

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of Communication and public relation services in relation to the Horizontal Facility II actions on promotion of diversity and equality in the Western Balkans

Contract N° BH 4670, BH 4671, BH 4672, BH 4673, BH 4674, BH 4675, BH 4676

The projects on "Promotion of diversity and equality in the Western Balkans" are part of the Horizontal Facility for the Western Balkans and Turkey II, a joint programme of the Council of Europe and the European Union aiming at supporting South East Europe and Turkey to comply with European standards.

In that context, the Council of Europe is looking for Provider(s) for the provision of Communication and public relations, multimedia and graphic design services 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 Europe^[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 a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: services - Promotion of diversity and equality in the Western Balkans.** 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: Q&A -Promotion of diversity and equality in the Western Balkans**

Type of contract ►	Framework contract
Duration ►	Until 23 May 2022
Deadline for submission of tenders/offers ►	24.02.2020.
Email for submission of tenders/offers ►	tenders.antidiscrimination@coe.int
Email for questions ►	tenders.antidiscrimination@coe.int

[Type here]

**Expected starting date of
execution ►** 09.03.2020.

B. EXPECTED DELIVERABLES

Background of the Project

The actions on promotion of diversity and equality in the Western Balkans are implemented in the Western Balkans region within the framework of the second phase of the European Union / Council of Europe Joint Programme Horizontal Facility for the Western Balkans and Turkey (HF II).

The Horizontal Facility supports justice reform, the fight against corruption and combating discrimination and protecting the rights of vulnerable groups, as well as media freedom and freedom of expression and covers Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia and Turkey (hereinafter Beneficiaries). Through the Horizontal Facility, the European Union and the Council of Europe will assist beneficiaries in South-East Europe to comply with Council of Europe standards and to align with the European Union acquis in the framework of the enlargement process, where relevant.

The aim of the actions on promotion of diversity and equality in the Western Balkans is to contribute to improving the functioning of anti-discrimination mechanisms and their accessibility by vulnerable groups, in line with European standards and best practices. The projects are focused on supporting beneficiaries and stakeholders in the region on countering hate speech and hate crime; promoting and protecting rights of minorities and of LGBTI persons; strengthening anti-discrimination institutions/mechanisms and coordination in line with standards of the Council of Europe, notably the recommendations of the European Commission against Racism and Intolerance (ECRI) and those from the Advisory Committee of the Framework Convention for the Protection of National Minorities (ACNM). The projects will be implemented until May 2022. This will be achieved by instruments such as legislative and policy reviews, capacity building and raise awareness/campaigning implemented at various levels, including the local one.

The Action is implemented throughout the period of 36 months (24 May 2019 – 23 May 2022) by the Anti-Discrimination department staff of the Council of Europe in Strasbourg and in the Council of Europe field offices in the Western Balkans.

All activities foreseen have to be planned in line with the Horizontal Facility II Communication guidelines and individual Communication plans of Actions, while all graphic elements have to be aligned with Council of Europe graphic charter.

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: Communication and public relations services	12
Lot 2: Multimedia / video and graphic design services	12

All Lots will have a gender mainstreaming approach in all stages of implementation.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

[Type here]

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders 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). Tenderers may tender for lot one, lot two or both lots.

Scope of the Framework Contract

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

Under Lot 1:

- Monitor media reporting after each public event organised by the Council of Europe Office in the Western Balkans region. The Providers will prepare a report in English containing a press digest and the following statistics (the number of published media advisories, the list of media where the media advisory was published, the number of published press releases and the list of media where the press releases was published);
- Prepare communication campaigns for high visibility events, aimed at media;
- Ensure photo and video coverage of the Council of Europe public events upon request;
- Prepare and distribute media advisories and press releases cleared by COE staff, in English and local languages in the respective beneficiaries. Liaise with media as necessary in order to achieve better media coverage in the beneficiaries.
- Identify project success stories highlighting the impact of the action – to be promoted through media contacts, public relations events, written interviews/stories/, short filmed interviews containing subtitles in English and a local language, infographics to be used on websites, social media and in the e-newsletter and distributed to media, to local stakeholders, international organisations, civil society organisations;
- Prepare contact lists of relevant media and/or journalists dealing with anti-discrimination theme in all Beneficiaries

Under Lot 2:

- Plan, design and implement creative concepts in the promotion of certain events, topics etc to better reach out specific social groups;
- Create visual and video materials for purposes of raising awareness events and campaigns;
- Produce multimedia materials for promotion through social media and other channels (videos, gifs, short clips etc.)
- Support the Council in managing relevant social media tools by providing entries
- Provide graphic design services for raising awareness campaigns; for infographics, results-based factsheets etc.

The above list is not considered as 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;

[Type here]

- 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.

The Council will indicate on each Order Form (see Section D below) the number of units ordered and 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 local language skills); 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^[3] (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);

[Type here]

- 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 honor not being in any of the below situations)^[4]

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

General for all Lots:

- The provider must be a registered company specialized in communications, public relations and/or marketing;
- The Provider must have at least 3 years of experience in the field of communications/journalism/public relations and/or marketing;
- The Provider must have at least 1 professional with at least 5 years of experience each in the field of communications/journalism/public relations/marketing/graphics/video direction, who would be involved in implementing tasks requested under this tender;
- Capacity to design audio-visual materials (short films, infographics, etc);
- Capacity to reach out to and co-operate with the media in the programme Beneficiaries, at the central but also local level (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey).
- Fluent English and at least one of the languages spoken in Western Balkans: (written and oral) .

[Type here]

Award criteria

- Quality of the offer (70%), including:
 - Outline of the visibility and communication concept (15%)
 - Outline of the communications campaign proposed (15%);
 - Quality of recent examples of similar campaigns and products (10%);
 - Capacity to meet the deadlines indicated in the Act of Engagement (10%);
 - Established relations with media in the region (10%);
 - Capacity to adapt to the context (10%).
- Financial offer (30%).

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

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement³ (See attached)**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above);
- A list of all owners and executive officers, for legal persons only;
- Proof of compliance with the eligibility criteria (e.g. registration documents, list and examples of similar multimedia/written products and their date and languages of production, contact details of 3 referees to whom similar services have been provided, CVs of engaged professionals, list of media the tenderer has previously co-operated with, etc);
- Communications campaign proposal;
- Recent examples of similar campaigns and products

All documents 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](#) 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](#).

[3] 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.

[4] 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.

[5] 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.