



TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

Purchase of national consultancy services on various communication aspects of the project activities

Contract N° 8665/2019/5

The Council of Europe is currently implementing (until 31/12/2020) the Project "Human rights compliant criminal justice system in Ukraine". In that context, it is looking for Providers for the provision of national consultancy services on **various communication aspects of the project activities** 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 self-employed sole trader, or a duly registered limited or unlimited liability company with a single employee/director.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: *National consultancy on communication UA HRCJ Project***. 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: "Question: National consultancy on communication UA HRCJ Project"**.

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2020
Deadline for submission of tenders/offers ▶	15 September 2019
Email for submission of tenders/offers ▶	DGI-HRImplementation@coe.int
Email for questions ▶	DGI-HRImplementation@coe.int
Expected starting date of execution ▶	01 October 2019

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](#).

EXPECTED DELIVERABLES

A. BACKGROUND

The Council of Europe Project "Human Rights Compliant Criminal Justice System in Ukraine" (the Project) is implemented from July 2019 to December 2020, with the possibility of potential prolongation.

During the past years the Council of Europe has successfully assisted Ukraine with the major policy, constitutional and key legal and institutional reforms in the criminal justice area. Upon the entry into force of the relevant new legal and Constitutional framework, as well as the set-up of new institutional structures there is a need to continue assisting Ukraine in the implementation of the reforms at the operational level.

The current Project aims at ensuring effective functioning of the criminal justice system in Ukraine aligned with European human rights standards with a large focus on practical implementation of reforms in the criminal justice area, specifically with regard to the following components:

- Further harmonisation of the criminal procedure legislation and practice of its implementation in line with Council of Europe standards and best practices;
- Consolidation of independence, effectiveness and transparency of the public prosecution service.

Project beneficiary institutions are Ukrainian Parliament, Ministry of Justice of Ukraine, Presidential Administration of Ukraine, Supreme Court, Office of the Prosecutor General of Ukraine, Council of Public Prosecutors, Qualification and Disciplinary Commission of Prosecutors of Ukraine; National School of Justice; National Academy of Prosecutors of Ukraine.

Other partners include Ministry of Interior/National Police, State Bureau of Investigations, Coordination Center for the Legal Aid Provision, National Bar Association, and human rights NGOs.

The Project will draw upon an extensive network of consultants with knowledge of international and European standards and different European systems ("international consultants") and consultants with local expertise/knowledge of the domestic system in which the activities are implemented ("national consultants") to carry out its work.

The Council of Europe is looking for maximum 12 Local Providers/ Consultants (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise in the field of communications, in accordance with the Lots below:

Lots	Maximum number of Providers to be selected
Lot 1: Communication and public relations	3
Lot 2: Photography	3
Lot 3: Videography and filming	3
Lot 4: Graphic design and layout	3

The Council will select the abovementioned number of Providers/Local consultants 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).

This Contract is currently estimated to cover up to 100 activities, to be held by 31/12/2020. 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 1 000 000 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.

B. SCOPE OF THE FRAMEWORK CONTRACT

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

Under Lot 1: Communication and public relations

- work with the Project team to develop targeted communication strategies
- prepare news items/success stories/articles/press announcements/ press releases/other written materials on Project activities for publishing and posting on the websites/social media platforms/in printed media, etc.;
- attend the Project's public events;
- identify opportunities for media coverage of the Project and make relevant suggestions to the Project team;
- facilitate respective media representatives' presence at the events of the Project, including: identifying the media and journalists to be invited, sending out invitations, etc.;
- lead the process of production of videos on the activities of the Project that would include (but would not be limited to) the following tasks:
 - preparation of a storyboard for the video;
 - advising the Project team on the video components (infographics, etc.);
 - advising the Project team on the format of the messages for the speakers of the video;
 - acting as a liaison when arranging the filming days (venue, time etc.) and communicating this information to the speakers;
 - acting as a liaison between the speakers and the video production company on the filming days;
 - reviewing the draft videos sent by the video production company to identify mistakes, etc.
- provide consultancy to the Project team on the preparation of the awareness raising and visibility materials produced with the support of the Project.

Under Lot 2: Photography

- attend the Project's public events;
- provide photography services during the Project's events;
- edit and make colour adjustment of photos taken during the Project's events.

Under Lot 3: Videography and filming

- attend the Project's events and shoot HD quality videos;
- shoot interview videos with the Council of Europe representatives, experts, Project's partners and beneficiaries, as well as other selected participants for the video;
- preproduction, production and postproduction of short and medium promotional videos;
- create infographics and other visual elements needed in the process of editing;
- use translation and subtitles in English/Ukrainian where necessary.

Under Lot 4: Graphic design and layout

- advise the Project staff on best design options (for the given content), and propose multiple versions for their consideration;
- design, layout and format publications, and other printed and web-based communications materials taking into account Council of Europe guidelines, and other requirements, as needed;
- design and create illustration, art-work, maps, tables, charts and other graphic elements for communication and promotional materials;
- determine size and arrangement of illustrative material and copy, and select style and size or type;
- develop infographics using supplied data to present core messages and organize complex information into visual representations;
- liaise with printers, if necessary;
- deliver creative graphic and technical solutions (including infographics if required) for print, electronic, web-based and animated presentations.

The above list of possible types of deliverables 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. Tenderers 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 0 below) 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).

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. Orders will be addressed in priority to the first Provider on the ranking list of the tender for the relevant lot. If this Provider is unable to take the Order or if no reply is given on his behalf within that deadline, the Council may call on the second Provider on the ranking list of the tender for the relevant lot, and so on down the list.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote² (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 .

² 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.

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)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;
- 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.

Eligibility criteria

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

- Tenderer should be a natural person or registered as legal person authorised to provide the relevant services in accordance with Ukrainian legislation;
- At least 3 (three) years of experience in areas related to the fields of expertise as described under the scope of the contract above;
- Knowledge of Ukrainian (native language level) and English, as it follows: fluent level for Lot 1, very good level for Lots 3 and 4 and good level for Lot 2.

Award criteria

- Quality of the offer (60%), including:
 - Tenderer's expertise, experience and relevance of the latter in undertaking similar services (40%);
- Financial offer (40%).

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**⁴ (See attached);

For private persons:

- A detailed CV, demonstrating clearly that the Tenderer fulfils the eligibility criteria (4 pages maximum);

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

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.

- Portfolio of the Tenderer, including short information on the projects accomplished during at least 3 recent years and at least 3 samples/links to similar examples of work to the Lot(s) the Tenderer applies for;
- Contact information of 3 referees (full name, company/organisation, position, e-mail address and phone).

For legal persons:

- Registration documents;
- Description of the proposed team (CVs of professional team members/consultants expected to work on the potential project within the Lot(s) applied);
- Portfolio of the Tenderer, including short information on the projects accomplished during at least 3 recent years and at least 3 samples/links to similar examples of work relevant to the Lot(s) the Tenderer applies for;
- Contact information of 3 referees (full name, company/organisation, position, e-mail address and phone).

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.

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