

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

### **Purchase of the communication services relating to the awareness raising campaign on accessibility of free legal aid for women, in first place victims of gender-based violence, but also victims of other crimes and members of marginalised groups**

Under the joint European Union and the Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Turkey 2019-2022", the Action "Improved procedural safeguards in judicial proceedings in Montenegro", is being implemented. The Action started on 23 May 2019 and will last until 22 May 2022 and it is aimed at supporting the Montenegrin authorities to further align the legal framework with the EU acquis, thus ensuring that the rights of persons involved in judicial proceedings are effectively protected.

The Action's goal is, *inter alia*, to improve the free legal aid system in Montenegro, with the aim to protect the rights of vulnerable and marginalised groups. In the given context, the Action will implement the awareness raising campaign on right to access to court. The campaign will be also designed to draw the attention of public to the problem of gender-based violence in Montenegro. Therefore, the Action is looking for a Provider for the provision of communication services relating to the awareness raising campaign on accessibility of free legal aid, in first place women victims of gender based violence, but also victims of other crimes and members of marginalised groups (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 Europe<sup>1</sup>, 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 7 – 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 shall be exclusively addressed to the email address indicated below with the following reference in subject: HF 7 – Awareness raising campaign: clarifications.**

<sup>1</sup> 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>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers ▶</b>	<b>10 June 2020</b>
<b>Email for submission of tenders/offers ▶</b>	<b>ana.jovanovic@coe.int</b>
<b>Email for questions ▶</b>	<b>ana.jovanovic@coe.int</b>
<b>Expected starting date of execution ▶</b>	22 June 2020

## Background information

Under the joint European Union and the Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Turkey 2019-2022", the Action "*Improving procedural safeguards in judicial proceedings in Montenegro*" will organise an awareness raising campaign on accessibility of free legal aid for women, in the first place victims of gender based violence, but also victims of other crimes and members of marginalised groups, will be designed and implemented. The aim is to strengthen the protection of the rights of women victims of gender-based violence, but also victims of other crimes, and to draw the attention of the general public on the increasing problem of gender-based violence in Montenegro.

Montenegro established its free legal aid system by adopting the Law on Free Legal Aid which entered into force on 1 January 2012. The existing free legal aid system, however, has certain deficiencies „*in terms of awareness and accessibility, but also with regard to children and other vulnerable groups*”(2019 European Commission Country Report on Montenegro). The Action's activities will be focused on a further strengthening of free legal aid system, with due attention given to the rights of women victims of gender-based violence and marginalised groups.

The campaign will be financed through joint European Union and Council of Europe funds, under the Horizontal Facility for the Western Balkans and Turkey 2019-2022".

**Partners:** The campaign will be developed / implemented in close co-operation with Action beneficiaries: Association of Judges, Ministry of Justice, Supreme Court and NGOs Women Rights Centre, SOS telephone for women and children victims of violence Podgorica. The UNICEF Country Office for Montenegro will engage in complementary promotional activities on protection of children victims of violence, therefore all the activities will be closely coordinated.

**Timeframe:** 1 July – 31 December 2020

**Aim:** To raise the awareness on availability of the free legal aid system in Montenegro, particularly for women victims of gender-based violence, but also victims of other crimes and members of marginalised groups. The campaign will draw attention to the problem of domestic violence in the country.

**Content of the campaign:** The PR Agency is invited to propose the concept of the campaign. The campaign should include, but will not be limited to the following elements:

