**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of services related to design and production of public awareness materials on mediation and arbitration** **in Turkey**

The Council of Europe (CoE) is currently implementing a Joint project on “Promoting Alternative Dispute Resolution (ADR) in Turkey” which is co-funded by the European Union and the Council of Europe. The Turkish Ministry of Justice is the end beneficiary of the Project. The project duration is 36 months. It started on 17 December 2020 and will finish on 16 December 2023. In that context, it is looking for maximum 3 Providers per lot; 6 Providers in total for the provision of services related to the production of public awareness materials on mediation and arbitration in Turkey 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-1), 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 legal person or consortium of natural and/or legal person.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: ADR- public awareness materials.** 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 – ADR- public awareness materials.**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 16 December 2023 |
| **Deadline for submission of tenders/offers ►** | **05 May 2022** |
| **Email for submission of tenders/offers ►** | [**ankara.office@coe.int**](mailto:ankara.office@coe.int) |
| **Email for questions ►** | [**ankara.office@coe.int**](mailto:ankara.office@coe.int) |
| **Expected starting date of execution ►** | 10 May 2022 |

1. EXPECTED DELIVERABLES

**BACKGROUND OF THE PROJECT**

The Council of Europe (CoE) is looking for a maximum of 3 Providers per lot; 6 Providers in total (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise and human resources for producing public awareness materials such as handbook, guidebook, poster, leaflet, and video (design, layout services, and produce the written and visual materials).

The Project envisages the preparation and production of publications and promotional materials to facilitate increase of the awareness on the ADR mechanisms (mediation and arbitration) and promote them among the target groups.

This Contract is currently estimated to cover up to design 4 types of written materials and produce a mediation video in 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.

The services will be requested by the Council on an as needed basis with the order form including the detailed specific details.

The work, in general, includes:

1. Design, layout services, and production of written materials
2. Video production

The content of these materials will be provided by the project team. The service provider will be responsible for designing and layout process of the handbook, guidebook, posters, leaflets and producing a video in line with the defined purposes of the raising awareness on mediation and arbitration. These materials include some tables, figures, infographics etc. Thus, the designer will be expected to design all these sorts of content.

**LOT-1:**

* 5000 practical handbooks (2500 practical handbooks on mediation for lawyers / 2500 practical handbooks on arbitration for mediators, lawyers and business people);
* 3000 guidebooks on mediation for judges and court staff;
* 40,000 public information leaflets (20.000 public information leaflets on mediation for general public/ 20.000 public information leaflets on arbitration for lawyers and business people);
* 2000 posters (1000 copies on Arbitration/1000 copies on Mediation)

**LOT-2:**

* Video on mediation is to be used as public service announcement and/or to be disseminated in different platforms.

**SCOPE OF THE WORK**

The handbooks, guidelines leaflets, posters and video will provide information about mediation and arbitration mechanisms with the breakdown messages for different target groups. Thus:

**LOT-1:**

* The distribution of the target groups’ according to communication materials will be:
* Handbook on mediation for lawyers
* Handbook on arbitration for mediators, lawyers and business people
* Guidebook on mediation for judges and court staff
* Leaflet on mediation for citizens
* Leaflet on arbitration for lawyers and business people
* Posters on mediation for citizens
* Posters on arbitration for lawyers and business people
* Thus, the language of the designs in general must be chosen in line with each specific target group’s perceptions and tentative information level about the arbitration and mediation mechanisms.
* The consultant company will be responsible all the designing process of the handbooks, guidelines, leaflets, and posters. These materials will be included some tables, figures, infographics etc. Thus, the designer will be expected to prepare all these sorts of content.
* The consultant company will be responsible to propose slogans/mottos for the materials.
* If needed, a professional photographer will take people photos/portres for the posters, leaflets, guidelines and handbook.
* The distribution of printed version of the materials will be:
* 5000 practical handbooks (2500 practical handbooks on mediation for lawyers / 2500 practical handbooks on arbitration for mediators, lawyers and business people);
* 3000 guidebooks on mediation for judges and court staff;
* 40,000 public information leaflets (20.000 public information leaflets on mediation for general public/ 20.000 public information leaflets on arbitration for lawyers and business people);
* 2000 posters (1000 copies on Arbitration/1000 copies on Mediation)

**LOT-2:**

Video on mediation for general public.

