**CALL FOR TENDERS**

for the provision of CONSULTANCY SERVICES IN THE FIELD OF
FREEDOM OF EXPRESSION AND THE MEDIA
IN THE WESTERN BALKANS

**2023/AO/90**

|  |  |
| --- | --- |
| **Object of the procurement procedure ►** | Provision of consultancy services on freedom of expression and of the media in Albania, Bosnia and Herzegovina, Kosovo[[1]](#footnote-1), Montenegro, North Macedonia, and Serbia.  |
| **Sector ►** | Consultancy services (legal and policy advice, and training design and delivery) in the following areas (Freedom of expression, Access to information, Protection and Safety of Journalists, Media law, regulation, co-regulation, and self-regulation and Protection of personal data) |
| **Organisation and buying entity ►** | Council of EuropeDivision for Cooperation on Freedom of Expression Information Society Department Directorate General I |
| **Type of contract ►** | **Framework Contract** |
| **Duration ►** | Until 31 December 2026Renewable until 31 December 2028 |
| **Expected starting date ►** | 02 January 2024 |
| **Tender Notice Issuance date ►** | 10 November 2023 |
| **Deadline for tendering ►** | 11 December 2023 |

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* [**The TENDER RULES** 6](#_Toc445392376)

The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.

* **The ACT OF ENGAGEMENT** **(See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

**HOW DOES A FRAMEWORK CONTRACT WORK?**

**Stage 1:**

**Selection** of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

**Stage 2:**

**Order(s)** are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

**Execution** as from the date of signature of each Order, unless the Order concerned provides otherwise.

**HOW TO SUBMIT A TENDER?**

**Step 1:** Read the **TENDER FILE**

**Step 2:** Complete the **ACT OF ENGAGEMENT** andcollect therequired **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

**Step 3:** Send your **TENDER**, in accordance with the Tender Rules

**PART I –TERMS OF REFERENCE**

**CALL FOR TENDERS**

**for the provision of CONSULTANCY SERVICES**

**IN THE FIELD OF FREEDOM OF EXPRESSION AND THE MEDIA**

**IN THE WESTERN BALKANS**

**2023/AO/90**

1. **Background**

In the framework of the European Union/Council of Europe “Horizontal Facility for the Western Balkans and Türkiye” (Horizontal Facility III), the Council of Europe is currently implementing seven actions (in Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia, Serbia – hereinafter “actions’ Beneficiaries” - and regional) on “Protecting freedom of expression and of the Media” (PRO-FREX).

The actions aim at strengthening the capacities of key domestic institutions and actors (including, relevant governmental structures/ministries, independent authorities in the field of media, access to information and data protection, judiciary and legal professionals, public service media and other media outlets, and CSOs in the field of journalism and media) in implementing European standards on freedom of expression and freedom of the media.

The activities foreseen under the project, in the subject areas indicated above, include technical assistance and advice on legislative and policy review, institutional capacity building and human capacity development, as well as awareness-raising.

This framework contract is foreseen to cover consultancy services to be provided until 31 December 2026. The contract may be tacitly renewed for a further term of one year, and shall renew each year thereafter, unless either party notifies the other in writing of its intention to terminate the contract at the latest three months before the renewal date. The contract shall not be renewed beyond 31 December 2028 and shall end on this date unless either party has already validly terminated the contract.

This Contract is currently estimated to cover up to 200 activities, actions, and interventions until 31 December 2026. 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 projects concerned amounts to 4.000.000 Euros and the total amount of the object of the present tender should in principle not exceed 600.000 Euros 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.

Although the implementation of this international call will be administered by the Division for Cooperation on freedom of expression, the actual framework contract will be used by all relevant entities of the Council of Europe which will be implementing activities in the areas of freedom of expression. To this end, the division for cooperation on freedom of expression will create a pool of consultants that can be used by the whole Organisation. The present tendering procedure aims to select Providers to support the implementation of the Council of Europe co-operation programmes as well as any other activity organised by the Council of Europe in the implementation of its programme of activities in Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia, Serbia.