1. **Creation of the slogan of the campaign**, possibly in Montenegrin and related to the slogan of Horizontal Facility II – For Your Rights: Towards European Standards.
2. **Short videos** (maximum duration 30 seconds) that would contain practical information / instruction on how women, victims of gender-based violence /other crimes and members of marginalised groups can get legal aid. One video will be dedicated to each target group. The video needs to be simple, with animations and clear instructions on how to get aid when needed ("talking heads" type of videos should be avoided). The videos will be broadcast at national and local televisions (at least one national and three local televisions), social media. In addition, it will be used at the events organised by EU/CoE Action, and events of national counterparts.
3. **Distribution of leaflets on the availability of free legal aid.** The leaflets with short information on FLA have already been developed by the Ministry of Justice and NGO SOS telephone for women and children victims of violence Podgorica. In co-operation with MoJ and national NGOs, the existing leaflets will be used for the needs of the campaign. Sufficient number of leaflets will be distributed through the centres for social welfare, NGOs dealing with women's rights, Bar Association, courts, police and other relevant counterparts. In addition, in co-operation with the print media (at least two daily, one weekly and one monthly magazines), the leaflets /instructions on how to get free legal aid will be distributed through their print editions, while banners should be used on the online versions/ portals. Separately the leaflets with practical information on how to get aid during the extraordinary circumstances (such as COVID 19 outbreak) will be designed, printed and distributed.
4. **Posters /billboards** with controversial slogans. The aim is to draw the attention of the wide public on the problem of violence in society and to change the general perception of it - the victim can be any woman regardless of her social / economic / educational background. Similar campaign was implemented some years ago in Poland and has had a huge effect on the perception of the public. Often women do not realise that they are victims of domestic violence and they use various

excuses for the perpetrators, therefore one of the slogans was: "Because the soup was too salty". More information can be found on: <https://kampaniespoleczne.pl/bo-zupa-byla-za-slona/>

5. **Development and printing of the paper bags** that will contain information on how the victims can get aid when needed (e.g. SOS lines, phone numbers for support). These will be distributed in the shops and bakeries throughout Montenegro. Particular focus will be on the aid that women can get during the extraordinary circumstances (such as COVID19 outbreak).
6. **Launching of the campaign on social media.** The PR 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 hashtag to be used in all posts – possibly in Montenegrin and related to the slogan of Horizontal Facility II;
  - ✓ Interactive forms – for sharing of e.g. videos and posters that will be produced under the campaign; wide public will be invited to participate in the campaign to vocally pledge the slogan of the campaign;
  - ✓ Polls on social media – asking people questions and the videos/posters can be posted following these, so we "answer" these questions through visual forms;
  - ✓ As much as possible, positive examples of other women who have taken action, best practices and success stories should be promoted to encourage mutual incitement and emulation within the targeted group and to produce stronger impact and multiplier effects during/after the campaign.
  - ✓ GIF created for the campaign, that can also be shared with some facts and figures;
  - ✓ Live streaming of interesting events on Facebook and Twitter (if any of them are interesting for the broad public).
  - ✓ Publishing on the social media instructions / advice how to get aid during the extraordinary situations (such as COVID 19).
7. **Organisation of TV debates on the issue of FLA for women victims of the crimes.** The debates will be organised on both national and local TV stations and will bring persons who are directly involved in the free legal aid system in Montenegro, e.g. lawyers, users of the FLA (whenever possible), judges, NGOs dealing with women rights and FLA offices. In addition, interviews, guest appearances, op-eds, pitched PR stories will be organised, in hours most watched by the target groups.

## 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,<sup>2</sup> 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:

<sup>2</sup> 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).

- 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*

- 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);
- The Provider must have minimum 3 years of proven professional experience in the field of printing and graphic design, production and sale of printing material;
- The Provider must have capacity to reach out to and co-operate with the media in Montenegro.

#### *Award criteria*

- Quality of the offer (80%), including:
  - Proposed concept of the awareness raising campaign, along with detailed timeframe with description of the services to be performed and the deliverables provided during the implementation period (1 June - 31 December 2020);
  - Proposed online campaign concept;
  - Proposed slogan of the campaign;
  - Proposed concept of short videos;
  - 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](#)<sup>3</sup> (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, list of media the tenderer has previously co-operated with, etc).
- Proposed campaign concept, with detailed information and explanation of the proposed activities;
- Proposed online campaign and visual materials to be used on social media platforms;

<sup>3</sup> 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.

- 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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