

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / One-off contract)

Purchase of services for the elaboration of the marketing strategy for regional broadcasting of Ukrainian Public Broadcaster
Contract N° 4756/2020/35

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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. Thus, the Project is providing expert assistance to Public Joint Stock Company "National Public Broadcasting Company of Ukraine" (hereinafter – UA:PBC) aiming to align the legislation and regulations of UA:PBC with the Council of Europe standards and Public broadcaster's Transformation Roadmap.

UA:PBC is a national Public Broadcaster of Ukraine established on 19 January 2017 provides content for its two national TV channels, three national radio channels, 24 regional TV channels and [radio channels](#) and digital platform.

In this context, the Project is looking for a Provider of services for the elaboration of the marketing strategy for the development of joint regional TV channel of UA: PBC for 5 years. (See Section A of the Act of Engagement).

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 **one-off 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 legal person except consortia or/either 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: Contract N° 4756/2020/35.** 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 Contract N° 4756/2020/35.**

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	03 August 2020
Email for submission of tenders/offers ▶	Orysya.FEDORCHUK@coe.int
Email for questions ▶	Orysya.FEDORCHUK@coe.int
Expected starting date of execution ▶	10 August 2020

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](#).

B. EXPECTED DELIVERABLES

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

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement** in UAH without VAT.

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.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

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

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).

Eligibility criteria

1. Tenderer is registered according to the national legislation and possesses the right to lawfully fulfil the type of economic activity foreseen by the tender file.
2. Not less than 2 years of experience of development of TV brands positioning strategies in Ukraine, for Ukrainian and international companies.
3. Not less than 2 years of experience of development of marketing strategies for TV channels in Ukraine, for Ukrainian and international companies.
4. Have licensed access to Nielsen TV audience research data (TAM panel) from Television Industry Committee.
5. Proposal exceeding exclusion level of UAH 750 000,00.

Information with regard to points 2, 3, 4 of eligibility criteria should be reflected in the official letter from the company covering eligibility criteria (signed and stamped).

Award criteria

- Financial offer (40%).
- Quality of the offer: human resources to be engaged in the provision of services with experience of relevant developed projects (60%).

Multiple tendering is not authorised.

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 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).

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

• **A completed and signed copy of the Act of Engagement³ (See attached)**

A list of all owners and executive officers, for legal persons only;

- Tenderer's registration documents that prove that the tender has a right to be engaged in business activity envisaged within this tender;
- Portfolio of staff members to be engaged in the provision of services with information on relevant professional experience and links to similar projects;
- Official signed and stamped letter from the company covering eligibility criteria, in particular
 1. Not less than 2 years of experience of development of TV brands positioning strategies in Ukraine, for Ukrainian and international companies (with links to similar projects);
 2. Not less than 2 years of experience of development of marketing strategies for TV channels in Ukraine, for Ukrainian and international companies (with links to similar projects);
 3. Confirmation of licensed access to Nielsen TV audience research data (TAM panel) from Television Industry Committee.

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 shall have the right to additionally request them.

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.