1. **LOTS**

The PRO-FREX actions aim at strengthening the capacities of key domestic institutions and actors (including, relevant governmental structures/ministries, independent authorities in the field of media, access to information and data protection, judiciary and legal professionals, public service media and other media outlets, and CSOs in the field of journalism and media) of the Horizontal Facility Beneficiaries (Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia, and Serbia – hereinafter “HF Beneficiaries in the Western Balkans”) in implementing European standards on freedom of expression and freedom of the media.

In this context, the Council of Europe provides targeted support to strengthening the capacities of key domestic institutions and actors (including, relevant governmental structures/ministries, independent authorities in the field of media, access to information and data protection, judiciary and legal professionals, public service media and other media outlets, and CSOs in the field of journalism and media) in implementing European standards on freedom of expression and freedom of the media. The activities foreseen under the project, in the subject areas indicated above, include policy and legal advice, institutional capacity building and human capacity development, as well as awareness-raising.

The Horizontal Facility III and its actions are foreseen to end on 31 December 2026.

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:** Provision of legal and policy technical expertise and advice, aimed at ensuring sound policy, legislative and regulatory frameworks, in the field of the international and constitutional protection of the right to **freedom of expression** | 20 |
| **Lot 2:** Demand-driven knowledge development, through the design and implementation of professional training in the field of the international and constitutional protection of the right to **freedom of expression** | 20 |
| **Lot 3:** Provision of legal and policy technical expertise and advice, aimed at ensuring sound policy, legislative and regulatory frameworks, in the field of the right of **access to information** | 20 |
| **Lot** **4:** Demand-driven knowledge development, through the design and implementation of professional training in the field of the right of **access to information** | 20 |
| **Lot 5:** Provision of legal and policy technical expertise and advice, aimed at ensuring sound policy, legislative and regulatory frameworks, in the field of **protection and safety of journalists** | 20 |
| **Lot 6:** Demand-driven knowledge development, through the design and implementation of professional training in the field of **protection and safety of journalists** | 20 |
| **Lot** **7:** Provision of legal and policy technical expertise and advice, aimed at ensuring sound policy, legislative and regulatory frameworks, in the field of **media law** and regulation, co-regulation and self-regulation (including press, linear and non-linear AVMS, digital and online media) | 20 |
| **Lot 8**: Demand-driven knowledge development, through the design and implementation of professional training in the field of **media law and regulation, co-regulation and self-regulation** (press, linear and non-linear AVMS, digital and online media) | 20 |
| **Lot** **9:** Provision of legal technical expertise and advice, aimed at ensuring sound policy, legislative and regulatory frameworks, in the field of the **protection of personal data** | 20 |
| **Lot 10:** Demand-driven knowledge development, through the design and implementation of professional training in the field of the **protection of personal data** | 20 |

The projects that can refer to the consultants contracted following the present call for tenders are not limited to those mentioned above.

***Brief explanation of the purpose of each of the lots:***

**Lot 1:** **legal and policy expertise and advice** in the field of **freedom of expression**.

Legislative and policy advice will help ensure that domestic legislative and policy frameworks, at all relevant levels, are brought in line with Council of Europe standards and recommendations, as well as other European and international standards. Baseline studies, recommendations, and legal opinions will be made available to support relevant stakeholders in becoming aware and informed of these standards. This would assist the process of drafting policies, legislation, and regulations in the field of freedom of expression, particularly regarding defamation and hate speech.

Expertise under this Lot mainly targets relevant Ministries and parliamentary committees in charge of legal reforms, but also other duty-bearers implementing policies and regulations affecting freedom of expression and relations with the media. This includes civil society organisations promoting and advocating for legal reform.

