

TENDER FILE / TERMS OF REFERENCE
(Competitive bidding procedure / Framework Contract)
Contract N° OBS RCP 2024 – 7 DMI MARKET DATA

DMIYEARBOOKKT

PURCHASE OF MARKET DATA ON TELEVISION AND VOD

Background

The European Audiovisual Observatory (hereinafter also Observatory), a public service organisation based in Strasbourg, France, is an enlarged Partial Agreement of the Council of Europe.

The Observatory was created in 1992 in order to collect and distribute information about the audiovisual industries in Europe. By making this information available, the Observatory aims at promoting greater transparency and a clearer understanding of the ways in which the audiovisual industries in Europe function, both from an economic and legal point of view.

The Observatory provides information on the various audiovisual markets in Europe and their financing and analyses the legal issues affecting the different sectors of the audiovisual industry. It publishes reports, maintains several databases and organises professional events. The Observatory offers the combination of a well-established system for continuous data collection assisted by a thoroughly built-up international network, more than 30 years of experience in analysing information, unique in-house expertise in the relevant subject matters and related methodological questions, a multi-national setting and strict commitment to offer solely neutral and objective information.

The Observatory is publishing on a yearly basis the Yearbook online service. In that context, it is looking for a Provider for the provision of market data on television and VOD to be requested by the Observatory on an as needed basis.

A. TENDER RULES

This tender procedure is a competitive bidding procedure. In accordance with **Article 22 of the Financial Regulations** of the Observatory, which is based *mutatis mutandis* on **Rule 1395 of the Secretary General of the Council of Europe**¹ on procurement procedures, **the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 for intellectual services) and €171,000 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 - OBS RCP 2024 – 7 DMI MARKET DATA.** Tenders addressed to another email address **will be rejected.**

The general information and contact details for this procedure are indicated on this page. **All questions shall be submitted at least 5 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 - OBS RCP 2024 – 7 DMI MARKET DATA.**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2027
Deadline for submission of tenders/offers ▶	13 September 2024 23h59 CET
Email for submission of tenders/offers ▶	tenderobs@coe.int
Deadline for submission of questions ▶	8 September 2024
Email for questions ▶	tenderobs@coe.int
Expected starting date of execution ▶	01 October 2024

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

The Observatory is looking for one Provider in order to support the implementation of the project with a particular expertise on television and VOD markets.

This Contract is currently estimated to cover up to one set of data per year over three years. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Observatory.

For information purposes only, the total budget of the project amounts to 107,100 Euros and the total amount of the object of present tender **shall not exceed 171,000 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 Observatory.

Scope of the Framework Contract

Throughout the duration of the Framework Contract, the pre-selected Provider may be asked to provide the following deliverables:

I. Data

- The minimum set of data to be accessible is the following:
 - Number of households accessing television by type of network, by country and by year.
 - Number of households accessing digital television by type of network, by country and by year.
 - Subscribers to pay-television services by type of network, by company, by country, and by year.
 - Revenues of pay-television services by type of network, by company, by country and by year.
 - Subscribers of SVOD services by company, by country and by year.
 - Revenues of SVOD services by company, by country and by year.
 - Home video revenues by country and by year.
 - Home video digital revenues (retail and rental) by country and by year.
 - TV advertising revenues by company, by country and by year.
 - Online advertising revenues, by company, by country and by year.
- Ideally, the Observatory would be interested in retrieving the revenues data both in local currency and in euro.
- The applicants are invited to specify in their application:
 - The list of data they will provide.
 - In which currency(ies) the revenues data will be available.

II. Country coverage

- The data should cover as many countries as possible which are members of the Council of Europe².
- The possibility to access total revenues data for some global non-European players would be a plus.
- The applicants are invited to specify in their application:
 - Which European countries they cover.
 - If revenues data for players active also outside Europe will be made available.

² See the list of the Council of Europe Members States here: <https://www.coe.int/fr/web/about-us/our-member-states>.

III. Time series

The first year of the framework contract, the data should cover at least the time period 2014-2024. In each of the ensuing years, the data should extend to the following year.

- The applicants are invited to specify in their application the time period their data will cover for each year of the implementation of the framework contract.

IV. Delivery of the data

The data should be accessible through an online service allowing searches for dedicated indicators and extracts of the results of those searches in Excel form.

- The applicants are invited to specify in their application:
 - The main functionalities of their online database.
 - The number of users/logins they propose.

Unless otherwise agreed with the Observatory, written documents produced by the Provider shall be in English or French.

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 will be subject to an annual review throughout the framework contract according to the conditions laid out in the Act of Engagement.

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 Observatory to the selected Provider electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Observatory).

Each time an Order Form is sent, the selected Provider undertakes to take all the necessary measures to send it **signed** to the Observatory within 2 (two) working days after its reception.

Providers subject to VAT

The Provider, **if subject to VAT**, shall also send, together with each signed order form, a quote³ (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 Euro, tax exclusive);
- the total amount per type of deliverables (in Euro, tax exclusive);
- the total amount (in Euro), 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 Observatory by signing 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.

³ It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Observatory reserves the right to terminate the Contract with the Provider, in all or in part.

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)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, 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;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- 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

- Tenderers must have an expertise in TV production data.
- Only offers meeting the requirements of above-mentioned deadlines and price will be deemed admissible.

Award criteria

- Quality of the offer (80%), including:
 - Professional expertise in the audiovisual industry (20%)
 - Scope of the data as defined in Section B. "Scope of the Framework Contract" (60%)
- Financial offer (20%).

Multiple tendering is not authorised.

F. NEGOTIATIONS

The Observatory reserves the right to hold negotiations with the bidders that have submitted the offers which most closely meet the needs expressed in the specification.

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 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).

G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement**⁵ (See attached);
- Information on the tendering company or organisation including:
 - description of the candidate's organisation or company;
 - statute of the organisation or company;
 - references in the field;
 - name of the person or persons authorised to sign;
 - a list of all owners and executive officers, for legal persons only.
- The data (indicators, coverage, time periods) included in their proposal as defined in Section B. "Scope of the Framework Contract".
- The main functionalities of their services and the number of users/logins.

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 Observatory reserves the right to reject the tender.

The Observatory 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.