



CALL FOR TENDERS

FOR THE PROVISION OF INTELLECTUAL SERVICES IN THE FIELD OF BUSINESS ANALYSIS, FOR THE PURPOSE OF ADVISING AND DEVELOPING FUNCTIONAL REQUIREMENTS FOR RELEVANT SUPERVISORY IT-RELATED AUTOMATED TOOLS

2022/AO/61

Object of the procurement procedure ▶	Provision of intellectual services in the field of business analysis, for the purpose of advising and developing functional requirements for relevant supervisory IT-related automated tools
Projects ▶	Technical Support Instrument projects: "Developing a risk-based methodology for an automatic anti-money laundering/counter terrorist financing risk categorisation for supervised entities in Portugal" (PMM 3050) and "Risk-Based Supervision of Anti-Money Laundering and Countering the Financing of Terrorism in Croatia"(PMM 3049).
Organisation and buying entity ▶	Council of Europe Action against Crime Department Economic Crime and Cooperation Division (ECCD)
Type of contract ▶	Framework Contract
Duration ▶	Until 17 June 2023
Expected starting date ▶	24 October 2022
Tender Notice Issuance date ▶	21 September 2022
Deadline for tendering ▶	12 October 2022

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The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A FRAMEWORK CONTRACT WORK?

STAGE 1:

SELECTION of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

STAGE 2:

ORDER(S) are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

EXECUTION as from the date of signature of each Order, unless the Order concerned provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section F of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS

FOR THE PROVISION OF INTELLECTUAL SERVICES IN THE FIELD OF BUSINESS ANALYSIS, FOR THE PURPOSE OF ADVISING AND DEVELOPING FUNCTIONAL REQUIREMENTS FOR RELEVANT SUPERVISORY IT-RELATED AUTOMATED TOOLS 2022/AO/61

A. BACKGROUND

The Projects “Developing a risk-based methodology for an automatic anti-money laundering/counter terrorist financing risk categorisation for supervised entities in Portugal” and “Risk-Based Supervision of Anti-Money Laundering and Countering the Financing of Terrorism in Croatia” are part of the 2021 Council of Europe / European Union joint Technical Support Instrument (TSI) Programme that provides tailor-made technical expertise to EU Member States to design and implement reforms. More specifically, the projects assist the supervisors of financial institutions in Croatia and Portugal with strengthening their Anti-Money Laundering/Countering Financing of Terrorism (AML/CFT) risk-based supervision (RBS) and its consequent supervisory approach to the supervised sector.

The Council of Europe is looking for a maximum of eight Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of both projects with a particular expertise in the area of business analysis and/or Information Technology (IT) solutions.

This Contract is currently estimated to cover project activities to be implemented by the end of projects implementation (17 June 2023) for a possibility of its extension, if applicable, and in any case until 28 December 2023. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe.

For information purposes only, the total budget of the project “Developing a risk-based methodology for an automatic anti-money laundering/counter terrorist financing risk categorisation for supervised entities in Portugal” amounts to 277,778 Euros, while the total budget of the project “Risk-Based Supervision of Anti-Money Laundering and Countering the Financing of Terrorism in Croatia” amounts to 500,000 Euros. The total amount of the object of present tender should in principle not exceed 100,000 Euros 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.

B. SCOPE OF THE FRAMEWORK CONTRACT

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

- 1) Conduct reviews of the mechanisms currently used by supervisors of financial institutions in Croatia and/or Portugal with the aim of setting automated exchange of information and the integration of databases, as well as the supervisors’ IT applications used for the purposes of prioritisation and organisation of AML/CFT risk-based supervisory activities based on the integrated and automated flow of information;
- 2) Conduct an assessment of supervisory authorities’ needs for improving their IT tools to prioritise and organise through automated way the respective supervisory activities;
- 3) Develop technical specifications for supervisory IT tools for data collection and management, providing for automated data collection, data validation checks and advanced data analysis;
- 4) Provide advice on the development of functional requirements and formulate recommendations for updating technical specifications for relevant automated IT tools to prioritise and organise the supervisory authorities’ AML/CFT supervisory activities;
- 5) Any needed deliverable within the same or related field of expertise object of the present Framework Contract.

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.

In terms of **quality requirements**, the pre-selected Service Providers must ensure, *inter alia*, that:

- The services are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).

C. FEES

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

Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

The Council will indicate on each Order Form (see Section **Error! Reference source not found.** below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

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

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis**. There is therefore no obligation to order on the part of the Council.

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.

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.

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 Service Provider using the same criteria, and so on until a suitable Provider is contracted.

Only those Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3.00 (within a scoring system from 0 to 5) will be selected.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote¹ (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 Service Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping

¹ It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

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 (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
- 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

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

For legal persons:

- University degree or higher in the field of computer engineering, business administration, audit or related field of the persons allocated to the execution of the contract or an equivalent qualification in the related field. Exceptionally, the degree or qualification requirement may be waived if the person allocated to the execution of the contract has equivalent professional experience of seven years;
- At least **four years** of previous experience at international level and/or national level in areas of work related to business analysis, audit and/or Information Technology (IT) solutions;
- Fluency in English of the persons allocated to the execution of the contract. The English level should be equivalent to C1 or above, based on the Common European Framework of Reference for Languages.

For natural persons:

- University degree or higher in the field of computer engineering, business administration, audit or related field. Exceptionally, the degree or qualification requirement may be waived if the candidate has equivalent professional experience of seven years;
- At least four years of professional experience at international level and/or national level in areas of work related to business analysis, audit and/or Information Technology (IT) solutions;
- Fluency in English. The English level should be equivalent to C1 or above, based on the Common European Framework of Reference for Languages.

² 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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement 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).

*Award criteria*For legal persons:

- Quality of the offer (70%), including:
 - Demonstrated professional experience or technical expertise in the areas of work covered by the tender.
 - Proven track record of contributions and achievements in the given field.
- Financial offer (30%).

For natural persons:

- Quality of the offer (70%), including:
 - Demonstrated professional experience or technical expertise in the areas of work covered by the tender.
 - Proven track record of contributions and achievements in the given field.
- Financial offer (30%).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.**F. DOCUMENTS TO BE PROVIDED**

- **One** completed and signed copy of the Act of Engagement;³
- A detailed CV in English or French of the tenderer (natural persons);
- Detailed CVs of persons allocated to the execution of the contract (for legal persons only);
- A list of deliverables provided under contracts relevant to the scope of the tender;
- A list of all owners and executive officers, for legal persons only;
- Motivation Letter explaining how the tenderer experience and expertise will contribute to the implementation of the Project.
- Documents evidencing past experience in similar tasks, consisting of up to three examples of similar or related past assignment of the bidder.

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.

* * *

³ 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.

PART II – TENDER RULES

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ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

Directorate of Human Rights and Rules of Law (DGI)
Information Society and Action against Crime Directorate
Economic Crime and Cooperation Division

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 180 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English or French and shall be exclusively sent to the following email address: DGI-EconomicCrime@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int with reference no. **2022AO61** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **12 October 2022** by 23:59 CEST.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

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

* * *

⁴ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- **One** completed and signed copy of the Act of Engagement;
 - A detailed CV in English or French of the tenderer;
 - Detailed CVs of persons allocated to the execution of the contract (for legal persons only);
 - A list of all owners and executive officers, for legal persons only;
 - Motivation Letter explaining how the tenderer experience and expertise will contribute to the implementation of the Project.
 - Documents evidencing past experience in similar tasks, consisting of up to three examples of similar or related past assignment of the bidder.
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2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

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The deadline for the submission of tenders is 12 October 2022 by 23:59 CEST.