**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of photos in the sport domain**

The Council of Europe’s sport sector is currently implementing and planning several projects on a variety of topics and will therefore constantly require high-quality, professional photos to fill its website’s content and for use in publications (handbooks, guides, leaflets, annual reports, etc.) and in promotional materials (presentations, banners, notebooks, goodies, videos, rollups, etc.).

In this context, it is looking for Provider(s) for the provision of photos in the sport domain to be requested by the Council on an as needed basis.

1. TENDER RULES

This tender procedure is a competitive bidding procedure. **In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe[[1]](#footnote-2), 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, or 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: “Tender: Photos in the sport domain”.** 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: “Tender: Photos in the sport domain”**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 July 2024 |
| **Deadline for submission of tenders/offers ►** | **21 July 2020** |
| **Email for submission of tenders/offers ►** | [heather.stewart@coe.int; sport.epas@coe.int](mailto:heather.stewart@coe.int;%20sport.epas@coe.int) |
| **Email for questions ►** | [heather.stewart@coe.int](mailto:heather.stewart@coe.int); sport.epas@coe.int |
| **Expected starting date of execution ►** | 31 July 2020 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Sport sector of the Council of Europe has several projects that are currently being implemented or planned for the next coming years and therefore expects to have several publications, visibility materials and other materials for which photos would need to be used.

The Council of Europe is looking for a maximum of 10 providers in order to support the implementation of the projects with an expertise in the field of sport and/or human rights and in particular in one or more themes listed in Annex 1.

This Contract is currently estimated to cover up to 60 activities, to be held by 31/07/2024. 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 40.000 Euros and the total amount of the object of present tender shall not exceed 55.0000 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, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference).

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.

The Service Provider will have to independently obtain authorisations to access sport facilities and any other facility related to the project for which the photos are taken.

In case persons under the age of 18 are shown in the pictures, the Service Provider will have to apply the current national legislation for the safeguarding of children in the respective countries and will need to have a consent form signed by a parent/guardian and by the child.

The images must be evocative and underline the serious but also human side of the activities depicted, according to the [Graphic Charter of the Council of Europe](http://rm.coe.int/visual-identity-of-the-council-of-europe-graphic-charter/168071e7f3).

Technical specifications of the deliverables, including format, resolution, dimensions and other details are listed in Annex 2.

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 or French (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 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 number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.]

1. 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).

**Pooling**

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider who demonstrably offers 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 3 (three) 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-3) (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.

1. 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]](#footnote-4)**

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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

* Being a registered company or freelance photographer
* Being able to demonstrate experience in photography reflecting the values promoted by the Council of Europe (human rights, democracy and rule of law); an experience in reflecting the values promoted in sport would be an asset

In the event of more 10 eligible bids being received, the providers will be assessed against the following criteria in order to determine which providers will be offered the framework contract:

*Award criteria*

* Quality of the offer (60%), including:
  + Quality of the people involved in the project and their proven experience in similar services;
  + Quality of the approach and methodology proposed for the photos;
  + Access to sport facilities, including spaces such as locker rooms, etc.
* Financial offer (40%).
  + Scoring of the financial offers (on the basis of the price exclusive of VAT)

Multiple tendering is not authorised.

The Council reserves the right to hold interviews with eligible tenderers.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED
2. A completed and signed copy of the **Act of Engagement[[4]](#footnote-5)** (See attached);
3. A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
4. Registration documents of the company issued by the relevant national authority;
5. A company presentation with recent experiences;
6. A zip file/internet link(s) with recent work related to sport and/or human rights.
7. For one to two of the recent works provided, a description (no more than one A4 page) of how the photographer approached the subject matter in each case and the manner in which the shoot was arranged (e.g. access to facilities, technical challenges, methods used)

* A list of all owners and executive officers, for legal persons only;

**All documents shall be submitted in English or French, 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.**

**\* \* \***

**ANNEX 1 – Themes**

**Current projects include the following subjects:**

* **Anti-Doping**
* **Corruption in Sport**
* **Sport and Human Rights**
* **Sustainability of major sports events**
* **Gender equality in sport**
* **Integration of migrants through sport**
* **Sport and disability**
* **Sport for all**
* **Sport and Prisons in Europe**
* **Physical Education teaching**
* **Tackling homophobia in sport**
* **Inclusion and protection of children in sport**
* **Protection of young athletes in migration**
* **Combat sports and mixed martial arts**
* **Safety, Security and Service at football matches**
* **Manipulation of sport competitions**
* **Spectator violence in sports events.**

**Possible future topics include:**

* **The right to practise sport**
* **Sport and health**
* **Sport as part of medical prescription**

**ANNEX 2 – Technical Specifications and Graphic Charter**

**Providers will be asked to provide the deliverables in formats, dimensions and quality usable by the Services of the Council of Europe in charge of publications, design, Internet, ie:**

* **Publications (printed):**
  + **HD images (300 dpi minimum);**
  + **Full size (100%);**
  + **.TIF, .EPS or .JPEG format.**
* **Visibility materials (leaflets, postcards, roll-ups, goodies, etc.):**
  + **HD images (300 dpi minimum);**
  + **Full size (100%);**
  + **.TIF, .EPS or .JPEG format.**
* **Web content:**
  + **JPEG or PNG format;**
  + **72 dpi minimum.**

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-2)
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. [↑](#footnote-ref-3)
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 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). [↑](#footnote-ref-4)
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-5)