* The mediation video will give basic answers for these questions: What is mediation mechanism? How can citizens use this mechanism? What are the steps and the benefits of mediation mechanism?
* Additionally, the videos should promote the project of “Promoting Alternative Dispute Resolution (ADR) in Turkey”.
* The mediation video is expected approx. 1,5-2 minutes. In addition, for the social media campaign usage it is expected the 30 seconds edited version.
* The consultant company will be responsible to propose slogans/mottos for the video.
* The mediation video will be produced based on info-graphic, video-graphic, typographic animation and 2D animation technics.
* Main flow of the scene/text could be voiced by a narrator (voice over artist) and built up on giving information and awareness raising purposes.
* Services and equipment such as studio, drawing tablet, story boards, postproduction softwares, dubbing equipment will be provided by the consulting company/service provider.
* The full and integrated films will be suitable for the publication on the website and different social media platforms (Instagram, Twitter, YouTube, Facebook, Linked-in etc.)

**CONCEPT AND SCENARIO PREPARATION (for LOT-2)**

* The scenario (script/flow text) and concept will be developed by the selected consultant company/service provider, but a draft flow will be given by the project team to the consultant company.
* Project team may lead the consultant company/service provider and provide required texts in line with the aims of the assignment and the project.

**EDITING AND POST-PRODUCTION (for LOT-2)**

* At the post-production process some informative, catchy, humoristic elements will be added to the films during the narration. These elements could be typographic, video-graphic, animated illustrations and/or infographics.
* The technical elements must be convenient for the up-to-date filming and video-graphic tendencies.
* Turkish and English subtitles (including the English translation) will be provided by the consultant company/service provider.

**TECHNICAL SPECIFICATIONS**

**LOT-1:**

**Mediation:**

* **Poster:** 250 gr matte coated paper, 50x70, 4 colours
* **Leaflet:** 120 gr. pulp paper (1. hamur), 16 pages, stapled, A5, 4 colours
* **Handbook:** 120 gr. pulp paper (1. hamur) inner pages, 300 gr pulp paper (1. hamur) front and back cover,32 pages, thread sewed, A5, 4 colours
* **Guidebook:** 120 gr. pulp paper (1. hamur) inner pages, 300 gr pulp paper (1. hamur) front and back cover,32 pages, thread sewed, A5, 4 colours

**Arbitration:**

* **Poster:** 250 gr matte coated paper, 50x70, 4 colours
* **Leaflet:** 120 gr. pulp paper (1. hamur), 16 pages, stapled, A5, 4 colours
* **Handbook:** 120 gr. pulp paper (1. hamur) inner pages, 300 gr pulp paper (1. hamur) front and back cover,40 pages, thread sewed, A5, 4 colours
* Design files must be submitted ready for print and allowing to work on later.

**LOT-2:**

* The language of the video and the other materials will be in Turkish. Two versions of the video will have subtitles in Turkish and English.
* The selected consultant company/service provider will undertake all pre and post-production activities, including a script (scenario/textual flow), on and off-line editing, music, graphics, subtitles and final mastering.
* The consultant company also will be responsible for editing and preparing the short version (30 seconds) of the video.
* The video must be delivered in MOV, MP4 and AVI formats.
* The video requires full HD standard (min. 1920x1080) and 16:9 screen ratio.
* The video requires 2D animations, illustrations/drawing, infographics, video-graphics, typographic elements.
* The music will be used at the background of the video must be original and be in legislative frame of copyrights issues.

**COPYRIGHT AND LICENCES (for LOT-2)**

* The drawings to be used in the video shall be designed in line with the scenario. Drawings and animations may be original and new or selected from copyrighted catalogues. In both cases, the copyright will be belonged to the Project and the Council of Europe.
* The Council of Europe will be granted the right to make copies. The original footage will be shared, and the Council of Europe will be given permission to adapt, use and share these materials.

**VISIBILITY RULES (for LOT-1 and LOT-2)**

* The communication materials that will be produced under this assignment/contract must be in line with both visibility rules for external actions of Council of Europe in general and the Project of “Promoting Alternative Dispute Resolution (ADR) in Turkey” in specific.
* Visibility Rules guidelines will be provided by the project team to the consultant company/service provider.

