**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of design, printing, publishing and production services.**

***Contract N° BH9161/2023/N21***

The Council of Europe is currently implementing the Project [“Enhancing Employment Rights in the Republic of Moldova”](https://www.coe.int/en/web/chisinau/enhancing-employment-rights) in the framework of the Council of Europe Action Plan for the Republic of Moldova for 2021-2024. In that context, it is looking for Provider(s) for the provision of design, printing, publishing and production services to be requested by the Council of Europe on an as needed basis.

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 **framework contract** for the provision of deliverables described in the Act of Engagement (See attached). 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 – BH9161/2023/N21.** 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 – BH9161/2023/N21**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 December 2025 |
| **Deadline for submission of tenders/offers ►** | **28 November 2023** 23h59 CET |
| **Email for submission of tenders/offers ►** | [socialrights.tender@coe.int](mailto:socialrights.tender@coe.int) |
| **Email for questions ►** | [socialrights.tender@coe.int](mailto:socialrights.tender@coe.int) |
| **Expected starting date of execution ►** | **10 January 2024** |

1. EXPECTED DELIVERABLES

**Background of the Project**

Social rights are core European values enshrined in several formal commitments undertaken by Council of Europe Member States, including the Republic of Moldova. Respect for and the promotion of social rights are essential in attaining sustainable democracy. In accordance with the priorities set in the Council of Europe Action Plan for the Republic of Moldova for 2021-20241, the Council of Europe and national authorities agreed to extend their cooperation in the field of social rights.

The Council of Europe is currently implementing the Project [“Enhancing Employment Rights in the Republic of Moldova”](https://www.coe.int/en/web/chisinau/enhancing-employment-rights). The project is running from 15 December 2022 to 31 December 2025. The project is co-funded by the Austrian Development Agency and the Council of Europe.

The overall objective of the project is to enhance the observance of social labour rights in line with international standards and facilitate the access of persons from vulnerable groups to vocational education and training and subsequent employment. In addition, the project aims to improve social labour rights protection and civil society participation, it will incorporate cross-cutting issues such as environmental protection, gender equality and human rights, as well as it will target vulnerable groups and not in education, employment and training (hereinafter – NEET) youth.

The project will follow the Moldovan legislative and strategic framework, in line with European standards, and will pay due regard to the priorities of the EU Association Agreement with the Republic of Moldova, the European Commission Opinion on the Republic of Moldova application for the EU membership as well as the UN 2030 Agenda for Sustainable Development.

Particularly, the project will develop the capacities of government officials to promote and protect social and employment rights, particularly employment rights of persons from vulnerable groups, in line with European Standards. In this regard the Labour Code and the relevant national legislation and practices will be harmonized with international standards of relevant field. The acceptance by the Republic of Moldova of additional provisions of the European Social Charter will be promoted and facilitated. The capacities of different actors will be further developed to effectively implement the new gender sensitive legislative amendments in the area of labour rights of persons from vulnerable/disadvantaged groups and relevant international standards. The National Labour Inspectorate will be capacitated to efficiently carry out its mandate in a gender sensitive manner.

The project will also assist the vocational education and training (hereinafter – VET) institutions to become more inclusive and gender sensitive, and better able to identify and attract girls and boys/women and men from vulnerable groups and NEET youth. To achieve this outcome a “National Network for NEET Integration in VET system” will be established. The needs will be assessed in several regions to capture the situation of NEET youth. The capacities of teachers and support services regarding students (girls and boys/women and men) with special needs within VET will be strengthened.

The project will further facilitate the access to the labour market for vulnerable groups in the VET system. In this regard the project will consolidate the capacities of the VET management and teaching staff, as well as representatives of civil society organisations, trade unions and the National Agency for Employment to support VET students from vulnerable groups to integrate in labour market. Soft skills and understanding of labour rights will be increased among VET students from vulnerable groups. The employment opportunities of persons with disabilities, as well as employment of persons from vulnerable groups will be promoted among potential employers.

The Council of Europe is looking for **a maximum of** **3 (three)** Provider(s) **for each Lot** (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on design, publishing, printing and production services.

This Contract is currently estimated to cover up to *30 activities*, to be held by 31 December 2025. 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 budget of the project amounts to 1 000 000.00 Euros and 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: Layout, design and/or publishing and production of publications | 3 |
| Lot 2: Printing of documents/materials | 3 |
| Lot 3: Design and/or production of customised visibility materials | 3 |

# Lot 1 concerns editing, publishing and production of the design, layout and/or printing of Project related publications in accordance with the [Council of Europe Visual Identity Manual](https://rm.coe.int/visual-identity-of-the-council-of-europe-graphic-charter/168071e7f3).

**Lot 2 concerns** colour and black and white printing of documents/materials for project events.

**Lot 3 concerns** design and/or production of customised visibility materials, such as notebooks, pens, roll-ups, bags, etc. in accordance with the [Council of Europe Visual Identity Manual](https://rm.coe.int/visual-identity-of-the-council-of-europe-graphic-charter/168071e7f3).

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). The Bidders may submit a tender for one, several or all lots subject to the fulfilment of the criteria listed in the Tender File for the lots concerned.

**Scope of the Framework Contract**

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

1. 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.

1. 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 quote[[2]](#footnote-2) (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.

1. 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]](#footnote-3)

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;

***Lot 1: Layout, design and/or publishing and production of publications***

*Eligibility criteria*

* Being registered as a company for at least 3 years;
* Proven track record of relevant/similar experience with public authorities and/or international organisations in the last 3 years;

*Award criteria*

* Quality of the offer (70%), including:
  + Technical capacity to meet the requirements of the tender file of Lot 1;
  + Company’s portfolio with relevant samples of the publications produced by Provider, as evidence.
* Financial offer (30%).

***Lot 2: Printing of documents/materials***

*Eligibility criteria*

* Being registered as a company for at least 3 years;
* Proven track record of relevant/similar experience with public authorities and/or international organisations in the last 3 years.

*Award criteria*

* Quality of the offer (70%), including:
* Technical capacity to meet the requirements of the tender file of Lot 2;
* Company’s portfolio with relevant samples of the materials printed by the Provider, as evidence.
* Financial offer (30%).

***Lot 3: Design and/or production of customised visibility materials***

*Eligibility criteria*

* Being registered as a company for at least 3 years;
* Proven track record of relevant/similar experience with public authorities and/or international organisations in the last 3 years.

*Award criteria*

* Quality of the offer (70%), including:
* Technical capacity to meet the requirements of the tender file of the Lot 3;
* Company’s portfolio with relevant samples of the visibility materials/items produced by the Provider, as evidence.
* Financial offer (30%).

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

* **A completed and signed copy of the Act of Engagement[[4]](#footnote-4)** (See attached);
* A document certifying the registration of the company (accepted in Romanian);
* A document describing the tenderer’s experience for similar services in the last 3 years with public authorities and/or international organisations **(Lot 1, 2 and 3)**;
* At least four (4) electronic samples of similar publications produced by the Provider in the last 3 years **(Lot 1)** (accepted in Romanian);
* Photos of the similar visibility materials produced by the Provider **(Lot 3)**;
* The CV and the name of the person who will perform editing of the publications **(Lot 1)**;

**All documents shall be submitted in English (unless otherwise specified under section G), 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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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. 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. [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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. [↑](#footnote-ref-4)