

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



Purchase of national consultancy services for carrying out training activities on criminal legal protection of journalists and other media actors for police officers, prosecutors, judges and developing online course on digital safety for journalists.

Contract N° 4756/2021/15FC

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 enhance safety of media actors as a result of increased knowledge and skills for effective investigation of crimes against journalists by judges and law enforcement officials as well as increased knowledge of journalists on their safety.

In that context, the Project is looking for Provider(s) for the provision of national consultancy services for carrying out training activities on criminal legal protection of journalists and other media actors for police officers, prosecutors, judges as well as developing online course on digital safety issues for journalists to be requested by the Council on an as needed basis.

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 Europe¹, 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, with the following reference in subject: Tender – 4756/2021/15FC.** 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 Council of Europe 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 – 4756/2021/15FC**

Type of contract ▶	Framework contract
Duration ▶	Until 09 April 2022
Deadline for submission of tenders/offers ▶	16 September 2021
Email for submission of tenders/offers ▶	Nina.marushchak@coe.int

¹ 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](#).

Email for questions ▶	Iryna.OSTAPA@coe.int
Expected starting date of execution ▶	27 September 2021

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 enhance safety of media actors as a result of increased knowledge and skills on criminal legal protection of journalists by judges and law enforcement officials as well as increased knowledge of journalists on their safety.

In that context, the Project in co-operation with local partners is planning to organise a series of trainings on criminal legal protection of journalists and other media actors for different target audiences: judges, prosecutors and police representatives (investigators and inquiry officers). The format of trainings will depend on quarantine requirements with regard to COVID-19 in Ukraine.

In addition to organisation of trainings for law enforcement officials and judges, the Project is planning to develop the online course on digital safety for journalists to be placed on the commonly used online platform.

The Council of Europe is looking for a maximum of 30 Provider(s) (provided enough tenderers meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on criminal legal protection of journalists and digital safety of journalists.

This Contract is currently estimated to cover up to 10 activities to be held by 09 April 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.

For information purposes only, the total budget of the project amounts to 1 268 500 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: Trainings on criminal legal protection of journalists and other media actors	20
Lot 2: Course on Digital safety of journalists	5
Lot 3: Technical component of online course development	5

Lot 1 concerns national consultants who have relevant knowledge and practical experience of delivering trainings/lectures on criminal legal protection of journalists for police representatives/prosecutors/judges.

Lot 2 concerns national consultants who have practical experience in delivering trainings/lectures, preparing analytical materials, legal reviews, consultations or courses development (including online courses) on the issues of digital safety of journalists.

Lot 3 concerns national consultants who have practical experience in developing online courses including courses structure, video shooting, editing and design for online courses

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 provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference).

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

Under Lot 1:

- Take part in developing training programmes on effective investigation of crimes against journalists for police representatives/prosecutors/judges.
- Prepare and deliver lectures, interactive sessions on the Council of Europe standards of criminal legal protection of journalists, case law of the European Court of Human Rights, peculiarities of national legislation with regard to protection of journalists and other media actors, legal status of journalist under national legislation and international standards etc. at the trainings on effective investigation of crimes against journalists for police representataves/prosecutors/judges;
- Moderate the trainings on effective investigation of crimes against journalists for police representataves/prosecutors/judges;
- Cooperate with other national consultants involved in the organisation of trainings.

Under Lot 2:

- Take part in developing the contents for curriculum for the online course on digital safety for journalists;
- Prepare contributions to the online course on digital safety for journalists in the format required;
- Deliver and present for the record the lectures on different aspects of digital security for journalists;
- Draft inputs for promotional materials of the course developed.

Under Lot 3:

- Develop the detailed plan of the online course and assessments schemes for participants;
- Develop and implement the methodological instruments and techniques for maintaining participants' interest and attention during the online learning;
- Develop the intermediate and final examination for the participants;
- Ensure video recording and editing of the lectures with content-developers (experts);
- Developing visual graphic elements for the course;

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 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 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 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.

The Project is registered at the Cabinet of Ministers of Ukraine as a project of international technical support. 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)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;

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 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).

- 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 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 for LOT 1

- University degree in law / political sciences / social sciences / international relations / journalism or related fields;
- At least 5 years of professional experience in human rights or safety of journalists area (practical experience in relevant media organisations, consulting, academic research, analytical work, expert assessments, working as trainers, contribution to the events as speakers, practice as judge, prosecutor, police investigator etc.);
- Experience of being engaged as a lecturer in at least 3 trainings on the issues related to human rights or safety of journalists area for police representatives/judges/prosecutors;

Eligibility criteria for LOT 2

- University degree in law / political sciences / social sciences / international relations / journalism or related fields;
- At least 4 years of relevant professional experience with the topic «Digital safety of journalists» or closely related topics;

Eligibility criteria for LOT 3

- University degree in law / political sciences / social sciences / international relations / journalism, IT or related fields;
- At least 4 years of relevant professional experience with development of online courses, development of minimum 10 online courses;

Award criteria LOT 1

- Quality of the offer:
 - relevance of the experience (40%);
 - level of the expertise of the tenderer to contribute to carrying out training activities on criminal legal protection of journalists and other media actors for police officers/prosecutors/judges (40%).
- Financial offer (20%).

Award criteria LOT 2

- Quality of the offer:
 - relevance of the experience (40%);
 - level of the expertise of the tenderer to contribute to developing of content of a course on digital safety issues for journalists (40%).
- Financial offer (20%).

Award criteria LOT 3

- Quality of the offer:
 - relevance of the experience (40%);
 - level of the expertise of the tenderer to contribute to developing of online courses.
- Financial offer (20%).

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

Multiple tendering is not authorised.

F. NEGOTIATIONS

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**³ (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;
- A motivation letter in English with the following information:
 - A) description of the relevant professional experience as required by the eligibility criteria;
 - B) links to the referred activities/deliverables/inputs (optional);
- **FOR legal persons and private entrepreneurs: copies** of the registration documents with a brief summary translation into English – name of the company, date of registration, types of economic activity which can be legally provided;

All documents shall be submitted in English (with only exception to registration document which can be submitted in Ukrainian), 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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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.