

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

Purchase of consultancy services (media and communication expertise) in relation to the implementation of the "Quality Education for All (Quality Ed – Bosnia and Herzegovina)" project in Bosnia and Herzegovina *Contract N° BH4678/FC/2022/1*



The Council of Europe is currently implementing and until the 31st of December 2022 will implement a joint European Union/Council of Europe project "Quality Education for All" in Bosnia and Herzegovina under the "Horizontal Facility for the Western Balkans and Turkey - Phase II". In that context, it is looking for a Provider for the provision of consultancy services (media and communication expertise) 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 legal person or consortia of legal and/or natural persons.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Consultancy services – Quality Education for All (Bosnia and Herzegovina).** 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 – Tender (Quality Education for All - BiH)**

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|---|----------------------------------|
| Type of contract ▶ | Framework contract |
| Duration ▶ | Until 31 October 2022 |
| Deadline for submission of tenders/offers ▶ | 10 April 2022 |
| Email for submission of tenders/offers ▶ | tender.BIH-BH4678@coe.int |
| Email for questions ▶ | tender.BIH-BH4678@coe.int |
| Expected starting date of execution ▶ | 04 May 2022 |

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

Background of the Project

"Quality education for all" is an action on education implemented in Bosnia and Herzegovina within the framework of the second phase of the "European Union - Council of Europe Horizontal Facility for Western Balkans and Turkey (HF)". The project is implemented throughout the period of 43 months (23 May 2019 – 31 December 2022) by the Education Department and the project team based in the Council of Europe office in Sarajevo. The main partners of the project are the Ministry of Civil Affairs of Bosnia and Herzegovina, all relevant entity and cantonal ministries of education.

The main goal of the project is to foster a quality education for all by promoting inclusion and solutions to address discrimination in the education system and in this way contribute to an inclusive, peaceful and democratic society with engaged citizens in Bosnia and Herzegovina. The main impact hypothesis is that education plays a key role in developing the knowledge and competences necessary for someone to become an engaged citizen. The project will help strengthen the capacity of the Bosnia and Herzegovina education system to fulfil this role.

The Council of Europe is looking for one Provider in order to support the implementation of the project with a particular expertise in media and communication.

This Contract is currently estimated to cover up to 20 activities, to be held by 31 October 2022. 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 800.000 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.

Scope of the Framework Contract

Throughout the duration of the Framework Contract, the Provider may be asked to:

- Explore opportunities for interviews and statements by the beneficiaries and partners in the action (CSOs, schools etc.) and present a draft outline of interviews to the Council of Europe team;
- Identify project success stories about the action's beneficiaries and overall action results;
- Draft articles/make short videos of identified success stories of both individuals with remarkable achievements and CSOs, as well as institutions that have made steps towards improving the education system to be promoted through media contacts, events and features;
- Support the Council of Europe team in drafting press releases on project activities.

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 Service Provider 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).

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. 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 D 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, by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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 .

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, 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;

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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 an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth 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).

- 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

- University (higher education) degree in fields such as: communications, media studies, education, political/social sciences and other fields relevant to the scope of the project;
- Professional experience of 5 or more years in the communications and media sector, in particular the areas of education, human rights and social inclusion;
- Excellent oral and written knowledge of English (B2 level) and Bosnian/Croatian/Serbian (C2 level).

Award criteria

- Quality of the offer (80%), including:
 - Methodology proposed (35%);
 - Thematic expertise and professional experience including in-depth understanding of the content and structure of the education sector in BiH (25%);
 - Demonstration of meeting standards of objectiveness and accuracy (20%).
- Financial offer (20%).

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);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, for legal persons only;
- A motivation letter in English demonstrating how the tenderer meets the award criteria and in particular highlighting the experience in conducting activities related to the above-mentioned topics and standards and the proposed methodology;
- Contact details of three referee and/or recent employers;
- Three examples of previous work in Bosnian/Croatian/Serbian related to the objective of the call.

At the time a specific assignment is ordered from a tenderer (natural person) belonging to the category of local⁵ civil servant or other public administration staff under the second phase of the Horizontal Facility, and following on the entry into force of Addendum 3 to the Horizontal Facility II contract with the European Union, 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 second phase of the Horizontal Facility, and following on the entry into force of Addendum 3 to the Horizontal Facility II contract with the European Union, the respective tenderer will be required to verify and provide the Council of Europe with the necessary supporting

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.

⁵ For the purpose of this document, the term « local » designates consultants from one of the Horizontal Facility Beneficiaries region and Turkey.

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 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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