

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



**Purchase of services for design the communication strategy and the detailed plan for communication campaign for the Ombudsman's Office in Ukraine in the regard to the Personal Data Protection in the framework of the Joint EU/Council of Europe Project "European Union and Council of Europe working together to strengthen the protection of human rights".**

***Tender/ Contract N° 4757/2021/24***

The Council of Europe is currently implementing the Joint EU/Council of Europe Project "European Union and Council of Europe working together to strengthen the protection of human rights". The Project's general aim is to strengthen the Ombudsperson's institutional capacity in the areas of personal data protection and prevention of human rights violations in places of deprivation of liberty via efficient realisation of the National Preventive Mechanism (NPM).

One of the Project objectives is to promote dissemination of information about the national regulations and European standards in the field of personal data protection, to raise awareness and improve knowledge of data protection rules among general public and data controllers. It is expected that the awareness raising activities with wider audience outreach would positively affect the general legal culture in Ukraine and diminish the number of violations of rights to personal data protection in long-term perspective.

With regard to the improvement of the personal data protection in Ukraine, and especially raising awareness on this topic among the general public, the Project is looking for a Provider to render services on the development and further implementation of the communication strategy and detailed plan for communication campaign for personal data protection in Ukraine.

The contracted Provider will closely work with the Ombudsman's Office including but not limited to relevant stakeholders to identify the needs, objectives and build further detailed concept for the successful communication strategy and detailed plan for communication campaign for the Data Protection Department. The detailed plan for communication campaign should be realistic for implementation, facilitating awareness raising about the idea, role and functions of the Data Protection Department among the identified stakeholders and target audiences.

The communication strategy and detailed plan for communication campaign will be developed upon the request of the Ombudsperson Office in Ukraine under support of the Joint EU/Council of Europe Project "European Union and Council of Europe working together to strengthen the Ombudsperson's capacity to protect human rights".

In that context, it is looking for a Provider for the provision of local consultancy services on design and development of the communication strategy for the Ombudsman's Office in Ukraine in the regard to the Personal Data Protection.

**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 **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 a legal person or consortia of legal and/or natural persons.

<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](#).

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 4757/2021/24\_Name of your company.** 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 five (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: Tender 4757/2021/24\_Question**

<b>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	<b>05 May 2021</b>
<b>Email for submission of tenders/offers ▶</b>	DGI-HRImplementation@coe.int
<b>Email for questions ▶</b>	DGI-HRImplementation@coe.int
<b>Expected starting date of execution ▶</b>	11 May 2021

## 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**.

Prices are indicated in Euros without VAT. The Project is VAT exempted in Ukraine as the joint project of the European Union and the Council of Europe registered at the Ministry of Economy of Ukraine on the basis of Cabinet of Ministers of Ukraine's Decree "On the unified system of the use and monitoring of international technical assistance" n.153 approved on 15.02.2002. Services to be provided under this Act of Engagement will 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,<sup>2</sup> 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, 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;
- 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*

- Legal person or consortia of legal and/or natural persons registered according to national legislation;
- At least 3 years of experience in the sphere of communication and related activities (experience of consultations provision, implementation of SMM/ digital marketing, PR-campaigns and others);
- Proof of possibility to carry out an appropriate type of economic activity.

### *Award criteria*

- Quality of the offer (80%), including: demonstration of at least 3 communication campaigns proven by samples of/links to previously developed communication strategies and the results of their practical implementation; presentation or company's portfolio, describing operational capacities in terms of qualifications of the human resources involved to implement the assigned work; technical resources of the company required for further implementation of the communication strategy; description of methods of undertaking the specifics of work.
- Financial offer (20%).

Multiple tendering is not authorised.

## E. NEGOTIATIONS

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

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<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).

**F. DOCUMENTS TO BE PROVIDED**

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement<sup>3</sup> (See attached)**
- A list of all owners and executive officers, for legal persons only;
- Registration documents (scanned copies of originals in Ukrainian) and documents proving the ability to carry out an appropriate type of economic activity;
- Presentation or company's portfolio, describing in details operational capacities and qualification of the human resources involved into the implementation of the assigned work;
- List of at least three samples of/links to previously developed and implemented communication strategies, plans of their implementations, PR-campaigns and other relevant visual and communication materials.

**Act of Engagement, list of all owners shall be submitted in English, other documents 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.**

**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.