

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of website maintenance and development services



The Council of Europe is currently implementing and until 31 December 2022 a Project on the online presence of the European Heritage Days joint action. In that context, it is looking for Provider(s) for the provision of maintenance services and further development of the European Heritage Days website to be requested by the Council on an as needed basis.

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 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 **framework 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, a legal person or consortium of natural and/or legal 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: Call 03-2021 - Website Maintenance and Development.** 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 - Call 03-2021**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2022
Deadline for submission of tenders/offers ►	15 December 2021
Email for submission of tenders/offers ►	call-tenders.jep@coe.int
Email for questions ►	call-tenders.jep@coe.int
Expected starting date of execution ►	01 January 2022

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](#).

B. EXPECTED DELIVERABLES

Background of the Project

European Heritage Days is the joint programme of the Council of Europe and the European Commission. Held from August to November each year, around 70 000 events celebrating shared European cultural heritage, take place in 50 different countries, attracting up to 30 million visitors. During this time, doors are opened to numerous monuments and sites, allowing Europe's citizens to enjoy free visits and learn about their shared cultural heritage encouraging them to become actively involved in the safeguard and enhancement of this heritage for present and future generations.

In order to give visibility to these events, a website has been developed and used by thousands of diverse communities around Europe. The website is hosted at the following URL www.europeanheritagedays.com

Currently the website hosts around **200 000 events** out of which 97 540 are archived. Archived content is available to users upon request.

The Council of Europe is looking for a maximum of 3 (three) Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on website development and maintenance.

This Contract is currently estimated to cover up to 2 activities, to be held by 31 December 2022. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total amount of the object of present tender shall not exceed 55,000 Euros tax exclusive for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Maintenance of the Website	1
Lot 2: Further development of the website	2

Lot 1 concerns

Maintenance of the Website

The website has been developed using **DRUPAL** web content management system. The application is to be accessible **98% of time per month minimum**. Investigation and feedback on issues or loss of service is expected within **two working hours, Monday to Friday 09:00-17:00 CET**.

The supplier will be requested to ensure the adaptive and corrective maintenance of the system and to ensure the evolution of the website when requested by the EHD Secretariat. The system should log the main activities performed in the front end and back end of the website to allow a fast diagnostic in case of incidents / bugs.

The back-end technical maintenance shall be carried out by the supplier through a management system which will enable the constant interaction with the European Heritage Days Secretariat.

The EHD team shall be able to track the progress of the problem resolutions at any time and shall have the possibility to refuse the proposed or implemented changes, if they do not meet the initial needs. The supplier shall also be able to **guarantee a manual testing of the application**, in order to identify any possible pre-release issues.

The supplier shall guarantee the confidentiality of the information provided by the EHD team and is prevented from disclosing such information to third parties without the prior written agreement of the European Heritage Days team.

The testing environment must be identical to the production environment.

The testing is performed in a testing environment provided by the supplier, by a pool of selected users / testers following the same test plan / scenario used by the supplier. Once the tests are performed, the Secretariat can accept or reject the delivery. After acceptance and deployment in production, no more testing can be performed on the application. All the dysfunctionalities will be logged as incidents / problems / bugs and reported to the maintenance team to be fixed.

As part of the maintenance agreement, the contractor has the obligation to:

- Fix all the incidents linked to the normal use of the application
- Update / upgrade all the components of the application (modules, plugins, widgets, themes, core functionalities) and of the hosting environment (hosting platform, database, OS, third party components, etc.)

Lot 2 concerns

Further development of the website

The supplier will **develop functionalities** to the European Heritage Days website upon request from the Secretariat. The development will be provided on top of **DRUPAL** content management system.

The supplier shall be able to analyse the specific needs and propose solutions for the development of the functionalities.

The EHD Secretariat shall be able to track the progress of the development at any time and shall have the possibility to refuse the proposed or implemented changes, if they do not meet the initial needs. The supplier shall also be able to **guarantee a manual testing of the application**, in order to identify any possible pre-release issues.

The supplier shall guarantee the confidentiality of the information provided by the EHD team and is prevented from disclosing such information to third parties without the prior written agreement of the European Heritage Days team.

Testing

The supplier has the obligation to **test the solution before submitting it for acceptance and shall submit a full test report for approval.**

The Secretariat reserves the right to test the application before acceptance.

The testing environment must be identical to the production environment.

The testing is performed in a testing environment provided by the supplier, by a pool of selected users / testers following the same test plan / scenario used by the supplier. Once the tests are performed, the Secretariat can accept or reject the delivery. After acceptance and deployment in production, no more testing can be performed on the application. All the dysfunctionalities will be logged as incidents / problems / bugs and reported to the maintenance team to be fixed.

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) they are tendering for (see Section A of the Act of Engagement).

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

Under Lot 1:

Carry out monthly maintenance of the website www.europeanheritagedays.com

Under Lot 2:

- Develop a solution for new type of website user
- Adding filtering criteria to the search engine
- Redesigning and developing new page

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract for the lot concerned.

C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review

The Council will indicate on each Order Form (see Section D below) the number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider (s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers for the relevant lot the Provider who demonstrably offers best value for money for its requirement when assessed – for the Order concerned – against the criteria of:

- quality (including as appropriate: capability, expertise, past performance, availability of resources and proposed methods of undertaking the work);
- availability (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location); and
- price.

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Council within 2 (two) working days after its reception. If a Provider is unable to take an Order or if no reply is given on his behalf within that deadline, the Council may call on another Provider using the same criteria, and so on until a suitable Provider is contracted.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and 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.

Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

E. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement, you declare on your honour not being in any of the below situations)³

² It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

³ 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).

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 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).

Eligibility criteria

- Experience in the field of maintenance and development of websites in Drupal
- Tenderer must demonstrate a sufficient number of qualified staff and the necessary infrastructure for delivering the service

Award criteria

- **Quality of the offer (70%), including:**
 - Demonstrated experience in the field of website development for similar types of websites
 - Capacity to deliver the service within the requested time frame, price and quality
 - Capacity to mobilise the team when needed in case of incidents
- **Financial offer (30%).**

Multiple tendering is not authorised.

F. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A detailed portfolio demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of at least three similar projects (short summary, link to the website)
- Proposed project team and backup and replacement plan
- A list of all owners and executive officers, for legal persons only;

All documents shall be submitted in English or French, 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.