

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

Purchase of consultancy services on audiovisual regulation towards the development of draft amendments to the Audiovisual Code of Moldova **Contract N° BH8809/2024/58**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe is currently implementing a Project on "Support for Media Pluralism and Freedom of Expression in the Republic of Moldova", (January 2022 – December 2024). The project is aimed at strengthening the capacities of national authorities and relevant stakeholders on audiovisual regulation in line with the Council of Europe recommendations and EU standards, including on the topic of audiovisual regulation and alignment to EU Directives. In that context, the Project is looking for five (5) Providers for the provision of consultancy services towards the development of the provisions of the Audiovisual Code of Moldova, to include the legal approximation with the relevant EU Directives (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 €6,000 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 180 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. Each lot will be awarded to the Provider providing the best value for money for the lot concerned, on the basis of the award criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

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 – audiovisual consultancy services.** 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 three 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 – audiovisual consultancy services.**

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 ▶	26 August 2024 23h59 CET
Email for submission of tenders/offers ▶	Mediaproject@coe.int
Email for questions ▶	ana.chiriac@coe.int
Expected starting date of execution ▶	6 September 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

The expected deliverables are described in **Section A of the Act of Engagement** (See attached).
Tenderers may tender for one, all or several lots.

Lots
Lot 1 – National expertise in the field of audiovisual regulation, media pluralism and media law towards the development and amendments of the Audiovisual Code of the Republic of Moldova in the context of the EU legal approximation.
Lot 2 – International expertise in the field of media law, media gap analysis, audiovisual regulation, with an emphasis on the EU legal framework (AVMSD, DSA, EMFA, etc.) towards the development and amendments of the Audiovisual Code of the Republic of Moldova in the context of the EU legal approximation.

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, for each lot, 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, you declare on your honour not being in any of the below situations)²

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;
- [have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe].

² 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.

Eligibility criteria (Applicable for all lots)

- A university degree in law/political sciences/social sciences/international relations/public administration/ journalism/marketing or related fields;
- At least 3 (three) years of professional experience in the areas mentioned as topics of Lots I-II (Legal drafting and assessment of media law and reports, consulting, providing tailored trainings on media and audiovisual law).
- At least 3 (three) proven years of experience working with the Governmental institutions, media, CSOs, international development partners and regulatory bodies;

*Award criteria***For Lot 1:**

- Quality of the offer (80%), including:
- 60%: relevance of the experience and level of expertise of the tenderer in the areas covered by specific Lot (detailed experience and knowledge of the national legal framework governing audiovisual regulation);
- 20%: previous assignments with international organisations, CSOs and/or in an Eastern Partnership context on the topic of this tender file;
- Financial offer (20 points).

[For Consultancy ONLY: The Council reserves the right to hold interviews with eligible tenderers.]

For Lot 2:

- Quality of the offer (80%), including:
- 60%: relevance of the experience and level of expertise of the tenderer in the areas covered by specific Lot (detailed experience and knowledge of the international legal framework, CoE standards governing the field of audiovisual regulation, EU legal approximation);
- 20%: previous assignments with international organisations and in an Eastern Partnership context on the topic of this tender file;
- Financial offer (20 points).

[For Consultancy ONLY: The Council reserves the right to hold interviews with eligible tenderers.]

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 Engagement³ (See attached)**
- **For tenderers subject to VAT only: a quote, describing the financial offer, in line with the requirements of Section C of the Tender File (see above)**
- Registration documents, for legal persons only;
- Detailed CV of the applicant demonstrating clearly that the tenderer fulfils the eligibility criteria;
- For legal persons, detailed CVs of the delegated persons to apply demonstrating clearly that the tenderer fulfils the eligibility criteria.
- For Lot I and Lot II: Up to three samples of legal drafts, assessments, legal opinion, report, short essay, analysis, presentations or other relevant material produced in the last 5 years relevant for the lot/s the tenderers is applying for shall be submitted.

All documents shall be submitted in English, except for working samples and registration documents, 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.

* * *

³ 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.