

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Purchase of publishing services for publications developed under the project *Contract N° BH8768/2021/01*



The Council of Europe is currently implementing the Project “**Strengthening the prison and probation reforms, provision of health care and the treatment of patients in closed institutions in the Republic of Moldova**”. In that context, it is looking for Providers for the provision of publishing services for publications developed under the project 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 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 **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 a legal person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: SPPRH\_RM Project - Tender Publishing services.** 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: SPPRH\_RM Project - Questions – Tender Publishing services**

Type of contract ▶	Framework contract
Duration ▶	Until 29 February 2024
Deadline for submission of tenders/offers ▶	<b>31 May 2021</b>
Email for submission of tenders/offers ▶	<a href="mailto:ala.condrova@coe.int">ala.condrova@coe.int</a>
Email for questions ▶	<a href="mailto:ala.condrova@coe.int">ala.condrova@coe.int</a>
Expected starting date of execution ▶	10 June 2021

<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

### Background of the Project

On 01 March 2021 the Council of Europe (CoE) has started a new Project – “Strengthening the prison and probation reforms, provision of health care and treatment of patients in closed institutions in the Republic of Moldova”, financed through the Council of Europe Action Plan for the Republic of Moldova for 2021-2024.

The Project aims at supporting the enhancement of the prison management practices, the improvement of the quality of the provision of health care to inmates (including mental health care), supporting the probation in raising its profile, promoting the value of community sanctions and measures among all actors of the criminal justice system and strengthening of treatment programmes and protocols for patients in psychiatric establishments (including forensic patients).

The Project activities will involve prison, probation, psychiatric institutions staff and forensic medical experts in a comprehensive and systematic manner and provide competence building and competence verification measures across these parts of the criminal justice system. Cross sector inter-institutional coordination will be in place to make sure all justice chain actors are aware of, understand and correctly implement the changes in the system.

The Council of Europe is looking for 3 (three) Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on **editing, layout and publishing services**.

This Contract is estimated to cover up to 10 (ten) publications in the areas relevant to the context of the project (prisons, probation, health care in prisons and psychiatric institutions), by 29 February 2024. 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 1,200,000 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.

### 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.

## 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 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.

### **Providers subject to VAT**

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote<sup>2</sup> (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)<sup>3</sup>

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 or are likely to be in a situation of conflict of interests.

##### *Eligibility criteria*

- being registered as a company for at least three years ;
- proven track record of relevant /similar experience in the last three years with public entities and/or international organisations.

##### *Award criteria*

- Quality of the offer (70%), including:
  - company's portfolio consisting of relevant samples of publications produced by the Provider;
  - technical capacity to meet the requirements of the tender file.
- 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.

<sup>2</sup> It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

**G. DOCUMENTS TO BE PROVIDED**

- A completed and signed copy of the **Act of Engagement**<sup>4</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 document certifying the registration of the company;
- Samples of materials edited, designed and printed by the Provider in the last 3 (three) years ;
- List of international organisations and/or public entities the Provider has previously provided services for.

**All documents shall be submitted in English, except the registration documents, samples of relevant materials, edited, designed and printed by the tenderer, which may be provided in Romanian. 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.**

\* \* \*

---

<sup>4</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 must be sent in one single PDF file. All scanned documents / attachments should also be .pdf files. The file should be submitted in one e-mail, with attachments not exceeding 5 MB..