

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

## Purchase of consultancy services for carrying out the media monitoring of 2020 local electoral process in Ukraine

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### **Contract N° 4756/2020/36FC**

The Council of Europe is currently implementing a Project "EU and Council of Europe working together to support freedom of media in Ukraine" (hereinafter – the Project) which aims to enhance the role of media and the public broadcaster in particular as an instrument for consensus building in the Ukrainian society. One of the Project's expected results is to provide support to the effective regulation of the media coverage of elections and introducing the mechanisms for fighting information disorder and propaganda resulting with increased transparency of electoral process.

In that context, it is looking for Provider(s) for the provision of consultancy services for carrying out the media monitoring of 2020 local electoral process in Ukraine to be requested by the Council on an as needed basis, namely the services of:

- 1) media monitoring specialists;
- 2) media monitoring data analysts;
- 3) media monitoring legal specialists.

#### 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 either a natural person or private entrepreneur.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: 4756/2020/36FC**. 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\_4756/2020/36FC**

<b>Type of contract</b> ▶	Framework contract
<b>Duration</b> ▶	Until 1 July 2021
<b>Deadline for submission of tenders/offers</b> ▶	<b>18 August 2020</b>
<b>Email for submission of tenders/offers</b> ▶	<b>Nina.marushchak@coe.int</b>
<b>Email for questions</b> ▶	Iryna.ostapa@coe.int
<b>Expected starting date of execution</b> ▶	01 September 2020

<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

The Council of Europe is currently implementing a Project "EU and Council of Europe working together to support freedom of media in Ukraine" (hereinafter – the Project) which aims to enhance the role of media and the public broadcaster in particular as an instrument for consensus building in the Ukrainian society. One of the Project's expected results is to provide support to the effective regulation of the media coverage of elections and introducing the mechanisms for fighting information disorder and propaganda resulting with increased transparency of electoral process.

In that context, it is looking for Provider(s) for the provision of consultancy services for carrying out the media monitoring of 2020 local electoral process in Ukraine to be requested by the Council on an as needed basis, namely the services of media monitoring specialists, media monitoring data analysts and media monitoring legal specialists.

The mentioned monitoring of media coverage of 2020 local elections in Ukraine is planned to be held in partnership with the 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 assess 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 this 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 consultants adapted for local elections. 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 local elections in 2020. The methodology will provide CSOs / professional media organisations with more effective tools for evaluating issues related to media coverage. It is planned that a team of eight to twenty Ukrainian media monitors will conduct quantitative and qualitative analysis of the media coverage of electoral campaign working closely with media monitoring coordinator, data analyst, legal specialist and group of other experts in order to issue interim and final media monitoring reports to inform the public about the level of political diversity in Ukrainian media coverage of the elections. The monitoring period may be revised due to any change of 2020 Local Elections Day in Ukraine (therefore, the expected starting date of the services provision might also be subject to changes).

Providers to be selected under LOT 1 of this tender procedure will be required to work 6 days per week full time as media monitors on their personal computers/laptops and with stable Internet connection. Council of Europe will not cover and/or reimburse any expenses/costs for accommodation of media monitors, as well as costs for their travel and meals. The monitoring specialists should undergo an obligatory two-day training to be organised by the Project within 25 August - 4 September 2020.

Providers to be selected under LOT 2 and LOT 3 of this tender procedure will be required to work on a need basis.

The Council of Europe is looking for 26 Provider(s) (provided enough tenderers meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on media coverage of elections.

This Contract is currently estimated to cover 1 activity – monitoring during 2020 local election process in Ukraine. 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 1 172 300,00 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.

## 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: media monitoring specialists	20
Lot 2: media monitoring data analysts	3
Lot 3: media monitoring legal specialists	3

Lot 1 concerns the media monitoring specialists who will conduct quantitative and qualitative analysis of the media coverage of electoral campaign.

Lot 2 concerns the media monitoring data analysts who will be analysing the data received from the media monitoring specialists and provide aggregated material in the form of Excel tables.

Lot 3 concerns the media monitoring legal specialists who will be cooperating with the media monitoring team with regard to legal issues, contribute to interim and final reports.

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenderers meet the criteria indicated below. Tenderers should 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:

- provide media monitoring services during the specified working hours, 6 days per week full time during 5 September 2020 – 25 October 2020 (the monitoring period may be revised subject to any change of 2020 Local Elections in Ukraine);
- 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.

Under Lot 2:

- prepare monitoring forms and folders for the monitoring specialists;
- check the correctness of the data entry by media monitoring specialists, analyse and provide aggregated data received as a result of the media monitoring in the form of Excel tables;
- produce graphic charts for each online media, social media etc.

Under Lot 3:

- review the updated methodology of media monitoring of 2020 local election process in Ukraine with regard to New Electoral Code provisions;
- cooperate with media monitoring specialists, data analyst and national experts with regard to any issue related to electoral legislation and media monitoring;
- prepare contributions to the joint interim and final reports on legislative issues based on the data gathered by the media monitoring specialists;

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.

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.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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 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 global fee corresponding to each deliverable, 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 for the relevant lot 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 1 (one) working day 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.

The Project is registered at the Ministry of Economy, Commerce and Agriculture of Ukraine as a project of international technical support (registration card No. 4260). The Project is exempted from VAT payment according to the Article 3 of the Framework Agreement between the Government of Ukraine and Commission of the European Union "Activities financed by the European Union partially or fully are exempted from taxes, custom fees or any other fees of similar nature".

Services should be invoiced VAT excluded, unless the Council requests otherwise.

#### **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>2</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;
- 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 for LOT 1*

- University degree; persons who are in the process of pursuing master's degree will be also considered;
- Relevant professional work experience in monitoring the media and/or completion of trainings on media monitoring held by international/national organisations and/or respective media regulatory authorities;
- Availability to work 6 full working days per week for the period of monitoring with personal computer/laptop (with active MS Office package of programmes) and stable Internet connection;
- For private entrepreneurs, being authorised to carry out the respective economic activities.

#### *Eligibility criteria for LOT 2*

- University degree in social sciences or other related field;
- Relevant professional experience of being engaged as data analyst in minimum 2 studies in social or media spheres during last 5 years;
- For private entrepreneurs, being authorised to carry out the respective economic activities.

#### *Eligibility criteria for LOT 3*

- University degree in law/international law;
- Experience of legal support to the monitoring of media coverage of elections with regard to at least 2 electoral campaigns in Ukraine;
- For private entrepreneurs, being authorised to carry out the respective economic activities.

#### *Award criteria for LOT 1, LOT 2, LOT 3*

- Quality of the offer (80%), that means relevance of the experience and level of the expertise of the tenderer to contribute to media monitoring during electoral campaigns.
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

## F. NEGOTIATIONS

<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).

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

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**<sup>3</sup> (See attached);
- A **detailed CV**, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, for legal persons only;
- Copy of a bank statement containing bank account details of a Tenderer;
- **FOR PRIVATE ENTREPRENEURS:** registration documents;
- **FOR LOT 1 ONLY:** Availability and Experience Statement signed and filled out (See attached);
- **FOR LOT 2 ONLY:** links to minimum 2 studies in social or media spheres produced by the tenderer as data analyst within the last 5 years;
- **FOR LOT 3 ONLY:** links to at least 3 analytical materials produced by the tenderer related to legal support to monitoring of media coverage of electoral process in Ukraine.

**All documents shall be submitted in English (with only exception to registration document which can be submitted in Ukrainian with brief summary translation into English – name of the company, date of registration, types of economic activity which can be legally provided), 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.**

**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>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.