

## TENDER FILE / TERMS OF REFERENCE

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



### Technical assistance in the organisation of the international round table “The role and place of judicial councils in the judicial system and their current models” in co-operation with the High Judicial Council of Republic of Kazakhstan on 24 November 2021 in Nur-Sultan, Kazakhstan.

The Tender is organised in the framework of the Council of Europe and European Union Joint Central Asia Rule of Law Programme. The Programme aims to reinforce human rights, rule of law and democracy in accordance with European and other international standards, based on a demand-driven approach. The Venice Commission is responsible for implementation of the Action three of the Joint Programme: “Promote efficient functioning of state institutions and public administration”.

In that context, it is looking for a provider for organisation of the international round table “The role and place of judicial council in the judicial system and their current models” in co-operation with the High Judicial Council of Republic of Kazakhstan both online and physically in a conference room of a 5-star international chain hotel in Nur-Sultan, Kazakhstan on 24 November 2021 from 14.00 till 18:00 (Nur-Sultan time). The supplier must observe the sanitary measures indicated in the Section A of the Act of Engagement.

#### 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 Europe<sup>1</sup>, 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 a legal person except consortia.

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 file”**. 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 file”**.

|   |   |
|---|---|
| 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 ► | <b>12 October 2021</b>  |
| Email for submission of tenders/offers ►    | <b>Viktoria.meshaykina@coe.int</b>  |
| Email for questions ►                       | Viktoria.meshaykina@coe.int   |

<sup>1</sup> 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](#).

|  |                 |
|--|-----------------|
| <b>Expected starting date of execution</b> | 18 October 2021 |
|--|-----------------|

## 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,<sup>2</sup> 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;
- 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*

- be a legal person except consortia.

### *Award criteria*

- Quality of the offer (20%), including:
  - level of experience in providing similar services Section A of the Act of Engagement.
- Financial offer (80%), including:
  - Total price of the contract,
  - Cancellation policy for accommodation and meals for participants.

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.

<sup>2</sup> 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 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).

**F. DOCUMENTS TO BE PROVIDED**

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement (See attached);**
- **Cancellation policy of the hotel for accommodation and meals for participants** (can be provided as a separate document in the Russian language);
- A list of all owners and executive officers, for legal persons only; (can be provided as a separate document in the Russian language);
- **List of online or hybrid activities organised from 2019 till 2021** (the list can be provided in the Russian language);
- **Signed "Guidelines on meetings/conferences organised outside Council of Europe headquarters during Covid-19 pandemic".**

**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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