



## TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

### ADDITIONAL AND AMENDED CALL FOR TENDER

*Considering that upon the results of the initial publication of the tender file and assessment of the applications received, the Council of Europe did not fill all vacant positions in the expected pool of experts (8 positions are still vacant), and due to the current urgent need to complete the pool of experts, the Council of Europe issues additional and amended tender file which is complementing the initial one.*

## Purchase of services on monitoring the media coverage of 2019 presidential electoral process in Ukraine

The Council of Europe is currently implementing two projects within the Action Plan for Ukraine 2018 – 2021. Those projects are:

- “Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine”
- “Strengthening Freedom of Media, Access to Information and Reinforcing Public Broadcasting System in Ukraine”

In that context, it is looking for Provider(s) for the provision of services on monitoring of media coverage of 2019 presidential elections in Ukraine to be requested by the Council on an as needed basis.

#### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 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 either a natural person, or a duly registered private entrepreneur in accordance with the Ukrainian legislation. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

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\_MEDIA\_MONITORS**. 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 by 14:00 on 3 February 2019 at the latest and shall be exclusively addressed to the email address indicated below with the following reference in subject: QUESTIONS\_TENDER\_MEDIA MONITORS**

Type of contract ►	Framework contract
Duration ►	Until 30 June 2019
Deadline for submission of tenders/offers ►	4 February 2019 (11:00, Kyiv time)
Email for submission of tenders/offers ►	REPU@coe.int
Email for questions ►	REPU@coe.int
Expected starting date of execution ►	5 February 2019

<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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

Within the Council of Europe Action Plan for Ukraine 2018 – 2021, the Council of Europe is currently implementing the following projects:

- “Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine” – the project’s activities are particularly aimed at increasing the integrity of electoral process through impartial election observation in line with European standards and good practices which among other includes enhancing the capacity of civil society representatives to monitor and report on media coverage of elections;
- “Strengthening Freedom of Media, Access to Information and Reinforcing Public Broadcasting System in Ukraine” – the project’s activities are aimed at strengthening regulatory and self-regulatory mechanisms for ensuring balanced and unbiased media coverage of elections.

With the support of these two projects, monitoring of media coverage of 2019 Presidential elections is planned to be held in partnership with the Commission on Journalism Ethics (CJE) and a coalition of civil society organisations. The main aim of the monitoring activity is to provide the media, the political contestants, the international community and the citizens with benchmarks to judge the fairness of the election process. Moreover, the monitoring activity is also intended to support the civil society in conducting professional public monitoring of the media coverage of elections and to assess the coverage against the Council of Europe and other international standards for the media coverage of elections and to reduce the negative effect of disinformation and propaganda on the election process. Overall, the goal is to contribute to a more fair and impartial media coverage of elections with the monitoring results to be used for advocating important changes and improvements of regulation of the media coverage of the next elections and of self-regulation in media community.

The monitoring will be conducted based on the methodology developed by the Council of Europe experts. The intention of the methodology is to help the Ukrainian civil society enhance their existing media monitoring capacity to observe how Ukrainian media cover the upcoming presidential elections in 2019. The methodology will provide CJE and other CSOs / professional media organisations that will cooperate with the Council of Europe prior to 2019 Presidential elections in Ukraine, with more effective tools for evaluating issues related to media coverage. It is planned that a team of some eight to fifteen Ukrainian media monitors will conduct quantitative and qualitative analysis of the media coverage three months prior to 2019 Presidential elections and issue three media monitoring reports to inform the public about the level of political diversity in Ukrainian media coverage of the elections. In case of second round of Presidential elections, this period could be prolonged respectively and an additional report should be produced.

**Providers to be selected under this tender procedure will be required to work not less than 5 days per week full time as media monitors in the office located in Kyiv, Ukraine. Council of Europe will not cover and/or reimburse any expenses/costs for accommodation of media monitors (those coming from the regions of Ukraine outside of Kyiv), as well as costs for their travel and meals.**

The Council of Europe is looking for a maximum of *twenty* Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the mentioned above projects with a particular expertise on monitoring of media coverage of elections.

This Contract is currently estimated to cover 1 activity - monitoring during 2019 Presidential election process to be held by the end of April 2019. 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 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 media monitoring services in a selected office in Kyiv during the specified working hours, at least 5-days per week full time during February 5, 2019 – March/April 2019);
- monitor certain national TV channels (specified TV programs);
- monitor certain social media (specified pages/profiles);
- monitor certain web-sites of online media;
- enter the data received during the media monitoring into the respective electronic forms;
- report on the monitoring results on a weekly basis to the coordinator/supervisor.

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 addition to the orders requested on an as needed basis, the Providers shall keep regular communication with the Council to ensure continuing exchange of information relevant to the projects' 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 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. 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 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 this consultation and the subsequent selection are 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, participation in the Council of Europe trainings on media monitoring and/or other organisations' trainings on media monitoring);
- 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<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>

<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.

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;
- 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;
- submitted a financial offer above the exclusion level;
- are not either a natural person, or a duly registered private entrepreneur in accordance with the Ukrainian legislation

#### *Eligibility criteria*

- University degree; master's students will also be considered;
- relevant professional work experience in monitoring the media during election processes and/or completion of trainings on media monitoring held by international/national organisations and/or respective media regulatory authorities;
- availability to work minimum 5 full working days per week

#### *Award criteria*

- Quality of the offer (70%), including:
  - professional experience, knowledge and skills to carry out media monitoring during election campaigns
- Financial offer (30%).

Multiple tendering is not authorised.

#### **F. DOCUMENTS TO BE PROVIDED**

- A completed and signed copy of the **Act of Engagement**<sup>4</sup> (See attached);
- A detailed CV in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Availability and Experience Statement (See attached);
- Copy of certificate(s) proving participation in the respective trainings on media monitoring or copy of reference letter(s) proving earlier work experience as media monitors with contact details (full name, e-mail address, phone, job position, organisation/company) of the referees;
- FOR PRIVATE ENTREPRENEURS: registration documents;
- Copy of a bank statement containing bank account details of a Tenderer.

**CV and Act of Engagement shall be submitted in English, failure to do so will result in the exclusion of the tender. Other documents can be submitted in Ukrainian / English.**

**If any of the documents listed above are missing, the Council of Europe reserves the right to reject the tender.**

**All documents should be submitted either in PDF or in MS Word (DOC/DOCX) format. 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>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 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.