

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure/ One-off contract)

Purchase of IT equipment and software, its delivery to the recipient Contract N° 8748/2022/2



The Council of Europe is currently implementing until *31 December 2022* a Project on Internal Displacement in Ukraine: Building Solutions. Phase II, BH 8748 (hereinafter – Project) aims at facilitating the successful integration of internally displaced persons and advancing the human rights protection of conflict-affected people at local level based on gender-sensitive approach and strong engagement of displaced professionals and other conflict-affected population.

In 2021 the Project “Internal Displacement in Ukraine: Building Solutions. Phase II” selected five communities at the local level in Ukraine as partners for the Project's component on promoting better integration of IDPs and the human rights protection of the conflict-affected population. Berdyansk territorial community was among them. The local authorities of the Berdyansk territorial community are currently displaced to Zaporizhzhia because of temporary occupation of Berdyansk by Russian troops. The displaced local authorities administrate the provision of essential support and facilitate the access to services for IDPs from Berdyansk and other temporary occupied communities in Zaporizhzhia region.

Also, the Project is planning to provide technical support to the free legal aid system to ensure better access to legal aid for growing number of IDPs.

In order to strengthen the capacities of displaced local authorities of the Berdyansk territorial community and to facilitate the provision of services and the access to legal aid for IDPs and other conflict affected people, the Project is looking for a Provider for the procurement of the IT equipment and software, its delivery to the recipients.

The address for delivery of equipment for beneficiaries:

- 1) Center of information and humanitarian aid of Berdiansk city administration (Zaporizhzhia).
- 2) Coordinative Center for Legal Aid Provision (Kyiv)

A. TENDER PROCEDURE 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 Europe¹, 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 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 8748/2022/2_Computer hardware.** 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 Council of Europe 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 8748/2022/2.**

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)

¹ 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](#).

Deadline for submission of tenders/offers ▶	25 November 2022
Email for submission of tenders/offers ▶	Internally.Displaced.Persons@coe.int
Email for questions ▶	Internally.Displaced.Persons@coe.int
Expected starting date of execution ▶	29 November 2022

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (see attached).

All deliverables and services should be provided maximum until **16 December 2022**.

C. FEES

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

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,² 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, 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;

Eligibility criteria

- Being a registered company / legal person or private entrepreneur authorised to supply IT equipment and software;
- Having minimum proven 2 years of experience in supplying of similar goods/services;

Award criteria

- Quality of the offer (40%), including:
 - Quality of the IT equipment and software proposed (compliance with technical specification requirements (as indicated in Section A of the Act of Engagement));
 - Timeframe for the delivery of IT equipment;
 - Length of warranty.
- Financial offer (60%).

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.

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (see attached)**

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.

³ The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.

- Registration documents, for company / legal persons or private entrepreneur;
- Annex 1 of the tender file containing:
 - Brief description which proves that provider has relevant experience in the field of providing similar services (at least for 2 years);
 - Title of the proposed IT equipment and link to the product (including information of warranty period);
 - Technical specification of the proposed IT equipment (in the part that is not covered by the minimum technical specification requirements or supersede them, if any);
 - Timeframe of the provision of expected deliverables.

All documents shall be submitted in English. The registration documents may be submitted in Ukrainian. 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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