenders/offers ►** | **24 January 2024** |
| **Email for submission of tenders/offers ►** | [dgi-coordination@coe.int](mailto:dgi-coordination@coe.int) |
| **Email for questions ►** | [dgi-coordination@coe.int](mailto:dgi-coordination@coe.int) |
| **Expected starting date of execution ►** | **05 February 2024** |

1. EXPECTED DELIVERABLES

The expected deliverables are described in **the Business and Technical Requirements** - Procurement of IT equipment for Cyprus judiciary (See document attached).

1. FEES

All tenderers are invited to submit a **quote** (**proforma invoice**), on their letterhead, indicating their fees for the following deliverables.

The supplier will deliver the equipment according to the functional and technical specifications detailed in the Annex I.

|  |  |
| --- | --- |
| **Item** | **Quantity** |
| Business laptops | 31 |
| Multi-function printers (inc. fax) | 3 |
| Printers | 4 |
| Flatbed scanners | 12 |
| Webcams | 10 |

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.

1. 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]](#footnote-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;
* 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*

Bidders shall demonstrate that they fulfil the following criteria:

* Being legally registered to provide requested services (sales and distribution of requested IT equipment)
* At least 3 (three) years of experience in providing similar services (sales and distribution of requester IT equipment)

*Award criteria*

* Quality of the technical offer, supported by technical proposals in line with the Business and Technical Requirements and approach to meet the stipulated requirements (60%)
* Financial offer (40%).

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

Tenderers are invited to submit:

* A **completed** and **signed** copy of the **Contract (see document attached)[[3]](#footnote-3)**;
* A **completed** and **signed** copy of the **Declaration of Agreement (see document attached);**
* Registration documents demonstrating that bidder is registered to provide requested services (sales and distribution of the requested IT equipment);A quote, describing their financial offer, in line with the requirements of section C of the Tender File (see above); A list of all owners and executive officers, for legal persons only;
* Technical proposal demonstrating the bidder’s capacity to fulfil the business and technical requirements;
* Description of the Tenderer’s experience of provision of services (sales and distribution of requested IT equipment) similar to the ones requested in this Tender File;

**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. 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-2)
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. [↑](#footnote-ref-3)