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COUNCIL OF EUROPE



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EUROPEAN UNION

CONSEIL DE L'EUROPE

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

### Purchase of consultancy services *Contract N° BH 4652/2022/02*

The Council of Europe is currently implementing, until 31 Dec 2022, the Action "Strengthening the effective legal remedies to human rights violations in Serbia", within the co-operation framework co-funded by the European Union and the Council of Europe known as the "Horizontal Facility for the Western Balkans and Turkey 2019-2022". In that context, it is looking for a provider(s) for the provision of IT services of development of the website of the Constitutional Court of the Republic of Serbia and provision of IT services of development of the website of the State Attorney's Office-Agency Department for the representation before the European Court of Human Rights, in line with the deliverables outlined in the Act of Engagement (See 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 either a natural person, 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 File Strengthening effective legal remedies to human rights violations in Serbia.** 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. Complete information package (Business Requirements) will be submitted to interested bidders upon request sent to following e-mail address: [dgi-coordination@coe.int](mailto:dgi-coordination@coe.int), with following reference in subject: Request for Business Requirements. **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-Strengthening the effective legal remedies to human rights violations in Serbia.**

<b>Type of contract</b> ▶	One-off contract
<b>Duration</b> ▶	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers</b> ▶	<b>21 January 2022</b>
<b>Email for submission of tenders/offers</b> ▶	<b>dgi-coordination@coe.int</b>
<b>Email for questions</b> ▶	dgi-coordination@coe.int
<b>Expected starting date of execution</b> ▶	26 January 2022

<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 DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached). Please note that each lot concerns a different series of deliverables. Tenderers may tender for one, all or several lots.

## 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, 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

- The tenderer must be a natural person, or a legal person or consortia of legal and/or natural persons specialised in the field of IT programming, namely designing, developing and testing software, most notably websites, with at least 3 years of relevant experience in the field;

- *Award criteria*

### **For lot 1:**

- Quality of the offer (70%), including:
  - Expertise in the field of IT programming (40%);
  - Relevant experience (20%);

<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 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).

- Capacity to meet the demands in line with envisaged timeframe (10%);
- Financial offer (30%)

**For lot 2:**

- Quality of the offer (70%), including:
  - Expertise in the field of IT programming (40%);
  - Relevant experience (20%);
  - Capacity to meet the demands in line with envisaged timeframe (10%);
- Financial offer (30%).

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 Engagement<sup>3</sup> (See attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- A detailed CV or portfolio, demonstrating clearly that the tenderer fulfils the eligibility criteria
- A list of all owners and executive officers, for legal persons only;
- A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons);
- Contact details of 3 (three) referees (i.e. current or previous employee, client).

**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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<sup>3</sup> 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.