**SUBMISSION, DURATION AND METHOD OF THE DELIVERY**

**LOT-1:**

* It is expected to receive the first drafts of design for handbooks, guidebooks, leaflets and posters **by** **19 of May 2022**. The production of these materials is expected to be finalised **by 10 of July 2022.**
* All the design files must be submitted in vectoral formats (with the working files), PDF, and other formats according to needs of the work (PNG, JPG, TIFF etc.).

**LOT-2:**

* It is expected to receive the first draft of the video **by** **19 of May 2022**. It is expected from the selected consultant company/service provider to finalize the filming and post-production process **by 10 of July 2022.**
* Copies of the video will be delivered to the Council of Europe Ankara Programme office on separate USB discs and sent as online.

**OTHER ITEMS (for LOT-2)**

In case of adding sign language to the video, the related budget item must be added separately into budget.

For information purposes only, the total budget of the project amounts to 4.000.000 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.

**Lots**

The present tendering procedure aims to select Providers to support the implementation of the project and is divided into the following lots:

|  |  |
| --- | --- |
| Lots | Maximum number of Providers to be selected |
| Lot 1: Design, layout services, and production of written materials | 3 |
| Lot 2: Video production | 3 |

**Lot 1** concerns design, lay out services, and production of 4 types of written materials: practical handbooks, guidebooks, information leaflets and posters on mediation and arbitration to increase the awareness of and inform the target audience on all aspects of mediation and arbitration.

**Lot 2** concerns the production of video on mediation for general public.

* The mediation video will give basic answers for these questions:
* What is mediation mechanism?
* How can citizens use this mechanism?
* What are the steps and the the benefits of mediation mechanism?
* Additionally, the videos should promote the project of “Promoting Alternative Dispute Resolution (ADR) in Turkey”. The mediation video is expected approx. 1,5-2 minutes. In addition, for the social media campaign usage it is expected the 30 seconds edited version.
* The mediation video will be produced based on info-graphic, video-graphic, typographic animation and 2D animation technics.
* Main flow of the scene/text could be voiced by a narrator (voice over artist) and built up on giving information and awareness raising purposes.

The Council will select the abovementioned number of Providers per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lots they are tendering for (see Section A of the Act of Engagement).

**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). This list is considered exhaustive.

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 Providers, 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 for the relevant lot 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 2 (two) 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-2) (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-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;
* 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 for specific lots:

For Lot 1 (Design and production of written materials)

* Minimum of two (2) years of proven professional experience in production of visibility materials through providing design and layout services at national and/or international level.

For Lot 2 (Video Production)

* Minimum of two (2) years of proven professional experience in production of a video with info-graphic, video-graphic animation technics.

*Award criteria*

* Quality of the offer (90%), including:
* Relevance of experience and expertise in the field of communication and visibility (50%);
* Experience in providing similar services for the programmes of the Council of Europe, other international organisations, national institutions or non-governmental organisations (20%);
* Having a multi-disciplinary team with design experience for written and/or visual materials (20%);
* Financial offer (10%).

Multiple tendering is not authorised.

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

* A completed and signed copy of the **Act of Engagement[[4]](#footnote-4)** (See attached); for LOT-1 and LOT-2;
* CVs, preferably in Europass Format, of the key designers/personnel that will take part in this service (for LOT-1 and LOT-2);
* Company Profile demonstrating clearly (for LOT-1 and LOT-2)
  + how the tenderer fulfils the award criteria, summarising experience in Turkey, previous works undertaken of a similar nature, including for the programmes of the Council of Europe, other international organisations, national institutions, or non-governmental organisations; and
  + by providing concrete examples and samples (design samples of handbook, guidebook, poster, leaflet (for LOT 1) and videos with info-graphic, video-graphic animation technics (for LOT 2) that would prove the experience in design of written and visual raising awareness materials;
* 3 contacts of the references for past works undertaken by the bidder (for LOT-1 and LOT-2);
* A scanned copy of a valid photographic proof of identity (e.g. passport), for natural persons only (including from owners and executive officers of legal persons) (for LOT-1 and LOT-2);
* Registration documents (scanned copies of the original documents in Turkish), for legal persons only (for LOT-1 and LOT-2);
* A list of all owners and executive officers, for legal persons only; (for LOT-1 and LOT-2);

**All documents (except the certificate of registry and samples that may be submitted in Turkish) 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.**

**\* \* \***

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-1)
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. [↑](#footnote-ref-2)
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). [↑](#footnote-ref-3)
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-4)