**Lot 2:** capacity building through **training** in the field of **freedom of expression**.

Capacity building and re-enforcing through training and other peer exchange tools is an indispensable, long-term, and sustainable solution for developing the capacities of stakeholders and strengthening their knowledge and relevant competencies in the field of freedom of expression. Expertise under this Lot mainly targets legal professionals (such as judges, prosecutors, judicial advisors, and lawyers), but may also concern other duty-bearers and rights-holders (such as audio-visual regulatory authorities, journalists, journalists’ associations, and self-regulatory bodies), including those at the policy-making, legislative drafting, and implementation levels.

**Lot 3:** **legal and policy expertise and advice** in the field of **access to information**.

Legislative and policy advice will help ensure that domestic legislative and policy frameworks, at all relevant levels, are brought in line with Council of Europe standards and recommendations, as well as other European and international standards and best practices. Baseline studies, recommendations, and legal opinions will be made available to support relevant stakeholders in becoming aware and informed of these standards and best practices. This would assist the process of drafting policies, legislation, and regulations in the field of access to information.

Expertise under this Lot targets mainly relevant Ministries and parliamentary committees in charge of legal reforms and independent authorities in the field of access to information and public documents, as well as civil society organisations promoting and advocating for legal reform.

**Lot 4:** capacity building through **training** in the field of **access to information**.

Capacity building and re-enforcing through training and other peer exchange tools is an indispensable, long-term, and sustainable solution for developing the capacities of stakeholders and strengthening their knowledge and relevant competencies in the field of access to information.

Expertise under this Lot mainly targets the staff of independent authorities in the field of access to information, civil servants with responsibilities in the provision of information, as well as legal professionals (such as judges, prosecutors, judicial advisors, and lawyers) and right-holders, especially journalists and other public watchdogs and their organisations. It may also concern other duty-bearers and rights-holders, including those at the policy-making, legislative drafting, and implementation levels.

**Lot 5:** **legal and policy expertise and advice** in the field of **protection and safety of journalists**.

Legislative and policy advice will help ensure that domestic legislative and policy frameworks, at all relevant levels, are brought in line with Council of Europe standards and recommendations, as well as other European and international standards. Baseline studies, recommendations, and legal opinions will be made available to support relevant stakeholders in becoming aware and informed of these standards. This would assist the process of drafting policies, legislation, and regulations in the field of protection and safety of journalists.

Expertise under this Lot mainly targets relevant Ministries and parliamentary committees in charge of legal reforms and policy design, domestic mechanisms for the protection of journalists, prosecutorial and law enforcement authorities, as well as media outlets, media organisations and journalist’s associations.

**Lot 6:** capacity building through **training** in the field of **protection and safety of journalists**.

Capacity building and re-enforcing through training and other peer exchange tools is an indispensable, long-term, and sustainable solution for developing the capacities of stakeholders and strengthening their knowledge and relevant competencies in the field of protection and safety of journalists.

Expertise under this Lot mainly targets legal professionals (with a focus on prosecutors), law enforcement officers as well as journalists and other media actors. It may also concern other duty-bearers and rights-holders, including those at the policy-making, legislative drafting, and implementation levels.

**Lot 7:** **legal and policy expertise and advice** in the field of **media law and regulation, co-regulation and self-regulation** (including press, linear and non-linear AVMS, digital and online media).

Legislative and policy advice will help ensure that domestic legislative and policy frameworks, at all relevant levels, are brought in line with Council of Europe standards and recommendations, as well as other European and international standards. Baseline studies, recommendations, and legal opinions will be made available to support relevant stakeholders in becoming aware and informed of these standards. This would assist the process of drafting policies, legislation, and regulatory, co-regulatory and self-regulatory instruments in the field of media (including press, linear and non-linear AVMS, digital and online media).

Expertise under this Lot mainly targets relevant Ministries and parliamentary committees in charge of legal reforms and policy design, domestic mechanisms for the regulation, co-regulation and self-regulation of media (including press, linear and non-linear AVMS, digital and online media), as well as media outlets, media organisations and journalist’s associations.

