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

Purchase of the communication services relating to the Social Media awareness raising campaign on freedom of expression and freedom of the media

Under the joint European Union and the Council of Europe programme "Horizontal Facility for the Western Balkans and Turkey 2019-2022", the action "Freedom of expression and freedom of the media in Montenegro", is being implemented. The action started on 23 May 2019 and will last until 22 May 2022. The action is conceived to promote freedom of expression and freedom of the media in Montenegro in line with European standards. It consists of three components targeting different groups of beneficiaries:

- A. Legal professionals and law enforcement (judges, prosecutors, lawyers and police officers);
- B. Media Regulatory Authority and governmental bodies in charge of the media legislation and journalism related issues;
- C. Media actors (journalists, journalistic associations, self-regulatory body, students of law and journalism and other media organisations).

The action will implement the social media awareness raising campaign that would promote the European standards in the areas of freedom of expression and media, as well as protection of journalists, and it would primarily target journalists, legal professionals, NGO activists and civil servants, while maintaining strong orientation towards general public audience and building their awareness on the importance of freedom of expression.

Therefore, the action is looking for communication services Provider to conceptualise and implement the social media awareness raising campaign on freedom of expression and freedom of media (See Section A of the Act of Engagement).

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 **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 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: HF 35 – Social Media Awareness Raising campaign.** 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**

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](#).

shall be exclusively addressed to the email address indicated below with the following reference in subject: **HF 35 – Social Media Awareness Raising campaign: clarifications.**

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	18 September 2020
Email for submission of tenders/offers ▶	ivana.noveljic@coe.int
Email for questions ▶	ivana.noveljic @coe.int
Expected starting date of execution ▶	15 October 2020

Background information

Under the joint European Union and the Council of Europe programme "Horizontal Facility for the Western Balkans and Turkey 2019-2022", the action "Freedom of expression and freedom of the media in Montenegro" (JUFREX 2) will implement the social media awareness raising campaign that would promote the European standards in the areas of freedom of expression and media, as well as protection of journalists, and it would primarily target journalists, legal professionals, NGO activists and civil servants, while maintaining strong orientation towards general public audience and building their awareness on the importance of freedom of expression.

Beneficiary context

According to the European Commission Progress Report², Montenegro has some level of preparation on freedom of expression. No progress was made in the reporting period 2018-2019. There have been no notable developments on investigations into old cases of violence against journalists. Political interference in the national public broadcaster (RTCG) and the Agency for Electronic Media (AEM) are a matter of serious concern. The media scene remains highly polarised and challenges persist in understanding the role of free media. The number of defamation cases remains high, also due to weak self-regulatory mechanisms. Training of the judiciary on European Court of Human Rights (ECtHR) case-law on freedom of expression needs to continue. On freedom of expression, progress on addressing violence against journalists and media remains very limited, especially in dealing with old unsolved cases. The report took into account the findings of the Media Sector Inquiry in Montenegro that was prepared through the JUFREX programme (implemented between 2016 and 2019) as a support to the country in the framework of the European Union accession process, with the aim to define recommendations that could serve as a guide for setting and implementing national media policies and prepare better for the next phase of accession negotiations on the negotiating Chapter 23³.

Action context

Social Media awareness raising campaign is conceptualised under the context of the overall action communication objectives to:

- Provide regular and up-to-date information on the action;
- Promote the European standards in the areas of freedom of expression and protection of journalists;
- Raise awareness with the stakeholders and the general public on how the European Union and the Council of Europe work together to support freedom of expression and protection of journalists in Montenegro;

The goal of the social media campaign, conceptualised and implemented under the JUFREX2 action would be to promote the European standards in the areas of freedom of expression and safety of journalists.

Campaign would have specific objective for each year:

- In 2020: Focus on relevant European standards, reflection on JUFREX1 results (e.g. Media Sector Inquiry recommendations), activities that might already yield tangible results (e.g. media legislative reforms), new online platforms and their features; relevant information on Council of Europe activities;
- In 2021: Focus on tangible results of the core JUFREX activities (e.g. Police guidelines for Risk Assessment of journalists, Interim report findings) and
- In 2022: Focus on would be on analytical summaries of JUFREX results (e.g. evaluation findings, FoE caselaw report).

Regional and relevant/interesting activities of other JUFREX actions in the Western Balkans region and partners of JUFREX action in Montenegro, as well as complementary EU-funded actions would also be featured.

Partners: The campaign will be developed / implemented in close co-operation with action beneficiaries: Centre for Training in Judiciary and State Prosecution, Bar Association of Montenegro, Police Directorate / Ministry of Interior, Police Academy, Agency for Electronic Media, Association of Professional Journalists, Trade Union of Media of Montenegro, Faculty of Political Science and Faculty of Law, as well as Ministry of Culture.

