**TENDER FILE / TERMS OF REFERENCE**

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

**Provision of Visibility Items**

The Council of Europe is currently implementing a project on “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”. In that context, it is looking for Provider(s) for the **provision of services for production/printing and delivery of visibility materials** to be requested by the Council 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 €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 either a natural person, a legal person or consortium of natural and/or legal person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below** (**ankara.office@coe.int), with the following reference in subject: Tender – Visibility (IMEAJ).** 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 3 (three) 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-Tender-Visibility (IMEAJ).**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 19 December 2022 |
| **Deadline for submission of tenders/offers ►** | **5 December 2022** |
| **Email for submission of tenders/offers ►** | [**ankara.office@coe.int**](mailto:ankara.office@coe.int) |
| **Email for questions ►** | ankara.office@coe.int |
| **Expected starting date of execution ►** | **8 December 2022** |

1. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached).

**Background of the Project**

The Council of Europe is currently implementing a Project on [“Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”](https://www.coe.int/tr/web/ankara/improving-the-effectiveness-of-the-administrative-judiciary-and-strengthening-the-institutional-capacity-of-council-of-state) whose overall objective is to foster public confidence in the administrative judiciary by further strengthening its independence, impartiality and effectiveness, and increasing its public awareness in Türkiye. The Project specifically aims to achieve the following specific objectives:

- To support further reforming of the administrative justice system including the strengthening the

institutional capacity of Council of State (CoS)

- To increase effectiveness and quality of the administrative justice courts.

In line with the specified objectives the Project will raise public awareness of the work of the administrative courts and in that context;

**the Council of Europe is looking for a maximum of 6 Providers**, **three 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 production of visibility material.

This Contract is currently estimated to cover up to 2 *activities for production/printing and delivery of visibility materials* and desktop leaflet/brochure/guide holders, to be completed by 19 December 2022. 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.

The total amount of the object of present tender **shall not exceed 10,000 Euros tax exclusive (5,500 Euros for Lot-1 and 4,500 Euros for Lot-2)** 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:** **Production of Visibility Materials**   1. Project Folder (Ankara) 2. Project Notebook, (Ankara) 3. Project Pen, (Ankara) 4. Project Carton Bag, (Ankara) 5. Project Bulletin, (Ankara) 6. Project Brochure (Ankara) 7. Standing Brochure Holders with Header (Ankara, İstanbul) 8. Desktop Brochure Holders with Header (Ankara and 8 different cities) | 3 |
| **Lot 2: Production of Printed Materials for Public Awareness**   1. Five (5) Thematic Brochures (Delivery to Ankara and 8 different cities) | 3 |

**Lot 1 concerns** Production of Visibility Materials (Project Folder, Project Notebook, Project Pen, Project Carton Bah, Project Bulletin, Project Brochure) and Delivery to CoE Ankara Office, and Production of 5 Standing Brochure Holders with Header and 15 Desktop Brochure Holders with Header, and delivery to 8 different cities and different locations in Ankara

**Lot 2 concerns** Printing and Delivery of 5 Thematic Brochures and Delivery to CoE Ankara Office

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenderers 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).

**Scope of the Framework Contract**

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

**Under Lot 1 and Lot 2:**

1. Preparation of the final version and blueprint of the visibility items before actual production
2. Submitting the final versions of the subject visibility items in electronic copy to the CoE (Press quality "pdf" and photoshop "psd" file formats),
3. Production of the materials after final approval by CoE as per the technical specifications detailed under attached Act of Engagement and Annex 1- Technical Specifications (TR)
4. Delivery of the produced items to the indicated addresses in Ankara and other provinces (maximum of 8 provinces in Türkiye).

Sample visuals of these visibility items are given under attached **Annex-1 Technical Specifications** and will be provided by the Council of Europe where applicable.

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 for the lot concerned.

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 select from the pool of pre-selected tenderers for the lot concerned 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 the above deadline, the Council may call on another Provider selected under that lot, 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;
* are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
* 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*

**For Lot 1 and Lot 2:**

* Demonstrated three (3) years of experience in the field of visibility production/printing
* Submission of a previous work sample / electronic visual relevant with the required visibility items prepared for the EU or other international/national projects.

*Award criteria*

* Quality of the offer **(30%)**, including:
  + Relevance of the professional experience for the scope of this tender;
  + Quality of work samples provided;
  + Quality of offer file.
* Financial offer (**70%**).

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) **(in English);**
* **Certificate of Registry** (scanned copies of the original documents in Turkish), for legal persons only.
* **Company Profile** demonstrating the tenderer’s capacity, experience and suitability for providing the services described in LOT-1 and/or LOT 2 (in Turkish or English), including
* A work portfolio comprising a **minimum of 2 examples of previous work** preferably from work with international or national organisations and/or public authorities (including, where relevant, a link to the produced outputs);
* A list of all owners and executive officers, for legal persons only;

**All documents (except the certificate of registry and the company profile that may be submitted in Turkish) 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.**

**\* \* \***

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;

   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). [↑](#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)