

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

### Purchase of IT equipment for the Council for Preventing and Eliminating Discrimination and Ensuring Equality of the Republic of Moldova *Contract N° BH 4725 / 2021 / 1*

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing (until 31 December 2021) a Project on strengthening the capacities of the justice sector actors to deliver justice in line with European standards, in particular to fight discrimination in the Republic of Moldova. In that context, it is looking for a Provider for the purchase of IT equipment for the Council for Preventing and Eliminating Discrimination and Ensuring Equality of the Republic of Moldova (*hereinafter* - Equality Council of the Republic of Moldova). The Equality Council of the Republic of Moldova will be the final recipient of the equipment purchased under the contract (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 a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: CoE procurement of IT equipment for Equality Council.** 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\_CoE\_procurement of IT equipment for Equality Council.**

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)
Deadline for submission of tenders/offers ▶	<b>05 March 2021</b>
Email for submission of tenders/offers ▶	<a href="mailto:DGI-HRImplementation@coe.int">DGI-HRImplementation@coe.int</a>
Email for questions ▶	<a href="mailto:DGI-HRImplementation@coe.int">DGI-HRImplementation@coe.int</a>
Expected starting date of execution ▶	<b>26 April 2021</b>

<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).

## 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 or are likely to be in a situation of conflict of interests;
- 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*

Bidders shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- The Bidder should have carried out over the last 3 (three) financial years similar services;
- The Bidder must be ISO certified for ISO 9001: 2008 Quality Management;
- The Bidder must have a documented partnership with the manufacturers of the hardware that it offers.

### *Award criteria*

- Criterion 1 (50%): The financial offer;
- Criterion 2 (50%): Quality of the offer responding to business requirements outlined in Annex I of the Act of Engagement.

Multiple tendering is not authorised.

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<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 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).

## 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 list of all owners and executive officers
- Registration documents of the company
- Financial statements of the last 3 financial years.
- Technical Proposal, containing a detailed description of the specifications of the IT equipment proposed, including details of the manufacturer and the information on the delivery time for each deliverable.
- List of contracts with state institutions and/or private sector entities attesting to previous experience with providing the same or similar services accompanied by names and contact information of references.
- Valid certificates for ISO 9001:2008 for Quality Management.
- Partnership agreement/certificate with the manufacturer.
- Insurance certificate or, in the event that this is not available, a declaration that the Tenderer will, if successful, obtain business insurance to cover the contract in question.
- Information on proper representatives and/or workshops for back-up service/repair and maintenance including their names and addresses.
- In case of International Warranties, the local authorized dealers should mention their service and warranty setup, details of qualified engineers, etc

**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.