² <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-montenegro-report.pdf>

³ <https://www.coe.int/web/freedom-expression/-/public-presentation-of-the-media-sector-inquiry-in-montenegro>

Timeframe: 15 October 2020 – 31 March 2022

Aim: To raise the public awareness on the European standards in the areas of freedom of expression and protection of journalists

Methodological guidelines

- Campaign would focus on Facebook and Instagram, two being the most influential social networks in Montenegro
- Service provider would ensure Graphic Design and Community Management services
- Graphic design services would entail visual solutions for each social media posting as well as important monthly infographics and animations-videos
- Community management would entail actual management of social media profiles, providing draft copywriting, interaction with the online community and preparing regular social media impact reports.
- All tasks will be performed in accordance with the Horizontal Facility visibility guidelines and will be approved by the Horizontal Facility communication officer prior to being published, while the methodology and the concept of the campaign would have to be approved by the EUD communication officer.

Content of the campaign: The campaign should include, but will not be limited to the following elements:

1. **Creation of the slogan and visual identity of the campaign**, in Montenegrin and English, and aligned with the slogan of Horizontal Facility II – For Your Rights: Towards European Standards.
2. **Three animations/videos** (maximum duration 45 seconds each) explaining most relevant FoE standards, in user friendly language and referring to the local context. Animations/videos should clearly illustrate the importance of freedom of expression and freedom of media, issues and risks in these areas that are being addressed under the overall EU accession process by governmental bodies, judiciary, police, lawyers, NGOs and media, and the impact it actually has on the Montenegrin citizens.
3. **Launching of the campaign on social media**. The communication agency is invited to propose creative online campaign and preparation of visual materials to be used on social media platforms, such as, but not limited to:
 - ✓ catchy hashtags to be used in all posts – in Montenegrin and English, and aligned with the slogan of Horizontal Facility II;
 - ✓ Monthly polls on social media – on various freedom of expression/media topics;
 - ✓ Infographics
 - ✓ Live streaming of interesting events on Facebook, pending the consultations with the European Union and the Council of Europe.
 - ✓ Publishing on the social media instructions / advice how to get aid during the extraordinary situations (such as COVID 19).
4. **Publication of up to 1 social media post per week**, attached with the customised graphical design solution for each post. Posts should refer to the JUFREX 2 activities and deliverables, relevant activities of the European Union, Council of Europe, and other international organisations, Montenegrin counterparts from public and civil sector as well as media. One weekly post should always feature standards (to be provided by the Council of Europe).
5. **Social Media Impact Reports**, produced on quarterly basis with social media statistics, which would allow concrete measuring of the impact, in terms of number of people reached, their geographical distribution and gender segmentation. In addition, through the regular social media surveys we would be able, on basic level, to track the trends of citizens awareness, issues of interests and concerns, that would serve as an additional evaluation tool as well as feed into the complementary activities with judiciary, police, lawyers, regulators, governmental bodies, media associations and universities.

6. **Follow up to the JUFREX activities**, with social media announcement and brief key messages. This also entails promotion of media content published/broadcasted

The Communication Agency is invited to propose the methodology and the concept of the campaign, which should contain examples of each of the items listed above, thus illustrating the approach to the topic and bidder's creative considerations.

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](#)**.

Tenderers **subject to VAT** shall also send **a quote (Pro Forma invoice)** on their letterhead 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.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,⁴ 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;
- 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

- The provider must be a registered company specialised in the field of designing and implementing similar public awareness campaign with at least 3 years of continuous operation in the relevant field;
- The Provider must have the financial, technical and professional capacity to perform the contract, including at least 3 professionals with at least 5 years of experience each in the field of communications/journalism/public relations/marketing, who would be involved in implementing tasks requested under this tender;
- The Provider must have capacity to design (and/or to outsource the design of) audio – visual materials (shot films, social media materials, etc) and have minimum 3 years of proven professional experience in these fields.

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;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

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Award criteria

- Quality of the offer (80%), including:
 - Proposed concept of the social media awareness raising campaign, along with detailed timeframe with description of the services to be performed and the deliverables provided during the implementation period (15 October 2020 - 31 March 2022);
 - Quality of recent examples of similar campaigns and products.
- 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.

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the [Act of Engagement](#)⁵ (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 products and their date and languages of production, references, CVs of engaged professionals, etc).
- Proposed social media campaign concept, with detailed information and explanation of the proposed activities, including examples of communication products planned to be used;
- Proposed slogan of the campaign in Montenegrin and English languages;
- 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.

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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.