**Lot 8:** capacity building through **training** in the field of **media law and regulation, co-regulation and self-regulation** (including press, linear and non-linear AVMS, digital and online media)

Capacity building and re-enforcing through training and other peer exchange tools is an indispensable, long-term, and sustainable solution for developing the capacities of stakeholders and strengthening their knowledge and relevant competencies in the field of media law and regulation, co-regulation and self-regulation (including press, linear and non-linear AVMS, digital and online media).

Expertise under this Lot mainly targets civil servants from the relevant Ministries and parliamentary committees in charge of legal reforms and policy design, the staff of regulatory authorities in the field of media and co- and self-regulatory bodies, such as press councils, as well as media outlets, media organisations and journalist’s associations. It may also concern other duty-bearers and rights-holders, including those at the policy-making, legislative drafting, and implementation levels

**Lot 9:** **legal and policy expertise and advice** in the field of the **protection of personal data**

Legislative and policy advice will help ensure that domestic legislative and policy frameworks, at all relevant levels, are brought in line with Council of Europe standards and recommendations, as well as other European and international standards and best practices. Baseline studies, recommendations, and legal opinions will be made available to support relevant stakeholders in becoming aware and informed of these standards and best practices. This would assist the process of drafting policies, legislation, and regulations in the field of data protection in its nexus with freedom of expression and access to information.

Expertise under this Lot targets mainly relevant Ministries and parliamentary committees in charge of legal reforms and independent authorities in the field of data protection, as well as civil society organisations promoting and advocating for legal reform.

**Lot 10:** capacity building through **training** in the field of the **protection of personal data**

Capacity building and re-enforcing through training and other peer exchange tools is an indispensable, long-term, and sustainable solution for developing the capacities of stakeholders and strengthening their knowledge and relevant competencies in the field of access to information.

Expertise under this Lot mainly targets the staff of independent authorities in the field of data protection and civil servants with responsibilities in this respect, as well as legal professionals (such as judges, prosecutors, judicial advisors, and lawyers) and right-holders, especially journalists and other public watchdogs and their organisations. It may also concern other duty-bearers and rights-holders, including those at the policy-making, legislative drafting, and implementation levels.

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).

Only those Providers whose score, following the assessment of the Award Criteria (see Section F below) is equivalent to or higher than **2.5/5** will be selected under each lot.

1. **SCOPE OF THE FRAMEWORK CONTRACT**

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

**Under Lots 1, 3, 5, 7, and 9**, in the respective subject-matter areas as described above:

* Provide legal expertise, conduct (comparative) legal analysis and research in the relevant field.
* Provide substance inputs to the process of legislation and policy drafting.
* Review existing domestic legal and policy frameworks in the HF Beneficiaries in the Western Balkans, in line with relevant Council of Europe and European standards and provide recommendations for improvement.
* Advise on relevant subject matters, recent developments, and the challenges of regulatory and policy frameworks in the HF Beneficiaries in the Western Balkans.
* Provide policy support to reinforce the dialogue and strengthen cooperation mechanisms between all levels of government on issues concerning freedom of expression and access to information.
* Provide advisory support to institutions to address possible human rights gaps in the freedom of expression legislative framework and provide guidance to ensure implementation of recommendations through the drafting of guidelines or other working documents.
* Draft and develop baseline studies, recommendations and legal opinions aimed at supporting responsible stakeholders to become aware and informed of Council of Europe and other European and international standards.
* Under the guidance of the Secretariat of the Council of Europe, participate in and provide advisory support to Project’s meetings and events, including consultation meetings with national authorities, working group meetings, workshops, roundtables, presentations, and conferences.

**Under Lots 2, 4, 6, 8, and 10**, in the respective subject-matter areas as described above:

* Carry out surveys on stakeholders’ training needs.
* Conduct qualitative and quantitative data analysis.
* Contribute to the drafting and development of training curricula design, and thematic calendar.
* Develop necessary training materials and documents, including and not limited to handbooks, thematic reports and guides on themes falling under freedom of expression and access to information.
* Carry out training (remotely and in person) in the relevant area, based on identified stakeholders’ needs.
* Under the guidance of the Secretariat of the Council of Europe, participate in and provide advisory support to Project’s meetings and events, including consultation meetings with national authorities, working group meetings, workshops, roundtables, presentations, and conferences.

***Note:*** 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.

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.

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).

1. **FEES**

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of 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 E below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

1. **HOW WILL THIS FRAMEWORK CONTRACT WORK? (Ordering PROCEDURE)**

Once this consultation and the subsequent selection are completed, you will be informed accordingly. Deliverables will then be carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

For each Order, the Council will choose from the pool of pre-selected tenderers of the relevant lot the Provider who demonstrably offers the 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.]

**Providers subject to VAT**

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote[[2]](#footnote-2) (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);

- 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 Service 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.

1. **ASSESSMENT**

*Exclusion criteria* (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)[[3]](#footnote-3)

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 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 retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
* have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
* 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*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section G):

* University degree in law, political science, international relations, journalism or a related field.
* Excellent knowledge - as evidenced by relevant academic and/or work experience - of European and international standards and good practices in the area of human rights with a focus on at least one of the following topics:
	+ freedom of expression (including access to information and the protection of journalists);
	+ media freedom and pluralism;
	+ data protection.
* Professional experience of 5 (five) years or more in the area related to policy and/or legislative analysis, training and institutional capacity building.
* Proven working experience in holding similar consultancy roles.
* Excellent drafting and writing skills in English (at the minimum C1 level of the Common European Framework of Reference for Languages).

*Award criteria for Lots 1,3,5, 7 and 9*

* Criterion 1: Quality of the offer (90%)
	+ Legal research, analytical, drafting and writing skills (30%).
	+ Expertise in conducting legislative analysis aimed at drafting and delivering legal opinions and recommendations (30%).
	+ Knowledge of the legal frameworks in the relevant subject-matter area in the Western Balkans (25%).
	+ Drafting and writing skills in one or more of the regional languages (Albanian, Bosnian/Croatian/Serbian, Macedonian, Montenegrin) (5%).
* Criterion 2: Financial Offer (10%)

*Award criteria for Lots 2,4,6,8 and 10*

* Criterion 1: Quality of the offer (90%)
	+ Previous experience with designing training curricula and training materials (30%).
	+ Experience in conducting trainings in the relevant fields (30%).
	+ Research, analytical, drafting and writing skills (20%).
	+ Ability to deliver in one or more of the regional languages (Albanian, Bosnian/Croatian/Serbian, Macedonian, Montenegrin) (10%)
* Criterion 2: Financial Offer (10%)

Multiple tendering is not authorised.

1. **DOCUMENTS TO BE PROVIDED**
* **One** completed and signed copy of the Act of Engagement;[[4]](#footnote-4)
* A motivation letter in English (1 page maximum) highlighting the most relevant expertise regarding the lot(s) tendered for;
* 3 (three) recent referees’ contact details (including email address and phone number).
* For natural persons only:
	+ A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
	+ Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in English.
	+ (if applicable) Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in Albanian and/or Bosnian/Serbian/Croatian, and/or Montenegrin and/or Macedonian.
* For legal persons only:
	+ Registration documents;
	+ Detailed CV(s), preferably in Europass Format, of person(s) allocated to the execution of the contract, demonstrating clearly that each of them fulfils the eligibility criteria;
	+ Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in English
	+ (if applicable) Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in Albanian and/or Bosnian/Serbian/Croatian, and/or Montenegrin and/or Macedonian.

At the time a specific assignment is ordered from a tenderer (natural person) belonging to the category of local[[5]](#footnote-5) civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to submit a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the tenderer to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

Alternatively, at the time a specific assignment is ordered from a tenderer (legal person) assigning the production of the expected deliverables to an individual belonging to the category of local civil servant or other public administration staff under the third phase of the Horizontal Facility, the respective tenderer will be required to verify and provide the Council of Europe with the necessary supporting documents confirming that this individual submitted a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the individual to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

**All documents shall be submitted in Word or PDf format and in English language. 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.**

**\* \* \***

# PART II – TENDER RULES

**CALL FOR TENDERS**

**FOR THE PROVISION OF CONSULTANCY SERVICES IN THE FIELD OF FREEDOM OF EXPRESSION AND THE MEDIA IN THE WESTERN BALKANS**

**2023/AO/90**

**ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY**

* 1. **Name and address**

**COUNCIL OF EUROPE**

Division for Cooperation on Freedom of Expression

Information Society Department

Directorate General I

* 1. **Background**

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.[[6]](#footnote-6)

Further details on the project are provided in the Terms of Reference.

**ARTICLE 2 – VALIDITY OF THE TENDERS**

Tenders are valid for 180 calendar days as from the closing date for their submission.

**ARTICLE 3 – DURATION OF THE CONTRACT**

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

**ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE**

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

**ARTICLE 5 – Content of the tender file**

The tender file is composed of:

* Technical specifications/Terms of reference;
* Tender rules;
* An Act of Engagement, including the Legal Conditions of the contract.

**ARTICLE 6 – LEGAL FORM OF TENDERERS**

The tenderer must be either a natural person, or a legal person.

**ARTICLE 7 – SUPPLEMENTARY INFORMATION**

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: PROFREX@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

**ARTICLE 8 – MODALITIES OF THE TENDERING**

Tenders must be sent to the Council of Europe **electronically.**

**Electronic copies** shall be sent only to cdm@coe.int with reference no. **2023AO90** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

**ARTICLE 9 – Deadline for submission of tenders**

The deadline for the submission of tenders is 11 December 2023 by 23:59 CET.

**ARTICLE 10 – ASSESSMENT OF TENDERS**

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

**ARTICLE 11 – NEGOTIATIONS**

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

\* \* \*

**FINAL CHECK LIST**

1. **BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:**
* **One** completed and signed copy of the Act of Engagement;[[7]](#footnote-7)
* A motivation letter in English (1 page maximum) highlighting the most relevant expertise regarding the lot(s) tendered for;
* 3 (three) recent referees’ contact details (including email address and phone number).
* For natural persons only:
	+ A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
	+ Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in English.
	+ (if applicable) Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in Albanian and/or Bosnian/Serbian/Croatian, and/or Montenegrin and/or Macedonian.
* For legal persons only:
	+ Registration documents;
	+ Detailed CV(s), preferably in Europass Format, of person(s) allocated to the execution of the contract, demonstrating clearly that the tenderer fulfils the eligibility criteria;
	+ Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in English
	+ Up to two samples of relevant work (articles, handbooks, research analysis, policy opinions, presentations, training materials, etc.) in Albanian and/or Bosnian/Serbian/Croatian, and/or Montenegrin and/or Macedonian.
1. **HOW TO SEND TENDERS?**

Tenders must be sent to the Council of Europe **electronically.**

Electronic copies shall be sent only to cdm@coe.int with reference no. **2023AO90** in the subject field. Tenders submitted to another e-mail account will be excluded from the procedure.

The deadline for the submission of tenders is 11 December 2023 by 23:59 CET.

1. All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo [↑](#footnote-ref-1)
2. It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part. [↑](#footnote-ref-2)
3. 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 en equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth requirements listed above under “exclusion criteria” are met;
	* A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement 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). [↑](#footnote-ref-3)
4. 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. [↑](#footnote-ref-4)
5. For the purpose of this document, the term “local” designates consultants from one of the Horizontal Facility Beneficiaries region and Türkiye. [↑](#footnote-ref-5)
6. Available on the website of the Council of Europe Treaty Office: [www.conventions.coe.int](http://www.conventions.coe.int) [↑](#footnote-ref-6)
7. 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. [↑](#footnote-ref-7)